

**GIBRALTAR**

**HOUSE OF ASSEMBLY**



**QUESTIONS AND ANSWERS**

**25<sup>th</sup> & 26<sup>th</sup> FEBRUARY, 1999**

**No. 1 TO No. 259**

# INDEX

## QUESTIONS & ANSWERS

25<sup>th</sup> & 26<sup>th</sup> February 1999

Questions 1 – 259

<b>SUBJECT</b>	<b>NO(S)</b>	<b>PAGE(S)</b>
Amsterdam Treaty	251	365
Breathalyser Tests	227	337
Civilian Population	247	360
Commercial Banks – Liabilities	184	250
Commercial Banks – Total Assets	183	249
Companies – Winding Up Petitions	213	305
Consolidated Fund – Reimbursement of Training Expenses	154	196
DTI Applications for EU Funding	179-180	242-245
Education – Construction Training Centre	159	206
Education – Cultural/Educational Events	158	202
Education – Exclusions from Comprehensive Schools	157	200
Education – Plans to Link Pay Rises to Examination Results	156	199
Education – School Hours	155	197
Education – School of Tourism	161-162	211-213
Education – University Graduates	160	210
Education – Training and Development Courses	163	214
Electricity Department	176	236
ETB – Cammell Laird	83	107
ETB – Employed Gibraltarians	85	109
ETB – Frontier Workers	60	76
ETB – Spanish Nationals	71-82	95-106
ETB – Terminations of Employment	100	126
ETB – Unemployed Gibraltarians	84	108
ETB – Unemployed Gibraltarians	86-95	110-119
ETB – Unemployed Gibraltarians	99	123
ETB – Vacancies – Hotel Industry	96-98	120-122
ETB – Vocational Cadets	61-62	78-80
ETB – Wage Subsidy	65	83
ETB – Work Permits	66-70	86-94
EU Voting Rights	258	374
Finance Centre Development Director	192	260
Frontier Delays	250	364
FSC – Insurance Companies	186	252
Future Role of the Mount	226	336
GBC – Licenced Premises	169	226
GBC – Licences	168	225
GBC – Relaunch	167	224
General Post Office	228	338
GHA – Complement – Accident and Emergency	23	26
GHA – Complement – Blood Department	20	23
GHA – Complement – Child Welfare Clinic	31	34
GHA – Complement – Children’s Ward	16	19
GHA – Complement – Community Psychiatric Service	28	31
GHA – Complement – CSSD	26	29
GHA – Complement – Dental Services	30	33
GHA – Complement – District Nursing Services	33	36
GHA – Complement – Endoscopy	25	28
GHA – Complement – Eye Department	21	24
GHA – Complement – Godley Ward	15	18
GHA – Complement – Health Centre	32	35

<b>SUBJECT</b>	<b>NO(S)</b>	<b>PAGE(S)</b>
GHA – Complement – John Ward	18	21
GHA – Complement – KGV	27	30
GHA – Complement – Lady Begg Ward	12	15
GHA – Complement – Lewis Stagnetto Ward	17	20
GHA – Complement – Maternity	19	22
GHA – Complement – Napier Ward	14	17
GHA – Complement – School Health Service	29	32
GHA – Complement – Victoria Ward	13	16
GHA – Compliment – ITU	24	27
GHA – Compliment – Out-Patient Clinics	22	25
GHA – Dialysis Treatment in Spain	56	67
GHA – Dr Giraldi Home	57	69
GHA – Enrolled Nurse Students	9-10	12-13
GHA – GPMS	34	44
GHA – GPMS Prescriptions	35-51	45-61
GHA – In-Patient Admissions, St Bernard’s Hospital	2	4
GHA – Long-Stay Elderly Care Patients	5	7
GHA – Out-Patient Attendances, Health Centre	4	6
GHA – Out-Patient Attendances, St Bernard’s Hospital	3	5
GHA – Patient Referrals to UK	54	65
GHA – Post of Chief Executive	52	62
GHA – Revenue and Expenditure	1	1
GHA – RGN Students	11	14
GHA – Sponsored Patients	53	64
GHA – Sponsored Patients	55	66
GHA – St Bernard’s Hospital – Kitchen	6	8
GHA – St Bernard’s Hospital – Private Ward	8	11
GHA – St Bernard’s Hospital – Rehabilitation Centre	7	9
Gibraltar Banks – Deposits	185	251
Gibraltar Identity Cards	252-255	366-370
Government Service – Industrial Apprentices	229	339
Government Service – Industrial Works	230	340
Government Service – Non-Industrial Technical Posts	231	341
Hague Convention	249	363
Head 2-B – Subhead 6- Housing Maintenance	64	82
High Net Worth individuals	188	255
Housing – Edinburgh House	104	131
Housing – Medically Recommended Applicants	106-107	133-134
Housing – Number of Allocated Units	108	135
Housing – Pensioners Exchange List	105	132
Housing – Post-War Flats	110-111	137-139
Housing – Pre-War Flats	109	136
I&D Fund – Expenditure – 31 <sup>st</sup> January 1999	259	376
I&D Fund – Head 104, Subhead 13	152	193
I&D Fund – Head 105 – Subhead 1	177	239
I&D Fund – Head 106 Subhead 6	198	271
I&D Fund, Head 101, Subhead 6	63	81
Import Duty Restructure	200	273
Imports	204-206	283-288
Imports	209	293
Imports	211	296
Imports – Motor Vehicles	201-202	279-280
Imports and Exports	207-208	289-292
Imports and Exports 1997	212	301
Income Tax – Corporation Tax	239-242	352-355
Income Tax – Employers Declaration and PAYE Certificates	232-236	342-349

<b>SUBJECT</b>	<b>NO(S)</b>	<b>PAGE(S)</b>
Income Tax – Frontier Workers	246	359
Income Tax – Number of Employees – Banks/Finance/Insurance Industry	245	358
Income Tax – Number of Employees – Construction Industry	244	357
Income Tax – Number of Employees – Hotel Industry	243	356
Income Tax – Number of Employees in the Public/Private Sectors	237	350
Income Tax – PAYE	238	351
International Telephone Calls – Billings	174	232
John Mackintosh Statue	225	335
Litter Control Ordinance – Cleaning Contract	59	73
Local Tax Structures	203	281
Local Telephone Calls – Billings	173	231
Lowe Bell First Financial	191	259
Ministerial Visits	189-190	257-258
Mobile Telephones	170-171	228-229
MOD Property	181	246
NO of Telephone Stations	172	230
Non-Payment of Telephone Bills	175	233
Nynex/Gibtel – Merger	165	218
Nynex/Gibtel Complaints	166	222
Old Naval Hospital – Tenders	182	248
Powdered Drinks Factory	193	262
Qualifying Companies	187	254
Satellite Project – Afro-Asian Satellite Communications	197	269
Satellite Project – ELCO	195	266
Satellite Project – GE Capital Satellites	196	267
Social Security – Social Insurance Cards	101-103	127-130
Spanish Fishing Vessel – Pirana	256	371
Supply of Portable Water	178	240
Tax Concessions – Main Street	58	72
Telecommunications Ordinance	194	263
Territorial Waters – Illegal Fishing	214-224	306-334
The Matutes Proposals	257	373
Theatre Royal	164	217
Tourism – Arrival Tax – Morocco	139	172
Tourism – Arrivals by Sea	129	159
Tourism – Arrivals by Sea – Morocco	130	162
Tourism – Average Expenditure	113	142
Tourism – Commercial Freight	114	143
Tourism – Complaints by Traders	127	157
Tourism – Departure Tax	140	174
Tourism – Elliot’s Memorial	141	176
Tourism – Guest Nights Sold	132-133	164-165
Tourism – Hotel Arrears	135	168
Tourism – Hotel Bed Nights	142	178
Tourism – Madrid Office	137-138	170-171
Tourism – New Airline	136	169
Tourism – Number of Coaches Entering Gibraltar	123-124	153-154
Tourism – Number of Hotel Guests Interviewed	131	163
Tourism – Number of Hotel Guests Interviewed	134	166
Tourism – Pedestrian Visitors	115	145
Tourism – Port Study	143	179
Tourism – Private Motor Vehicles Entering Gibraltar	121-122	151-152
Tourism – Scheduled Flights	119-120	149-150
Tourism – Visitor Arrivals by Air	117-118	147-148
Tourism – Visitor Arrivals by Coach	125	155

<b>SUBJECT</b>	<b>NO(S)</b>	<b>PAGE(S)</b>
Tourism – Visitor Arrivals by Cruise Liner	126	156
Tourism – Visitor Arrivals by Land	116	146
Tourism – Visitor Arrivals by Yacht	128	158
Tourism Promotion – Expenditure	112	140
Transport – Casemates Square	149	187
Transport – Engineer Lane	148	185
Transport – Exchanges of Driving Licences	153	194
Transport – Number of Licensed Road Vehicles	145	182
Transport – Number of New Registrations	144	181
Transport – Public Bus System	146	183
Transport – Sir Herbert Miles Road	147	184
Transport – Traffic Flow	150	190
Transport Inspectors	151	192
Treasury Tender Board	248	361
Value and Volume of Imports	210	295
Value of Building Materials	199	272

NO. 1 OF 1999

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

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

ANSWERTHE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

I would be obliged if the hon Member would accept that answer on the record without the necessity of reading it. Let me say that I have noticed just on passing it to her that it seems that the revenue aspect has been omitted so I will read the revenue and I will then pass notes of the revenue to her by letter later this week.

The revenue is as follows:

Contribution from the Social Assistance Fund	£3,000,000
Group Practice Medical Scheme	£16,000,000
Contribution from the Ministry of Defence	£248,000
Contribution from Consolidated Fund	£3,672,000
Contribution from Improvement and Development Fund	£760,000
Other receipts	£300,000

The latest forecast outturn for the Gibraltar Health Authority for 1998/99 is as follows:

PAYMENTS

	£
<b>Personal Emoluments:</b>	
(a) Salaries	8,200,000
(b) Overtime	1,400,000
(c) Allowances	1,475,000
(d) Gratuities	<u>215,000</u>
	11,290,000
<b>Industrial Wages:</b>	
(a) Basic	860,000
(b) Overtime	367,000
(c) Allowances	<u>3,000</u>
	1,230,000
<b>Other Personnel:</b>	
(a) Relief Cover	<u>330,000</u>
	330,000
Employer's share of Social Insurance Contributions	750,000
<b>Recurrent Expenditure:</b>	
(a) Prescribed Drugs & Pharmaceuticals:	
GPMS Prescriptions	4,750,000
Drugs & Pharmaceuticals	<u>750,000</u>
	5,500,000

(b) Equipment & Related Expenses:	
Medical & Surgical Equipment	185,000
Medical & Surgical Appliances	220,000
Hardware, Uniforms & Linen	107,000
Patients Appliances	<u>45,000</u>
	557,000
(c) Dressings & Medical Gases	554,500
(d) Provisions	230,000
(e) Laundry & Cleaning:	
Laundry Expenses	280,000
Cleaning Expenses	<u>45,000</u>
	325,000
(f) Visiting Consultant Expenses & Fees	70,000
(g) Recruitment Contractual Expenses	39,000
(h) Motor Vehicle & Fuel Expenses	27,000
(i) Offices Expenses:	
General Expenses	41,000
Electricity & Water	220,000
Telephone Service	132,000
Printing & Stationery	<u>55,000</u>
	448,000
(j) Legal Fees	20,000
(k) Official Travel Abroad	14,000
(l) Training & Study:	
Medical Books	12,000
Training Courses	95,000
Professional Study Leave	<u>25,000</u>
	132,000
(m) Sponsored Patients	2,050,000
(n) Miscellaneous Expenses:	
General	7,000
Extraordinary	<u>16,000</u>
	23,000
Ex-gratia	19,300
Cash Losses	20
(o) St John's Ambulance	250,000
(p) Registration Board	<u>5,000</u>
	23,863,820
	<b>Total Recurrent</b>
	<b>23,863,820</b>
<b>Capital Expenditure</b>	
(q) New Equipment	300,000
(r) Minor Works	605,000
(s) Computerisation	<u>70,000</u>
	975,000
	<b>Total Capital</b>
	<b>975,000</b>

**Summary**

<b>Recurrent Expenditure</b>	<b>23,863,820</b>
<b>Capital Expenditure</b>	<b><u>975,000</u></b>
	<b>24,838,820</b>
ICC Health Centre	63,000
ICC Health Centre Works	253,000
Contingencies (Y2K)	
	<b><u>25,154,820</u></b>

**SUPPLEMENTARY TO QUESTION NO. 1 OF 1999**

HON J J BOSSANO:

Can I ask the Minister, the contribution from the Ministry of Defence of £240,000 as opposed to the estimate, is this because the service went on longer than anticipated or was it that there was a later payment?

HON K AZOPARDI:

I think it was an item of expenditure that had accrued in the previous but was paid subsequently together with the normal expected payment of £110,000.

HON J J BOSSANO:

Does that mean that the forecast outturn for the preceding year of £745,000 which was, in fact, the same as the original estimate, was less than that?

HON K AZOPARDI:

I am unable to guide the hon Member on that matter but I will certainly look into it. I suspect so, that follows from what I have said.

HON MISS M I MONTEGRIFFO:

Would the Minister confirm whether the actual summary at the end is correct because I see that there is a figure which has been amended, recruitment contractual expenses, does the actual summary remain as it is?

HON K AZOPARDI:

Yes, I omitted to mention the fact that in the answer there should be an amendment on recruitment of contractual expenses instead of reading £39,000 it should read £390,000 but I am assured that the total remains the same and that is merely a typographical error.



NO. 2 OF 1999

THE HON MISS M I MONTEGRIFFO

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

Can Government state what was the total number of in-patient admissions and the average number of patients per day at St Bernard's Hospital in 1998?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 3 and 4 of 1999.

NO. 3 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - OUT-PATIENT ATTENDANCES, ST BERNARD'S HOSPITAL**

Can Government state what was the total number of out-patient attendances at St Bernard's Hospital in 1998?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 2 and 4 of 1999.

NO. 4 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - OUT-PATIENT ATTENDANCES, HEALTH CENTRE**

Can Government state what was the total number of out-patient attendances at the Health Centre in 1998?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

During 1998 there were 84,090 out-patient attendances at the Health Centre; 31,904 out-patient attendances at St Bernard's Hospital, and 5,035 in-patient admissions at St Bernard's Hospital.

During the same year the average number of in-patients per day at St Bernard's was 114.

SUPPLEMENTARY TO QUESTION NOS. 2, 3 AND 4 OF 1999

HON MISS M I MONTEGRIFFO:

Can the Minister confirm whether the situation is static or whether there have been less or more attendances both at the Health Centre and the hospital in comparison to last year?

HON K AZOPARDI:

Yes, there were in fact less out-patient attendances this year at the Health Centre, less by about 4,000. The average number of in-patients at St Bernard's Hospital was higher this year than last year, it was 108 last year. I do not have the number of out-patient attendances exactly in respect of last year but I seem to recall it was more or less the same, about 31,000. The number of in-patient admissions last year was lower at St Bernard's than this year, it was 4,800 last year.

NO. 5 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - LONG-STAY ELDERLY CARE PATIENTS**

Can Government state how many long-stay elderly care patients there were at St Bernard's Hospital at the end of January this year?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

There were 43 long-stay elderly care patients at St Bernard's Hospital at the end of January this year.

NO. 6 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - ST BERNARD'S HOSPITAL - KITCHEN**

Can Government confirm whether the works in the kitchen at St Bernard's Hospital have now been completed?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

No.

SUPPLEMENTARY TO QUESTION NO. 6 OF 1999

HON MISS M I MONTEGRIFFO:

Can the Minister, in view of the years that it has taken for the kitchen to be ready, explain why the delay?

HON K AZOPARDI:

The delay relates to the next question on the Order Paper. I am not sure whether the hon Member wants to wait until then to have the answer.

HON MISS M I MONTEGRIFFO:

Just one more question, can the Minister confirm whether the kitchen will, in fact, be staying in what used to be the old Lewis Stagnetto Ward?

HON K AZOPARDI:

The current plan revolves around that scenario, yes but no final decision has been taken.

NO. 7 OF 1999THE HON MISS M I MONTEGRIFFO**GHA - ST BERNARD'S HOSPITAL - REHABILITATION CENTRE**

Have Government now decided whether the old kitchen area at St Bernard's Hospital will be used as a rehabilitation centre?

ANSWERTHE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Yes.

SUPPLEMENTARY TO QUESTION NO. 7 OF 1999

HON MISS M I MONTEGRIFFO

We are just wondering whether this was the question where the Minister was actually going to expand on what he said he would do to the earlier question.

HON K AZOPARDI:

The delay in relation to the kitchen lies in the fact that we were considering what to do with the old area for which there were plans to turn into a rehabilitation centre and that indeed is the case and those plans are confirmed now and we plan to use the former kitchen for that and it is currently being used for that. Because that decision was taken relatively recently we are now moving on the basis that the kitchen will not go back to where it was and that we have to assess if it is possible for it to remain where it is. There are some structural surveys that have been commissioned to assess that because of the weight of the equipment and so on and so while I said in my last answer to the previous question that the current plans revolve around the kitchen staying where it is now which is old Lewis Stagnetto, it depends on the results of the cost assessments and on the work estimates that would need to be done for that to be the case. Therefore no final decision has been taken.

HON MISS M I MONTEGRIFFO:

So really the Minister cannot confirm whether or not they have an idea how much the rehabilitation centre .....the works involved will cost?

HON K AZOPARDI:

Sorry, the kitchen she means?

HON MISS M I MONTEGRIFFO:

The kitchen.

HON K AZOPARDI:

I cannot confirm it at this stage.

HON MISS M I MONTEGRIFFO:

And the rehabilitation centre?

HON K AZOPARDI:

Yes, we could confirm that but of course I was not on notice of that question and therefore I do not have the figures with me but if the hon Member wants to enquire about that I certainly can provide her with that information.

HON MISS M I MONTEGRIFFO:

I go back to my original supplementary, can the Minister explain why it has taken them nearly three years to decide whether the kitchen stays, whether there is going to be a rehabilitation centre because I do believe that a lot of money has been expended in the meantime?

HON K AZOPARDI:

As the hon Member appreciated it herself when she was in office because she herself was I think using what used to be Private Corridor for decanting for refurbishment, I think she will appreciate the space constraints there are at St Bernard's and we were juggling with difficult problems. We had to, I think I have explained before in the House that in previous years where we had planned to expedite these particular works we were unable to do so when the roof of Children's Ward collapsed, for example, and we had to divert funds and manpower resources practically for a year to do that and so therefore this has had a knock-on effect on these particular works, I think I have explained that in the House before.

HON MISS M I MONTEGRIFFO:

I remember that in earlier questions I have put to the Minister on the subject he has said that they would not be able to take a decision until the Chief Executive was in post. Then when he was in post he said that the Chief Executive needed to take that decision in consultation with the staff. Can the Minister now confirm who has taken the decision?

HON K AZOPARDI:

The decision has been taken by the management board but has been delayed by the unfortunate event relating to Mr Jackson's demise.

HON J L BALDACHINO:

Seeing that the kitchen is not going to go back to where it was originally and is going to stay where it is now, can the Minister confirm that all the safety factors that were previously in the other kitchen apply to the place where the kitchen is at the moment?

HON K AZOPARDI:

This is why I say that no final decision has been taken because that is one of the factors we are trying to assess. The Environmental Agency has been called in to advise the Health Authority on those aspects and, of course, we are keen to assure and to ensure that that is the case.

NO. 8 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - ST BERNARD'S HOSPITAL - PRIVATE WARD**

Will Government confirm when a Private Ward will be made available at St Bernard's Hospital?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

The Government agree that a private ward facility should be made available at St Bernard's Hospital and are working towards achieving that. It is not possible to state exactly when this will be in place.

SUPPLEMENTARY TO QUESTION NO. 8 OF 1999

HON MISS M I MONTEGRIFFO:

Can the Minister at least confirm whether they have already earmarked a place for Private Ward?

HON K AZOPARDI:

No, I cannot confirm that because there are various possibilities. Developments are planned, I think it would be at the moment premature to speculate exactly where the location of the future private ward facility would be. We have got to also discuss, and I know that the Chief Executive, Mr Jackson, was indeed in discussions with the Trust on that matter but I certainly think that things will be clearer in a few months time and I would expect to make a decision within the next four months if that is of assistance to the hon Member.

HON MISS M I MONTEGRIFFO:

Could the Minister at least confirm whether Private Ward would be made available within the existing resources?

HON K AZOPARDI:

I am not sure what the hon Member means by existing resources.

HON MISS M I MONTEGRIFFO:

I mean by the existing space that is presently available?

HON K AZOPARDI:

That is the aim at this stage, yes.



NO. 9 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - ENROLLED NURSE STUDENTS**

Can Government state how many Enrolled Nurse students were in the first year of their Enrolled Nurse training in the financial year 1997/98?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 10 and 11 of 1999.

NO. 10 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - ENROLLED NURSE STUDENTS**

Can Government state how many Enrolled Nurse students are in the first year of their training in the current financial year?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 9 and 11 of 1999.

NO. 11 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - RGN STUDENTS**

Can Government state how many RGN students are in the first year of their training in the current financial year?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

There are currently 12 RGN students undertaking their first year of training; 15 Enrolled Nurse pupils finished their first year of training in August 1998 and commenced their second year in September 1998; 11 Enrolled Nurse pupils were in their second year of training in financial year 1997/98.

NO. 12 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - COMPLEMENT - LADY BEGG WARD**

Can Government now state what is the proposed new complement for manning levels to provide day and night cover and how this compares with the current complement by grade, at Lady Begg Ward?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 13 to 33 of 1999.

In advance of the hon Member's questions I will pass to her a copy of my respective reply because it is a long answer.

NO. 13 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - COMPLEMENT - VICTORIA WARD**

Can Government now state what is the proposed new complement for manning levels to provide day and night cover and how this compares with the current complement by grade, at Victoria Ward?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 12 and 14 to 33 of 1999.

NO. 14 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - COMPLEMENT - NAPIER WARD**

Can Government now state what is the proposed new complement for manning levels to provide day and night cover and how this compares with the current complement by grade, at Napier Ward?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 12, 13 and 15 to 33 of 1999.

NO. 15 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - COMPLEMENT - GODLEY WARD**

Can Government now state what is the proposed new complement for manning levels to provide day and night cover and how this compares with the current complement by grade, at Godley Ward?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 12 to 14 and 16 to 33 of 1999.

NO. 16 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - COMPLEMENT - CHILDREN'S WARD**

Can Government now state what is the proposed new complement for manning levels to provide day and night cover and how this compares with the current complement by grade, at Children's Ward?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 12 to 15 and 17 to 33 of 1999.



NO. 17 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - COMPLEMENT - LEWIS STAGNETTO WARD**

Can Government now state what is the proposed new complement for manning levels to provide day and night cover and how this compares with the current complement by grade, at Lewis Stagnetto Ward?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 12 to 16 and 18 to 33 of 1999.

NO. 18 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - COMPLEMENT - JOHN WARD**

Can Government now state what is the proposed new complement for manning levels to provide day and night cover and how this compares with the current complement by grade, at John Ward?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 12 to 18 and 19 to 33 of 1999.

NO. 19 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - COMPLEMENT - MATERNITY**

Can Government now state what is the proposed new complement for manning levels to provide day and night cover and how this compares with the current complement by grade, at Maternity?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 12 to 18 and 20 to 33 of 1999.

NO. 20 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - COMPLEMENT - BLOOD DEPARTMENT**

Can Government now state what is the proposed new complement for manning levels to provide day and night cover and how this compares with the current complement by grade, at Blood Department?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 12 to 19 and 21 to 33 of 1999.

NO. 21 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - COMPLEMENT - EYE DEPARTMENT**

Can Government now state what is the proposed new complement for manning levels to provide day and night cover and how this compares with the current complement by grade, at Eye Department?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 12 to 20 and 22 to 33 of 1999.

NO. 22 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - COMPLEMENT - OUT-PATIENT CLINICS**

Can Government now state what is the proposed new complement for manning levels to provide day and night cover and how this compares with the current complement by grade, at Out-patient Clinics?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 12 to 21 and 23 to 33 of 1999.

NO. 23 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - COMPLEMENT - ACCIDENT AND EMERGENCY**

Can Government now state what is the proposed new complement for manning levels to provide day and night cover and how this compares with the current complement by grade, at Accident and Emergency?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 12 to 22 and 24 to 33 of 1999.

NO. 24 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - COMPLEMENT - ITU**

Can Government now state what is the proposed new complement for manning levels to provide day and night cover and how this compares with the current complement by grade, at ITU?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 12 to 23 and 25 to 33 of 1999.



NO. 25 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - COMPLEMENT - ENDOSCOPY**

Can Government now state what is the proposed new complement for manning levels to provide day and night cover and how this compares with the current complement by grade, at Endoscopy?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 12 to 24 and 26 to 33 of 1999.

NO. 26 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - COMPLEMENT - CSSD**

Can Government now state what is the proposed new complement for manning levels to provide day and night cover and how this compares with the current complement by grade, at CSSD?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 12 to 25 and 27 to 33 of 1999.

NO. 27 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - COMPLEMENT - KGV**

Can Government now state what is the proposed new complement for manning levels to provide day and night cover and how this compares with the current complement by grade, at KGV?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 12 to 27 and 28 to 33 of 1999.

NO. 28 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - COMPLEMENT - COMMUNITY PSYCHIATRIC SERVICE**

Can Government now state what is the proposed new complement for manning levels to provide day and night cover and how this compares with the current complement by grade, at the Community Psychiatric Service?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 12 to 27 and 29 to 33 of 1999.

NO. 29 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - COMPLEMENT - SCHOOL HEALTH SERVICE**

Can Government now state what is the proposed new complement for manning levels to provide day and night cover and how this compares with the current complement by grade, at the School of Health Service?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 12 to 28 and 30 to 33 of 1999.

NO. 30 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - COMPLEMENT - DENTAL SERVICES**

Can Government now state what is the proposed new complement for manning levels to provide day and night cover and how this compares with the current complement by grade, at the Dental Services?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 12 to 29 and 31 to 33 of 1999.

NO. 31 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - COMPLEMENT - CHILD WELFARE CLINIC**

Can Government now state what is the proposed new complement for manning levels to provide day and night cover and how this compares with the current complement by grade, at the Child Welfare Clinic?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 12 to 30, 32 and 33 of 1999.

NO. 32 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - COMPLEMENT - HEALTH CENTRE**

Can Government now state what is the proposed new complement for manning levels to provide day and night cover and how this compares with the current complement by grade, at the Health Centre?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 12 to 31 and 33 of 1999.



NO. 33 OF 1999THE HON MISS M I MONTEGRIFFO**GHA - COMPLEMENT - DISTRICT NURSING SERVICES**

Can Government now state what is the proposed new complement for manning levels to provide day and night cover and how this compares with the current complement by grade, at the District Nursing Services?

ANSWERTHE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

I would appreciate if the hon Member would waive reading of the answer given that I passed on a copy to her.

The Government announced new manning levels for nursing grades in the GHA in July 1998. These are expected to be phased in by 2002 and are as follows:

<u>LADY BEGG WARD</u>	<u>Current</u>	<u>Proposed</u>
Charge Nurse	2	2
Staff Nurse	2	6
S Enrolled Nurse	1	1
Enrolled Nurse	4.5	4
Assistant Nurse	9	8
 <u>VICTORIA WARD</u>		
Charge Nurse	2	2
Staff Nurse	6	6
Enrolled Nurse	8	8
Auxiliary Nurse	1	0
Assistant Nurse	4.5	6
 <u>NAPIER WARD</u>		
Charge Nurse	2	2
Staff Nurse	6	6
Enrolled Nurse	6	6
Assistant	6	6
 <u>GODLEY WARD</u>		
Charge Nurse	2	2
Staff Nurse	5.5	6
S Enrolled Nurse	1	1
Enrolled Nurse	6	6
Assistant	6	6

### CHILDREN'S WARD

Charge Nurse	1	2
Staff Nurse	6	6
S Enrolled Nurse	1	1
Enrolled Nurse	3.5	6
Assistant	1	6

### LEWIS STAGNETTO WARD

Charge Nurse	1	2
Staff Nurse	2.5	5
Enrolled Nurse	3.5	4
Assistant Nurse	12.5	10

### JOHN WARD

Charge Nurse	2	2
Staff Nurse	6.5	6.5
Enrolled Nurse	6	6
Assistant Nurse	6	6

### MATERNITY WARD

Clinical Nurse Manager	0	1
Charge Nurse	4	3
Staff Nurse	9	9
Enrolled Nurse	3	6
Assistant Nurse	5	5

### BLOOD DEPARTMENT

Staff Nurse	1.5	1.5
-------------	-----	-----

### EYE DEPARTMENT

Charge Nurse	1	1
Staff Nurse	2	2
Enrolled Nurse	0	1

### OUT-PATIENT CLINICS

Sister	1	1
S Enrolled Nurse	1	1
Enrolled Nurse	5.5	5.5

### ACCIDENT AND EMERGENCY

Charge Nurse	2	2
Staff Nurse	7.5	10
Enrolled Nurse	4	6
Assistant Nurse	0	2

ITU

Charge Nurse	2	2
Staff Nurse	8.5	10
Enrolled Nurse	6.5	8

ENDOSCOPY

S Enrolled Nurse	1	1
------------------	---	---

CSSD

Enrolled Nurse	1	1
Auxiliary Nurse	1	0
Assistant Nurse	1.5	2.5

KGV

Clinical Manager	1	1
Charge Nurse	3	4
Staff Nurse	8	12
S Enrolled Nurse	2	2
Enrolled Nurse	10.5	14
Auxiliary Nurse	4	0
Assistant Nurse	20	24

COMMUNITY PSYCHIATRIC SERVICE

Sister	0	1
Staff Nurse	0	1
S Enrolled Nurse	1	1
Enrolled Nurse	3	3

SCHOOL OF HEALTH SERVICE

Charge Nurse	1	1
S Enrolled Nurse	1	1
Enrolled Nurse	1	1

DENTAL SERVICES

Auxiliary Nurse	2	3
-----------------	---	---

CHILD WELFARE CLINIC

Charge Nurse (HV)	1	2
S Enrolled Nurse	1	1
Enrolled Nurse	1	1

HEALTH CENTRE

Charge Nurse	1	1
Staff Nurse	3	4
Auxiliary Nurse	5	0
Assistant Nurse	4	9

## DISTRICT NURSING SERVICES

Charge Nurse	1	2
Staff Nurse	5.5	6
S Enrolled Nurse	1	1
Enrolled Nurse	1	1
Auxiliary Nurse	0.5	0
Assistant Nurse	2	4.5

Hon Members will have noted that there is a breakdown of staff into varying grades existing at the moment but should also note that there was a recommendation of the Review Team that the grades of Nursing Auxiliary and Senior Enrolled Nurse be abolished through natural wastage. Accordingly figures in respect of those grades in the "Proposed" column must be seen in that light.

This breakdown represents nursing management's current plan but, of course, it is subject to variation to take into account circumstances that may arise or areas that may need to be addressed in the health service in forthcoming months and years.

### SUPPLEMENTARY TO QUESTION NOS. 12 TO 33 OF 1999

HON J J BOSSANO:

Can the Minister say what is the difference in the total, apart from the difference in the component grades, between the current and the proposed?

HON K AZOPARDI:

I can give the hon Member the totals but I have not added up the current because there have been recent fluctuations through retirement and so on and I am aware that there were figures taken by me recently but I think they may have changed. But I can certainly give the hon Member the totals in respect of the proposed complement: Charge Nurse – 37; Staff Nurse – 104.5; Senior Enrolled Nurse – 10, with the caveat that that grade will be abolished through natural wastage; Enrolled Nurse – 90; Assistant Nurse – 99. Those are the figures I announced in July which would be met by this phased programme.

HON J J BOSSANO:

Can the Minister clarify something that he has said in his answer. He has said he cannot provide the current because of some persons having left the service. Is it that the current is not the complement including unfilled vacancies? Is he talking about the people in post in both cases or the posts whether filled or not, which of the two is it?

HON K AZOPARDI:

It was a simple answer really. I meant that I had totals which were provided to me recently before the drafting of this answer. The last figures I had were a month or two ago which I thought were good. I am aware that there have been, perhaps recent retirements and I have not added the totals. If the hon Member wants to add those grades then he will realise how they are broken down. The figures in current, to answer his specific question, are the actual people in post, that is what I am told.

HON J J BOSSANO:

So, in fact, when comparing the two are we comparing the same thing? If it is the people in post in the current, the fact that there is a proposed structure does not necessarily mean that there are going to be more posts because of course the proposed do not necessarily presumably consist of people in post otherwise it would not be proposed?

HON K AZOPARDI:

Perhaps I should be a bit more specific in my answer. Both columns are consistent to the extent that it is – when I say actual people in post I mean actual whole time equivalents and so there are increases.

HON J J BOSSANO:

Irrespective of whether they are whole time equivalents or any other way of calculating the total, what I am asking is if the current shows, for example, that there are 50 Nursing Assistants does it mean that there is provision for 50 Nursing Assistants or that there are currently 50 Nursing Assistants working, which of the two is it?

HON K AZOPARDI:

That there are currently 50 Nursing Assistants working.

HON J J BOSSANO:

So, in fact, the current provision could be greater than the figures that we have been provided in the answer, is that correct?

HON K AZOPARDI:

No, the proposed column, if the hon Member cares to add up the current breakdown into different grades he will see that the proposed column is far greater than the current.

HON J J BOSSANO:

No, I am not asking that. If in fact we have in the Estimates of Expenditure a provision to employ 330 persons notwithstanding the fact that there may actually be in post 300, is the proposed column an increase over the preceding level of proposed employment? Because if what we are being given is two columns one of which consists of the number of jobs currently filled and the second column is the number of jobs inclusive of vacancies then we are not comparing like with like, surely?

HON K AZOPARDI:

I really do not see how the hon Member is trying to create an issue out of nothing. I have explained to the House that one column reflects the people in post, one column reflects the complement which will be filled by the year 2002; the second will mean an increase in staff.

HON J J BOSSANO:

No. Can the Minister tell the House then what is the complement now, not the people in post, the complement now? In every Head of Expenditure in the Estimates, surely the Minister accepts in all his other departments for which he has responsibility, the figure that is given in the Estimates shows that there is provision to employ an Executive Officer and it does not mean that as we stand here there is somebody currently occupying the post, the man or the lady might have left yesterday, we cannot judge. Obviously it is a constantly moving field, even as he stands here somebody might have had a heart attack yesterday and therefore the answer is wrong. What we want to know is what is going to be the structure in the future as opposed to the structure now irrespective of whether at any given point in time all the jobs in that structure are filled or not.

HON K AZOPARDI:

The Health Authority had an establishment which went back to the years when Opposition Members were in office but because the nursing profession was in review and we were changing the establishment as a result of the nursing review that we announced in July, to the extent that the establishment was changed because the future establishment will be the one that will be phased in by the year 2002, my understanding was that because the establishment figures were being changed vacancies are not provided for in the estimates that we brought to the House last year. Therefore the figure in personal emoluments was not the future figure that would be filled in that sense by the year 2002 but only the figure of people in post together with perhaps a few vacancies which would have been filled immediately thereafter.

HON J J BOSSANO:

I may have understood incorrectly the answer that he gave at the time but I believe he gave the opposite answer at the time of the Estimates because surely if what he is saying is correct then it would be very peculiar if in the last financial year there was a provision of salaries for £7.5 million and this year it is £7.9 million and they are not providing for any vacancies that may have arisen in the previous personal emoluments. I believe, at the time of the Estimates when we asked we got a specific answer that the salary provision in this expenditure item was no different from that in the rest of the Estimates where the provision is based on the assumption that the jobs that are there are going to be filled even though they may not be filled. Indeed, I think we were told specifically that it did not necessarily mean that the whole of the salary provision was going to be altered because there might precisely be vacancies that were going to be replaced as opposed to being reappointed.

HON K AZOPARDI:

I cannot recall giving an answer like that but I am certainly happy to look back in Hansard and check the position and mention that to the hon Member.

HON J J BOSSANO:

Will the Minister be able to provide, in order to be able to compare the proposed structure with the current structure, a figure which shows the position on the basis of the post provided for rather than the people in post otherwise if we are going to be relying on these figures on the basis that if tomorrow somebody leaves the structure changes, we will have to ask every time somebody leaves what the new structure is?

HON K AZOPARDI:

I am happy to provide the hon Member with any information he wants. If he wants to clearly set out exactly what he wants I will give him whatever information he wants.

HON J J BOSSANO:

Well, the information that we are seeking is the information that we thought we were going to get in answer to this question which is, what is the current structure and what is the proposed structure irrespective of whether every single job of that structure is as we stand here filled or unfilled?

HON K AZOPARDI:

I think that is the answer I have given. If the hon Member wants further information he is free to seek it and I will certainly give it to him.

HON J J BOSSANO:

Is the answer we are being given then that at the moment the position is that if it is shown that there are eight nurses in a particular ward there are no vacancies in those eight posts of eight nurses? The figure that he has got there is on the basis that when the answer was prepared if somebody had left that day the structure was changed, is that the information?

HON K AZOPARDI:

The answer that I have in my notes is that those are the people in post. It is at the time the answer was drafted.

HON J J BOSSANO:

So it means that, for example, if we say to the Minister at the next meeting of the House what is the current complement – I use the word “complement” because complement means of course the posts as opposed to the occupants – in Lady Begg the answer might be that there are now eight Nursing Assistants instead of nine?

HON K AZOPARDI:

Yes, for the simple reason that the proposed column was the column which breaks down the figures that I announced in July 1998 and I said I would fill those posts in a phased programme by the year 2002 and so therefore by implication it is clear that as months go by the thing will change until ultimately, by the year 2002, the proposed column will have been reached and so of course things have changed.

HON J J BOSSANO:

I can well appreciate that the proposed column will become filled when the opportunity arises to fill it either because there are vacancies or because there are people qualified to fill it, but in order to be able to exercise judgement of how the position, for example, in Lady Begg Ward has changed as a result of the proposals it is not possible to do so by looking at the figures if the second column shows what is the intended eventual position and the first column does not show what was the starting position. What we want to know is where he started from as well as knowing where he is going to finish so that we can compare the two.

HON CHIEF MINISTER:

That is not the question that he has asked. I can understand why he would want the position at a given fixed date in the past so that he can compare progress as against that but that is not the question as I understand it that he has asked.

HON J J BOSSANO:

If the Chief Minister will look at the question, if we ask for the proposed complement and the current complement surely the word "complement" cannot mean two different things in the same sentence. The complement in the future includes vacancies and the complement at present and in the past and indeed we raised this point I think, if the Minister would recall, during the Estimates when we wanted clarification that complement meant as we had always understood it to mean a provision for a certain number of posts and indeed this is why I have asked the Minister to check back on the answer in the Estimates because when we asked whether the provision for the salaries of £7.9 million was for the posts on the establishment on the complement or based on the actual number of persons in employment, I believe that the answer we got then was that it was for the complemented posts. The fact that those complemented posts may be different when the Estimates for this coming year are presented does not alter what the complement means. I do not know if we had asked, I suppose for the present distribution of persons in post, which is I think the answer we have got, then I think we would have been getting the answer so what I am asking the Minister is could he provide the answer that we thought we were getting given.....

MR SPEAKER:

And he said yes, he would give you all the information.

HON CHIEF MINISTER:

What the hon Member wants to know is whether complement in the answer means positions which are open, as opposed to positions that are filled. He wants to know not how many people there are wearing white uniforms today, on the 25<sup>th</sup> February, what he wants to know is how many people there should be given that there might be a few vacancies resulting from recent retirements or recent resignations.

MR SPEAKER:

The Minister has promised to give the answer. Next question.



NO. 34 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - GPMS**

Can Government give a breakdown for the financial year 1997/98 of the number of items of medicines dispensed on GPMS with a breakdown of the items in respect of which there was:

- (a) no charge
- (b) 20p per item
- (c) £1.20 per item?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

The number of items dispensed on GPMS during 1997/98 in the following categories were as follows:

- |     |           |   |               |
|-----|-----------|---|---------------|
| (a) | no charge | - | 75,528 items  |
| (b) | 20p       | - | 169,762 items |
| (c) | £1.20     | - | 167,159 items |

NO. 35 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - GPMS PRESCRIPTIONS**

Can Government state the number of items covered by GPMS prescriptions in the month of September 1998 in respect of which £2.50 was paid by patients to dispensing pharmacists and the total value of the medicines so dispensed and the comparable figure for 1997?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 36 to 51 of 1999.

NO. 36 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - GPMS PRESCRIPTIONS**

Can Government state the number of items covered by GPMS prescriptions in the month of October 1998 in respect of which £2.50 was paid by patients to dispensing pharmacists and the total value of the medicines so dispensed and the comparable figure for 1997?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 35 and 37 to 51 of 1999.

NO. 37 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - GPMS PRESCRIPTIONS**

Can Government state the number of items covered by GPMS prescriptions in the month of November 1998 in respect of which £2.50 was paid by patients to dispensing pharmacists and the total value of the medicines so dispensed and the comparable figure for 1997?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 35, 36 and 38 to 51 of 1999.

NO. 38 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - GPMS PRESCRIPTIONS**

Can Government state the number of items covered by GPMS prescriptions in the month of December 1998 in respect of which £2.50 was paid by patients to dispensing pharmacists and the total value of the medicines so dispensed and the comparable figure for 1997?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 35 to 37 and 39 to 51 of 1999.

NO. 39 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - GPMS PRESCRIPTIONS**

Can Government state the number of items covered by GPMS prescriptions in the month of January this year in respect of which £2.50 was paid by patients to dispensing pharmacists and the total value of the medicines so dispensed and the comparable figure for last year?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 35 to 38 and 40 to 51 of 1999.

NO. 40 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - GPMS PRESCRIPTIONS**

Can Government give the number of prescriptions issued and the number of items covered by such prescriptions under the GPMS in the month of July 1998 and the previous year?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 35 to 39 and 41 to 51 of 1999.

NO. 41 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - GPMS PRESCRIPTIONS**

Can Government give a breakdown of the prescriptions issued and the number of items covered by such prescriptions under the GPMS in the month of August 1998 and the previous year?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 35 to 40 and 42 to 51 of 1999.



NO. 42 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - GPMS PRESCRIPTIONS**

Can Government give the number of prescriptions issued and the number of items covered by such prescriptions under the GPMS in the month of September 1998 and the previous year?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 35 to 41 and 43 to 51 of 1999.

NO. 43 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - GPMS PRESCRIPTIONS**

Can Government give a breakdown of the prescriptions issued and the number of items covered by such prescriptions under the GPMS in the month of September 1998 and the previous year?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 35 to 42 and 44 to 51 of 1999.

NO. 44 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - GPMS PRESCRIPTIONS**

Can Government give the number of prescriptions issued and the number of items covered by such prescriptions under the GPMS in the month of October 1998 and the previous year?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 35 to 43 and 44 to 51 of 1999.

NO. 45 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - GPMS PRESCRIPTIONS**

Can Government give a breakdown of the prescriptions issued and the number of items covered by such prescriptions under the GPMS in the month of October 1998 and the previous year?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 35 to 44 and 46 to 51 of 1999.

NO. 46 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - GPMS PRESCRIPTIONS**

Can Government give the number of prescriptions issued and the number of items covered by such prescriptions under the GPMS in the month of November 1998 and the previous year?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 35 to 45 and 47 to 51 of 1999.

NO. 47 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - GPMS PRESCRIPTIONS**

Can Government give a breakdown of the prescriptions issued and the number of items covered by such prescriptions under the GPMS in the month of November 1998 and the previous year?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 35 to 46 and 48 to 51 of 1999.

NO. 48 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - GPMS PRESCRIPTIONS**

Can Government give the number of prescriptions issued and the number of items covered by such prescriptions under the GPMS in the month of December 1998 and the previous year?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 35 to 47 and 49 to 51 of 1999.

NO. 49 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - GPMS PRESCRIPTIONS**

Can Government give a breakdown of the prescriptions issued and the number of items covered by such prescriptions under the GPMS in the month of December 1998 and the previous year?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 35 to 48, 50 and 51 of 1999.



NO. 50 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - GPMS PRESCRIPTIONS**

Can Government give the number of prescriptions issued and the number of items covered by such prescriptions under the GPMS in the month of January this year and last year?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 35 to 49 and 51 of 1999.

NO. 51 OF 1999

THE HON MISS M I MONTEGRIFFO**GHA - GPMS PRESCRIPTIONS**

Can Government give a breakdown of the prescriptions issued and the number of items covered by such prescriptions under the GPMS in the month of January this year and last year?

ANSWERTHE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

The statistics requested in Question Nos. 35 to 39 are as follows:

	<u>Per item</u>	<u>Items</u>	<u>Value</u>
September 1998	£2.50	9,257	£94,405.23
October 1998	£2.50	9,193	£97,880.73
November 1998	£2.50	10,960	£123,529.40
September 1997	£1.20	12,614	
October 1997	£1.20	13,398	
November 1997	£1.20	15,779	
December 1997	£1.20	12,711	
January 1998	£1.20	14,143	

No record of value of items were kept before August 1998 and therefore value figures for September 1997 to January 1998 are unavailable. The figures for December 1998 and January 1999 are not available yet because not all accounts have been submitted by pharmacies.

The statistics requested in Question Nos. 40 to 50 are as follows:

	<u>Prescriptions</u>	<u>Items</u>		<u>Prescriptions</u>	<u>Items</u>
July 1998	16,657	65,002	July 1997	11,188	31,782
August 1998	9,857	25,091	August 1997	12,842	36,882
September 1998	9,718	31,501	September 1997	11,349	32,572
October 1998	9,977	28,313	October 1997	11,753	33,274
November 1998	12,528	34,738	November 1997	13,135	29,388
			December 1997	11,098	31,962
			January 1998	11,884	34,309

As above the figures for December 1998 and January 1999 are unavailable because not all accounts have been submitted.

The hon Member may wish to bear in mind when she puts questions on this subject that figures are now kept in the new system on a weekly or period basis, which means 13 periods of four weeks in a year, to avoid misleading figures appearing because of the fact that some months are made up of four weeks and some months are made up of five weeks and so it does cause a disproportionate effect when I read some of it.

NO. 52 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - POST OF CHIEF EXECUTIVE**

Is it Government's intention to continue with the post of Chief Executive for the Gibraltar Health Authority?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Yes.

SUPPLEMENTARY TO QUESTION NO. 52 OF 1999

HON MISS M I MONTEGRIFFO:

Will the Government be advertising the post locally or will they be engaging the services of someone who is already employed by the Gibraltar Health Authority?

HON K AZOPARDI:

It is Government's intention to localise the post.

HON MISS M I MONTEGRIFFO:

But by localising the job is the Minister saying that they will advertise for that post locally or will there be direct recruitment?

HON K AZOPARDI:

It is Government's view that because what happened previously was that there was a short-term contract appointment as I said to the House some time ago, the incumbent then stood down to create space for the contract officer. There is a person acting in post and it is intended by Government to ratify that person in post on the basis that that person stood down about 18 months ago and merely is now taking back the job that that person was doing.

HON MISS M I MONTEGRIFFO:

Does that mean that the person, once the post is ratified, is in post will the salary be the same as the salary provided to the previous Chief Executive for the Health Authority?

HON K AZOPARDI:

That is a matter which is subject to direct discussions between that particular person and the Government and there may be some changes with regard to the present salary and so on. I cannot guide the hon Member at this stage because that decision has just been taken in principle and so therefore there is no final view taken in relation to salary terms and so on.

HON MISS M I MONTEGRIFFO:

So the Minister cannot confirm whether the same offer as far as the salary is concerned will be made to the present Acting Chief Executive?

HON K AZOPARDI:

I cannot confirm anything but I would say though that we have to take into account the fact that the previous incumbent was a contract officer and so therefore came with a package which might be slightly different to what is usually paid to permanent and pensionable officers.

HON MISS M I MONTEGRIFFO:

But I am not referring to the package. I have said in my question whether he will be offered the same salary as the previous Chief Executive. Can the Minister confirm that either way?

HON K AZOPARDI:

No, I cannot for me package includes salary and that is something that has not been decided definitely either way.

HON MISS M I MONTEGRIFFO:

But I am asking about the salary element only not the package.

HON K AZOPARDI:

I cannot confirm that, that is the answer.

NO. 53 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - SPONSORED PATIENTS**

Can Government state the number of sponsored patients treated in the United Kingdom for the period April 1998 to end of January 1999?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 54 and 55 of 1999.

NO. 54 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - PATIENT REFERRALS TO UK**

Can Government state for the financial year 1998/99 what was the total number of patients' referrals to the United Kingdom and the cost of these referrals?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 53 and 55 of 1999.

NO. 55 OF 1999THE HON MISS M I MONTEGRIFFO**GHA - SPONSORED PATIENTS**

Can Government state how many sponsored patients have been treated in the United Kingdom in the period September 1998 to end of January 1999 with the costs being met by the UK Government and what was this cost?

ANSWERTHE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

From April 1998 to end of January 1999, 469 sponsored patients have been treated in UK. The total number of patients referrals to the UK in 1998/99, to 20<sup>th</sup> February 1999, stands at 761. The cost of hospital fees is assessed at £950,314.

Forty-one sponsored patients have been treated in the UK in the period September 1998 to end of January 1999. This cost cannot be ascertained at this stage as the UK has not informed us of these details yet. I should say that when I said 41 that meant 41 quota patients, I hope the hon Member appreciates that.

SUPPLEMENTARY TO QUESTION NOS. 53 TO 55 OF 1999

HON MISS M I MONTEGRIFFO:

Perhaps the Minister has not got the information available to him now but I wonder whether if he does not, whether he would be willing to pass the information over and that is could he provide me with the number of sponsored patients who are treated in the UK who do not receive an allowance by virtue of the fact that they are means tested and therefore under the rules of the means testing they are not entitled to any allowance? Could he provide me with the number of patients that have been sent that have not received any allowance by the Gibraltar Health Authority?

HON K AZOPARDI:

Just to clarify, is the hon Member asking because of the fact that under the means testing rules their income exceeds... [*HON MISS M I MONTEGRIFFO: That is right.*] I am happy to produce that to her but I do not have the figures.

NO. 56 OF 1999THE HON MISS M I MONTEGRIFFO**GHA - DIALYSIS TREATMENT IN SPAIN**

Can Government state what payments have now been made via the United Kingdom in respect of dialysis treatment in Spain provided to Gibraltar patients with the relevant EU form with a breakdown for each year?

ANSWERTHE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

The general position remains as stated in answer to Question No. 132 of 1996. Further to that the Authority have been informed that in the last two weeks Spain has submitted a claim in respect of Gibraltar dialysis patients. No information is available yet on the extent of the claim or the dates in respect of which it has been made.

SUPPLEMENTARY TO QUESTION NO. 56 OF 1999

HON MISS M I MONTEGRIFFO:

Could the Minister confirm whether there have been any problems encountered by patients who visit La Linea for dialysis treatment?

MR SPEAKER:

This is hardly a supplementary.

HON K AZOPARDI:

I have not been informed of any problems in relation to the delivery of treatment. I think we all know of problems that have been reported in the press in relation to the recent border problems in respect of the ambulance. I think on that particular day when the fishermen blocked the frontier but other than that I have not been informed of any specific problem in relation to delivery of care.

HON MISS M I MONTEGRIFFO:

Going back to the original question, can the Minister confirm whether he knows how much the bills amount to which have been submitted from Spain to the UK?

HON K AZOPARDI:

No, when we drafted the answer the position was that we had not been informed of any recent claim but as a precaution I asked my department to contact the Department of Health in London and it was then that we were informed, when drafting this answer, that a claim had been put in the last couple of weeks but we do not have enough information. In fact, we have very scant information on it and we are awaiting details of that but we do not have any detail in relation to extent of claim, period or anything like that. All I know is that DOH have confirmed to us that they have received a claim but I cannot go further than that at this stage.



HON J J BOSSANO:

Is the implication of that that this is the first time that Spain has put a claim?

HON K AZOPARDI:

It is certainly my information that it is the first time that Spain have put in a claim to Britain in relation to our dialysis patients, yes.

NO. 57 OF 1999

THE HON J L BALDACHINO

**GHA - DR GIRALDI HOME**

Can Government state what is the procedure that has to be followed when a resident of Dr Giraldi Home has to be admitted to hospital for treatment?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

The resident at the Dr Giraldi Home can be admitted to hospital either by visiting the Health Centre and being referred to hospital for admission by the appropriate GP or, in case of very ill residents, by either a recommendation of the duty doctor after a housecall or via ambulance to the hospital in an emergency.

SUPPLEMENTARY TO QUESTION NO. 57 OF 1999

HON J L BALDACHINO:

I was not referring to that, there are cases when before treatment can be given to a patient a relative, if the person is incapacitated to make a decision, has to sign. What is the procedure then if the resident is incapacitated?

HON K AZOPARDI:

I am sorry, I missed that part, could the hon Member repeat the question?

HON J L BALDACHINO:

There are times when a person who requires treatment and is incapacitated in making the decision, a relative or somebody who has authority has to sign. Who has the authority then if the patient is from Dr Giraldi Home?

HON K AZOPARDI:

Milbury who handle that Home have a policy in relation to that matter but, of course, any action in relation to treatment in the best question of consent in relation to incapacitated persons must be guided by the law of Gibraltar at the time. My understanding is that if an emergency arises where immediately necessary treatment is required the doctor can perform that without consent but that unless it is a lifesaving matter then consent must be sought and if it cannot be sought by someone like a relative or guardian then there may have to be an application to the court. That is my understanding.

HON J L BALDACHINO:

I understand that that is the understanding but what I am asking is, in the case of residents of Dr Giraldi Home, who has the authority in the Home to carry out the function of what would be the relative?

HON K AZOPARDI:

Perhaps the hon Member has misunderstood me. When treatment is required and it is not immediately necessary, or certainly in all cases I am led to believe that the doctor seeks the consent of the relatives and I believe that most, if not, certainly not all but most of the residents of the Dr Giraldi Home have relatives in Gibraltar that can provide that consent. I know of one resident who recently had treatment in St Bernard's Hospital whose relative was contacted in the United Kingdom and gave consent verbally over the phone and then confirmed it by fax and that is the position. The relative or guardian would always be consulted but if a relative or guardian should not exist in a particular hypothetical case then either it would be done in an emergency, if it is immediately necessary without consent or an application would be necessary to the court.

HON J L BALDACHINO:

Is it not then correct that in the case that the hon Member has just mentioned there was nobody in Dr Giraldi Home, on the management side, who has the authority for such a case if the relatives are not here in Gibraltar and the case was that the brother had to be contacted in UK because there was nobody in Dr Giraldi Home who has that authority?

HON K AZOPARDI:

Again my understanding is that people who are managing a Home simply in law do not have that authority and that authority can only be given by relatives or guardians who have been appointed under the due process and so therefore that question does not arise. The answer to the hon Member's question is yes, those members, as far as I am aware, under law, have not got that authority.

HON J L BALDACHINO:

Under law, is it not correct, that if somebody is in a Home then surely the management of that side has the authority if the relatives are not in Gibraltar?

HON K AZOPARDI:

That is not my advice. My advice is that the contrary is the case and that the position in law is as I have explained it to the hon Member.

HON J L BALDACHINO:

Therefore in this case if the brother had not been able to be contacted in the UK the doctor would have taken the responsibility of carrying out whatever he had to do without any authority?

HON K AZOPARDI:

I think there would have had to be a judgement by the doctor in relation to the test that I explained to him, whether the treatment was immediately necessary to that person or not and he would have acted accordingly.

HON DR B A LINARES:

The code of practice based on legislation in UK is that the law provides, "That no medical treatment can be given to any person without his or her valid consent but where the service user cannot understand the nature of the treatment there is no authority in law for any other to give consent so it is held by the doctor who may lawfully operate on or give treatment to a person who lacks the capacity to give consent provided that it is in the best interests of the patient. Examples of best interest include being necessary to save life or to prevent a deterioration or to ensure an improvement in physical or mental health", and I am reading from the statutory code of practice. So in the case that my hon Colleague hypothetically presumed, where there is no next of kin to take the decision nobody else has the authority except that at the end of the day it falls on the responsibility of the doctor to act in what he considers in professional judgement to be the best interest of the patient.

NO. 58 OF 1999

THE HON A J ISOLA

**TAX CONCESSIONS - MAIN STREET**

How many applications for tax concessions were received by Government up to 31<sup>st</sup> December 1998 in respect of the beautification refurbishment and repair of property in Main Street and what is the value of such concessions and what amount of concessions do Government expect to give in respect of the period 1<sup>st</sup> January 1999 to 31<sup>st</sup> December 2000?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

The total number of applications was 43. The total expenditure of the works were £574,320.73. The value of the tax concession to the particular applicants will depend on the overall tax position of the applicant.

In 1999 there have been 10 applications in the first two months with expenditure of works totalling £81,180.88.

If this rate continues it is fair to assume that Government could receive in the order of 60 applications totalling expenditure of over £500,000. It is thought perhaps too early to speculate on figures and the House should take these figures with a note of caution.

SUPPLEMENTARY TO QUESTION NO. 58 OF 1999

HON A J ISOLA:

Do Government intend either during this period or subsequent to this period, to extend to a wider area? The press release that the Government issued said that the purpose of this was for the enjoyment of the entire community and yet it seems that the actual benefit is restrained to just what is now the extended part which is the City Centre?

HON K AZOPARDI:

The rationale behind that is that we wanted to gauge what the reaction was in a phased way and not be perhaps too bold initially. We did so by extending the tax concessions to Main Street, thereafter to the area that we were beautifying, Irish Town and the side streets and we have now extended that further to the whole of the City centre within the City walls. It may be that we take a view to extend it further but that is not something that is being discussed or contemplated at the moment. I think we would probably rather see how this scheme now is greeted by the landlords and tenants at large and then take a view on it.

NO. 59 OF 1999

THE HON J C PEREZ

**LITTER CONTROL ORDINANCE - CLEANING CONTRACT**

Is it the intention of Government to empower personnel involved in cleansing to fine litter offenders on the spot, as part of the announced re-organisation of the cleansing arrangements?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

It is the intention to delegate certain duties under the Litter Control Ordinance to personnel employed by the tenderer awarded the cleaning contract.

SUPPLEMENTARY TO QUESTION NO. 59 OF 1999

HON J C PEREZ:

Do Government have any idea of how they want this to work? Are there going to be powers in the Ordinance given to every employee involved in cleansing or is there going to be a number of employees with certain responsibilities for fining and do they expect this to work as the parking ticket system with the vehicles or are they looking at other different systems?

HON K AZOPARDI:

I am advised that the Litter Control Ordinance already allows delegation of duties by the Commissioner of Police to parties to administer these tickets, indeed it has happened in the past. I think the previous administration conducted that exercise and we have done so also in relation to security companies, we have given them that power. Our view is that we will have to discuss the mechanics of this with the successful tenderer. We have decided the principle and we have included that reference in the tender documentation so that people are aware of what we will require but we have not discussed the specifics, whether it will be an identifiable group within the tender or not. I imagine that that would be the easier way to deal with the matter but however we decide to proceed, it is certainly our intention that those persons would not be delegated powers under the Ordinance until they have received the relevant period of short training by the Police Department as other people have done in the past.

HON J C PEREZ:

Up to now, as I understand it, the powers have been conferred on the basis of litter offences related to the accumulation of litter in different areas where people have been accumulating litter but what has come out publicly up to now seems to suggest that this is a much wider thing which could result in people fined in the street for throwing a piece of paper on the road instead of in a wastepaper basket or a can of coke or something like that. Is the intention to widen the scope of litter offences which are already in the Ordinance but which have never been enforced in that strict way before? Is that the intention that the Minister has in mind?

HON K AZOPARDI:

The intention when the documentation was drafted by my department certainly to tackle the second example that the hon Member raised, the issue of accumulations rather than simple wrappers on the street, and so initially I think we will target that but if there is a need to widen it further we will review that decision but certainly the intention when drawing up the documentation was to assist the enforcement agencies in an area where I think historically there have been many problems and that is of accumulation on particular corners and we all know where those corners are.

HON J C PEREZ:

But I think if the Minister was to look back, there are already people empowered to fine people, not only the Police, there are people I think even within the department, if I remember rightly, who had powers to report and to fine people accumulating litter in different corners, one of the areas that was always a problem was the bottom of Hospital Steps, there was an accumulation there all the time. The Minister is saying that the intention is to strengthen that only, to strengthen the areas where there is accumulation of litter because on the spot description given seems to suggest that it is a much wider thing and it is a bigger thing and with the amount of tourists coming into Gibraltar I would not suspect that it is the intention of fining people who have dropped a piece of paper on the street even if that is not convenient or something which we would want to avoid anyway.

HON K AZOPARDI:

The hon Member is right in saying that there are people who have those powers now but I think he will agree with me when I say that that level of enforcement perhaps is not working. Because of other duties those people may be engaged in other tasks and so on and I think they require assistance. But certainly he is correct in saying that the intention behind this power will be to target the larger scale and more common accumulations around Gibraltar rather than either the accidental or perhaps deliberate slight littering which I think occurs everywhere throughout the world. I think what we want to target is the comprehensive cleaning arrangements together with those areas where we know, accumulations exist on a daily basis. My department can draw up a list quite easily if I asked it to.

HON J L BALDACHINO:

When the Minister says, "the decision to fine offenders on the spot", does it mean that it is when the person authorised to fine gets somebody "in flagrante" or is it that if they know of somebody then they go and fine him? Must it be that he must see the person depositing the litter before he can be fined or what does on the spot mean?

HON K AZOPARDI:

I think that that has, I am told by the Environmental Agency, led to problems in the past, of identification of who that offender has been and the Magistrates' Court has previously required quite a high onus of proof. I cannot really judge that but I suspect that if that is the case and that has happened in the past those officers will learn that they will have to have that evidence if not they may get their case thrown out.

HON J L BALDACHINO:

When we are talking about a fine it is something very similar to a parking ticket, it is not that there is a change of money between the offender, is that correct?

HON K AZOPARDI:

Yes.

HON J L BALDACHINO:

That it is like a parking ticket?

HON K AZOPARDI:

There is no exchange of money at the time.



NO. 60 OF 1999

THE HON J L BALDACHINO

**ETB - FRONTIER WORKERS**

What was the estimated number of frontier workers entering Gibraltar in each week of 1999 and the comparable figure for 1998?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

The Ministry of Employment do not carry out estimated surveys at the frontier, as was the case with the previous administration. However, there are 1,471 Spanish workers registered with the employment service. What I would add to this, as I have said on previous occasions, given the historical legacy of not all employers sending the terminations, that perhaps an intelligent guesstimate of how many there are registered with us would probably be just over 1,000 but that ought to be taken with a bit of caution. The other thing that I would say to the hon Member is that they must have heard surely that a figure of 1,741 mentioned in the House of Commons, I can say that somewhere along the line a misunderstanding must have occurred because we did have a request from the Convent in terms of how many were registered and we did give them the figure which I have just given the hon Member but either the Convent or GBC or someone along the line seems to have got that figure wrong.

SUPPLEMENTARY TO QUESTION NO. 60 OF 1999

HON J L BALDACHINO:

I am asking the question precisely because of the last part that the Minister has mentioned. What Ms Joyce Quin said in the House of Commons in answer to Mr Gill was that as a matter of fact the impression given was that the figure of 1,741 actually came from his department, because it says registered personnel with the Employment and Training Board irrespective of nationality and therefore when we had 1,741 Spanish nationals, that is what she said, is it that there are no records whatsoever of frontier workers moving in only the people who are registered with open contracts, is that correct?

HON J J NETTO:

Yes, this is the figure that I have given that are registered, live records registered with us with the caveat which I have just said in terms of the termination. There have never been any other records in terms of the original question which is the number of estimated numbers of frontier workers, that has never been the case either in my time and I do not think it has ever been the case in the previous Government either.

HON J J BOSSANO:

Can we take it then that the figures that are being given by the newly created union of Spanish workers in Gibraltar which is over twice this is in fact not correct?

HON J J NETTO:

We are in the realms of speculation here as to the reasons why the spokesman of this new association of Spanish workers is quoting perhaps figures double the size that I am quoting now. I do not know by what yardstick they arrive at the figure which I have heard about 2,000 or 2,500 even 3,000. I do not know whether this is as a result perhaps of the original meeting which they had in La Linea and perhaps the number of people who attended but we are really in the field of speculation as to from where they are actually picking those particular numbers.

HON J J BOSSANO:

The number given, is that based on people being registered with the ETB with an address in Spain or is it based on nationality? We asked for frontier workers but is the answer that there are people that are registered with the ETB as being employed in Gibraltar but living in Spain irrespective of their nationality?

HON J J NETTO:

I believe it is nationality and by de facto the vast majority are frontier workers residing in La Linea which will probably be 90 per cent plus but I would dare say it is based on nationality, I can have that confirmed if the hon Member so wishes.

HON J L BALDACHINO:

Once the Minister gets confirmation on that, could he also give the number of Spanish workers who are frontier workers in comparison with the others? He said that he has not got that, he thinks that it is all frontier workers and he would look into it. Could it be possible to have how many Spanish workers are there out of the 1,471?

HON J J NETTO:

I am almost convinced it is based on nationality, as I said before, I will have that confirmed but I am almost certain it is the case and I will endeavour to look at the supplementary from the hon Member.

NO. 61 OF 1999

THE HON J L BALDACHINO

**ETB - VOCATIONAL CADETS**

Can Government state what was the total value of payments to vocational cadets from 31<sup>st</sup> July 1998 for each month to 31<sup>st</sup> January 1999?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

Answered together with Question No. 62 of 1999.

NO. 62 OF 1999

THE HON J L BALDACHINO

**ETB - VOCATIONAL CADETS**

Can Government state how much has been spent by the ETB since 31<sup>st</sup> August up to 31<sup>st</sup> January 1999 out of the £1.1 million provided for payments to vocational cadets, broken down between those employed by the ETB and those with the Ministry of Education?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

The total cost of cadets from 31<sup>st</sup> July 1998 to 31<sup>st</sup> January 1999 is £358,870.97.

The Ministry of Employment has spent in the period 31<sup>st</sup> August 1998 to January 1999 -

- (a) £142,807.60 in Employment Service Vocational Cadets; and
- (b) £158,225.31 in Educational Department Vocational Cadets, out of the £1.1 million provided.

SUPPLEMENTARY TO QUESTION NOS. 61 AND 62 OF 1999

HON J L BALDACHINO:

Am I correct in assuming that the figures that the Minister has given us they have overspent by £169,512?

HON J J NETTO:

Does the hon Member wish to know the total of the two, is that what he wants?

HON J L BALDACHINO:

No, what we have spent up to now, am I correct that they have spent about £1.26 million?

HON J J NETTO:

As I said before, between the 31<sup>st</sup> July to 31<sup>st</sup> January 1999 it was £358,870 and I gave the breakdown of the two in relation of the date range that the hon Member actually requested. That obviously might not be from the start of the financial year.

HON J L BALDACHINO:

If the calculation I have got is not correct, is it expected then that the £1.1 million will be spent in this financial year?

HON J J NETTO:

No.

HON J L BALDACHINO:

Has the Minister estimated by how much will be the shortfall?

HON J J NETTO:

I have not got that kind of information available at the moment so I will not be able to give the hon Member a forecast outturn. I can obviously find out and if he so wishes I can let him have it.

NO. 63 OF 1999THE HON J L BALDACHINO**I&D FUND, HEAD 101, SUBHEAD 6**

Can Government state how much has been spent from the I&D Fund, Head 101, Subhead 6, Housing Consultant Fees, from 31<sup>st</sup> September 1998 to date?

ANSWERTHE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

The information is as follows:

In October 1998 there was a payment of £1,170 to J R Management Ltd and this was based on a Health and Safety Report situation in Buildings and Works.

In November 1998 there was a payment of £5,000 to D J Mosquera in relation to the Cemetery Design and Tender Documents.

There was no payment in December.

In January 1999 there was a payment of £3,300 to Procon Ltd and another payment of £1,875 to McKay Partnership, bringing a total for January 1999 of £5,175. In relation to the £3,300 to Procon Ltd that was a part payment for the layout of the Glacis Estate; and in relation to the £1,875 to McKay Partnership that was another part payment for the Laguna Estate in relation to the re-parting and bin stores.

Up to 19<sup>th</sup> February 1999 there has also been another £420 to McKay Partnership for structural design for a retaining wall. Total fees paid up to 19<sup>th</sup> February 1999 is £18,615; commitments which we have is £13,530 and the balance still available is £17,855.

I can give the breakdown of the commitments, which are as follows:

AKS - £4,890 which are the designs for the relocation of the North Depot from its current location in Landport Ditch; there are £2,650 to McKay Partnership which is the other payment for the Laguna Estate which I mentioned earlier; and finally £5,990 to Procon Ltd, again the other part payment in relation to the Glacis Estate which I mentioned earlier which brings the total level of commitments to £13,530.

NO. 64 OF 1999THE HON J L BALDACHINO**HEAD 2-B - SUBHEAD 6 - HOUSING MAINTENANCE**

Can Government state how much has been spent since 31<sup>st</sup> August up to 31<sup>st</sup> January 1999 out of the £1 million provided for Housing Maintenance – Materials under Head 2-B, subhead 6, Buildings and Works?

ANSWERTHE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

The sum spent for the months mentioned are:

September 1998	£56,464.17
October 1998	£169,745.71
November 1998	£54,300.88
December 1998	£62,158.83
January 1999	<u>£110,081.49</u>
Total	<u>£452,751.08</u>
Total Expenditure to date	£846,791.16
Balance available	£153,208.84

SUPPLEMENTARY TO QUESTION NO. 64 OF 1999

HON J L BALDACHINO:

Is this money materials that have been used by the workforce in-house or is there an element of materials having been given to contractors if it has been contracted out? Is this the in-house spending?

HON J J NETTO:

It is.

HON J L BALDACHINO:

And there is no element of scaffolding or anything like that; it is just the material used?

HON J J NETTO:

Yes indeed. There is payment for scaffolding within this subhead.

HON J L BALDACHINO:

But there is no element there of bonuses or wages?

HON J J NETTO:

No, that comes under a different subhead.

NO. 65 OF 1999THE HON J L BALDACHINO**ETB - WAGE SUBSIDY**

Can Government state how much has been spent since 31<sup>st</sup> August up to 31<sup>st</sup> January 1999 out of the £600,000 provided for wage subsidy in each month giving the number of employees receiving a wage subsidy and in respect of how many employers?

ANSWERTHE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

During the period 31<sup>st</sup> August 1998 to 31<sup>st</sup> January 1999 we have spent the following amount out of the £600,000:

<u>MONTH</u>	<u>AMOUNT</u>	<u>EMPLOYERS</u>	<u>EMPLOYEES</u>
August 1998	£10,412.77	17	30
September 1998	£14,374.06	22	32
October 1998	£14,900.45	22	36
November 1998	£26,386.70	34	51
December 1998	£17,380.87	31	46
January 1999	£12,751.78	19	31

SUPPLEMENTARY TO QUESTION NO. 65 OF 1999

HON J J BOSSANO:

Is there a period of time within which the employers have to take a decision of these employees to continue their employment beyond the period of the subsidy?

HON J J NETTO:

Obviously the payments do not tally with the number of employers and employees because their invoice did not come within that particular month and that is why there is this kind of fluctuations.

HON J J BOSSANO:

Do the employers have a period of time when they are required to come back to the ETB to confirm, presumably the wage subsidy is something that comes in for a new employee, do the employers have to come back and say to the ETB that they are going to retain the employee within a certain period of time?

HON J J NETTO:

It has never been the case either in this Government or before our time that there is a clear statement, an unequivocal statement to the effect of sustainable employment beyond the period of subsidy. Of course the changes that have occurred between the previous administration and ours is that clear abuses by a small minority of unscrupulous employers who kept asking for subsidies in the past only to terminate, so to speak, the employee, those particular clear abuses have been dealt with by discouraging those particular



unscrupulous employers which, I may add, are a minority. That is the only difference to that effect, the other one, as hon Members are aware, is the question that there are two types of subsidy. We have the traditional subsidy which started with the previous Government which we have cut back in the sense that we give the £85 for six months if the person is more than six months unemployed. The other category is the one that comes from Konver and of course the payments are larger and the duration is longer and then we have a reimbursement as a result of the 45 per cent of ESF funding. Those are the two categories there.

HON J J BOSSANO:

Presumably the ones with the Konver require that the person should be employed at the end of the subsidy period?

HON J J NETTO:

I am not in a position at the moment to guide the hon Member as to the full criteria, whether there is an element of sustainable employment after the duration of the period and for how long. If that is what he is seeking I would need to look at the rules in terms of the Konver to be able to give him that kind of information.

HON J J BOSSANO:

So the answer is that the Minister does not know whether anybody who is employing somebody with a wage subsidy has got any obligation to continue to employ that person at the end of the wage subsidy? He does not know whether he has or he does not?

HON CHIEF MINISTER:

There is no obligation.

HON J J BOSSANO:

There is no obligation, that is the answer.

HON J L BALDACHINO:

The Minister mentioned that there were two types of subsidies; am I correct that the £85 is for the under 25?

HON J J NETTO:

No, the hon Member is actually confusing the vocational cadet training scheme which is, in theory, a sum of money for supposedly vocational training and the wage subsidy for the over 25 and they all come from different subheads.

HON J L BALDACHINO:

Those are the two subsidies that exist. In the case of the wage subsidy, is it still the case that the employee is the employee of the employer, whilst in the other one the employee is under the ETB, am I correct in that?

HON J J NETTO:

Yes, that is correct.

HON J L BALDACHINO:

And is the wage subsidy then for a year or is it for less?

HON J J NETTO:

I have already explained that the wage subsidy for the over 25 is for six months and for those long-term unemployed with more than six months unemployed.

HON J L BALDACHINO:

Could he repeat the answer?

HON J J NETTO:

What I am saying is that the duration of the subsidy is for six months and on the qualifying aspect that they have to get an unemployed long-term person with more than six months unemployed as defined.

HON J L BALDACHINO:

The one that is for six months is somebody who is employed and then is given a wage subsidy? What is the relationship between the difference that the Minister has explained, that one is for six months and one is for a longer period and one is for the unemployed? They give a wage subsidy for somebody who is employed, is that the answer?

HON J J NETTO:

Both are for unemployed, both the traditional one and the Konver one.

NO. 66 OF 1999

THE HON J L BALDACHINO

**ETB - WORK PERMITS**

Can Government state how many work permits were issued in each month from July 1998 to January 1999 broken down by nationalities and trade and how many of these were to new entrants?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

Answered together with Question Nos. 67 to 70 of 1999.

NO. 67 OF 1999

THE HON J L BALDACHINO

**ETB - WORK PERMITS**

Can Government state the nationalities and trades of the 33 work permits issued in March 1998?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

Answered together with Question Nos. 66 and 68 to 70 of 1999.

NO. 68 OF 1999

THE HON J L BALDACHINO

**ETB - WORK PERMITS**

Can Government state the nationalities and trades of the 27 work permits issued in April 1998?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

Answered together with Question Nos. 66, 67, 69 and 70 of 1999.

NO. 69 OF 1999

THE HON J L BALDACHINO

**ETB - WORK PERMITS**

Can Government state the nationalities and trades of the 40 work permits issued in May 1998?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

Answered together with Question Nos. 66 to 68 and 70 of 1999.

NO. 70 OF 1999

THE HON J L BALDACHINO**ETB - WORK PERMITS**

Can Government state the nationalities and trades of the 19 work permits issued in June 1998?

ANSWERTHE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

The nationalities and trades of the work permits issued from March to December 1998 are as follows:

**March 1998 - 33 work permits issued**New 7

Swiss	2	Professional	1
		Director	1
Pakistani	1	Medical	
South African	1	Medical	
Malaysian	3	Professional	

Renewal 26

Moroccan	25	Skilled	5
		Craft	13
		Domestic	3
		Catering	3
		Unskilled	1
Indian	1	Managerial	

**April 1998 - 26 work permits issued**New 11

Malaysian	3	Professional	
American – USA	1	Managerial	
Canadian	1	Managerial	
Indian	4	Managerial	1
		Director	3
Norwegian	1	Director	
Chinese	1	Professional	

Renewal 15

Moroccan	13	Craft	5
		Domestic	1
		Skilled	4
		Unskilled	2
		Catering	1
Pakistani	1	Craft	
Indian	1	Managerial	

**May 1998 - 40 work permits issued****New 16**

Indian	8	Domestic	1
		Director	3
		Professional	1
		Managerial	3
Brazilian	1	Domestic	
British O/S	2	Professional	
American – USA	1	Managerial	
Chinese	1	Professional	
Malaysian	2	Professional	
Dominican	1	Managerial	

**Renewal 24**

Moroccan	23	Craft	6
		Domestic	2
		Skilled	11
		Unskilled	4
Indian	1	Director	

**June 1998 - 19 work permits issued****New 3**

Swiss	1	Managerial	
American – USA	1	Professional	
Polish	1	Professional	

**Renewal 16**

Moroccan	14	Craft	5
		Domestic	2
		Skilled	2
		Unskilled	1
		Catering	4
Canadian	1	Managerial	
Indian	1	Catering	

**July 1998 - 42 work permits issued****New 9**

Swiss	1	Managerial	
Indian	2	Skilled	1
		Director	1
S African	1	Director	
American – USA	4	Professional	3
		Managerial	1
Moroccan	1	Professional	

**Renewal 33**

Moroccan	25	Craft	4
		Domestic	4
		Skilled	12
		Catering	5
Swiss	1	Managerial	



Indian	3	Skilled	2
		Director	1
S African	1	Director	
American – USA	3	Professional	

**August 1998 - 7 work permits issued**

<u>New 1</u>			
Malaysian	1	Professional	
<u>Renewal 6</u>			
Moroccan	5	Craft	3
		Domestic	1
		Catering	1
Malaysian	1	Professional	

**September 1998 - 19 work permits issued**

<u>New 2</u>			
Australian	1	Professional	
S African	1	Professional	
<u>Renewal 17</u>			
Moroccan	14	Craft	8
		Domestic	2
		Skilled	2
		Catering	2
Russian	1	Professional	
Indian	1	Managerial	
Canadian	1	Catering	

**October 1998 - 21 work permits issued**

<u>New 7</u>			
Isle of Man (Manx)	1	Managerial	
British O/S	6	Professional	
<u>Renewal 14</u>			
Moroccan	14	Craft	1
		Domestic	1
		Skilled	10
		Catering	2

**November 1998 - 15 work permits issued**

<u>New 4</u>			
Swiss	1	Professional	
Norwegian	1	Professional	
Indian	1	Semi-skilled	
Moroccan	1	Craft	

<u>Renewal 11</u>			
Moroccan	10	Director	1
		Catering	2
		Craft	4
		Domestic	2
		Semi-skilled	1
Indian	1	Managerial	

**December 1998 - 24 work permits issued**

<u>New 8</u>			
Singaporean	1	Professional	
Thai	2	Professional	
Swiss	1	Professional	
Canadian	1	Professional	
Indian	2	Managerial	
Pakistani	1	Professional	

<u>Renewal 16</u>			
Moroccan	15	Semi-skilled	9
		Domestic	1
		Craft	5
Indian	1	Craft	

**SUPPLEMENTARY TO QUESTION NOS. 66 TO 70 OF 1999**

HON J L BALDACHINO:

Norwegians, there is one, do they actually require a work permits or do they not form part of the EU?

HON J J NETTO:

My understanding is that they are not yet part of the European Union, I do not know whether they will become in the next wave of membership.

HON J L BALDACHINO:

When it is referred to as professionals, in others for example we have got managerial, domestics, doctors; what does professional compose of, what grades are they composed of?

HON J J NETTO:

There is a standard classification of these titles and professional means quite a number of different people in professional areas.

HON J L BALDACHINO:

I know. And when it is medical, for example, in March 1998 there is a Pakistani and a South African, is it that they are for St Bernard's Hospital or are they practising medicine outside?

HON J J NETTO:

I would dare say that we are talking about in the main, if not all of them, for the Health Authority probably.

HON K AZOPARDI:

If it is of assistance to the hon Member, I certainly recall that in the last six months I think we have had two SHO's, one of which was a Pakistani and the other one was South African so it is probably the same people.

NO. 71 OF 1999

THE HON J L BALDACHINO

**ETB - SPANISH NATIONALS**

Can Government state of the 49 Spaniards who were employed during the month of January 1998 how many were new entrants to the local labour market?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

Answered together with Question Nos. 72 to 82 of 1999.

NO. 72 OF 1999

THE HON J L BALDACHINO

**ETB - SPANISH NATIONALS**

Can Government state of the 66 Spaniards who were employed during the month of February 1998 how many were new entrants to the local labour market?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

Answered together with Question Nos. 71 and 73 to 82 of 1999.

NO. 73 OF 1999

THE HON J L BALDACHINO

**ETB - SPANISH NATIONALS**

Can Government state of the 121 Spaniards who were employed during the month of March 1998 how many were new entrants to the local labour market?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

Answered together with Question Nos. 71, 72 and 74 to 82 of 1999.

NO. 74 OF 1999

THE HON J L BALDACHINO

**ETB - SPANISH NATIONALS**

Can Government state of the 72 Spaniards who were employed during the month of April 1998 how many were new entrants to the local labour market?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

Answered together with Question Nos. 71 to 73 and 75 to 82 of 1999.

NO. 75 OF 1999

THE HON J L BALDACHINO

**ETB - SPANISH NATIONALS**

Can Government state of the 81 Spaniards who were employed during the month of May 1998 how many were new entrants to the local labour market?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

Answered together with Question Nos. 71 to 74 and 76 to 82 of 1999.



NO. 76 OF 1999

THE HON J L BALDACHINO

**ETB - SPANISH NATIONALS**

Can Government state of the 46 Spaniards who were employed during the month of June 1998 how many were new entrants to the local labour market?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

Answered together with Question Nos. 71 to 75 and 77 to 82 of 1999.

NO. 77 OF 1999

THE HON J L BALDACHINO

**ETB - SPANISH NATIONALS**

Can Government state of the 64 Spaniards who were employed during the month of July 1998 how many were new entrants to the local labour market?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

Answered together with Question Nos. 71 to 76 and 78 to 82 of 1999.

NO. 78 OF 1999

THE HON J L BALDACHINO

**ETB - SPANISH NATIONALS**

Can Government state of the 48 Spaniards who were employed during the month of August 1998 how many were new entrants to the local labour market?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

Answered together with Question Nos. 71 to 77 and 79 to 82 of 1999.

NO. 79 OF 1999

THE HON J L BALDACHINO

**ETB - SPANISH NATIONALS**

Can Government state of the 78 Spaniards who were employed during the month of September 1998 how many were new entrants to the local labour market?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

Answered together with Question Nos. 71 to 78 and 80 to 82 of 1999.

NO. 80 OF 1999

THE HON J L BALDACHINO

**ETB - SPANISH NATIONALS**

Can Government state of the 67 Spaniards who were employed during the month of October 1998 how many were new entrants to the local labour market?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

Answered together with Question Nos. 71 to 79, 81 and 82 of 1999.

NO. 81 OF 1999

THE HON J L BALDACHINO

**ETB - SPANISH NATIONALS**

Can Government state of the 41 Spaniards who were employed during the month of November 1998 how many were new entrants to the local labour market?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

Answered together with Question Nos. 71 to 81 and 82 of 1999.

NO. 82 OF 1999

THE HON J L BALDACHINO

**ETB - SPANISH NATIONALS**

Can Government state of the 33 Spaniards who were employed during the month of December 1998 how many were new entrants to the local labour market?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

Spanish nationals who were new entrants, without a previous employment history record, to the labour market during the period January 1998 to December 1998 are as follows:-

January 1998	out of	49 Spanish nationals employed	27 were new entrants
February 1998	out of	66 Spanish nationals employed	31 were new entrants
March 1998	out of	121 Spanish nationals employed	79 were new entrants
April 1998	out of	72 Spanish nationals employed	48 were new entrants
May 1998	out of	81 Spanish nationals employed	43 were new entrants
June 1998	out of	46 Spanish nationals employed	28 were new entrants
July 1998	out of	64 Spanish nationals employed	37 were new entrants
August 1998	out of	48 Spanish nationals employed	23 were new entrants
September 1998	out of	78 Spanish nationals employed	55 were new entrants
October 1998	out of	67 Spanish nationals employed	52 were new entrants
November 1998	out of	41 Spanish nationals employed	33 were new entrants
December 1998	out of	33 Spanish nationals employed	22 were new entrants

NO. 83 OF 1999

THE HON J L BALDACHINO

**ETB - CAMMELL LAIRD**

Can Government state of the 35 jobs filled in March 1998 at Cammell Laird how many of these were taken up by persons then registered at the ETB as unemployed?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

Of the jobs filled in March 1998 at Cammell Laird a total of 20 were registered unemployed in the Employment Service.



NO. 84 OF 1999

THE HON J L BALDACHINO

**ETB - UNEMPLOYED GIBRALTARIANS**

Can Government state of the 103 Gibraltarians who were employed during the month of January 1998 how many were registered unemployed with the ETB?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

Answered together with Question Nos. 85 to 95 of 1999.

NO. 85 OF 1999

THE HON J L BALDACHINO

**ETB - UNEMPLOYED GIBRALTARIANS**

Can Government state of the 134 Gibraltarians who were employed during the month of February 1998 how many were registered unemployed with the ETB?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

Answered together with Question Nos. 84 and 86 to 95 of 1999.

NO. 86 OF 1999

THE HON J L BALDACHINO

**ETB - UNEMPLOYED GIBRALTARIANS**

Can Government state of the 205 Gibraltarians who were employed during the month of March 1998 how many were registered unemployed with the ETB?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

Answered together with Question Nos. 84, 85 and 87 to 95 of 1999.

NO. 87 OF 1999

THE HON J L BALDACHINO

**ETB - UNEMPLOYED GIBRALTARIANS**

Can Government state of the 162 Gibraltarians who were employed during the month of April 1998 how many were registered unemployed with the ETB?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

Answered together with Question Nos. 84 to 86 and 88 to 95 of 1999.

NO. 88 OF 1999

THE HON J L BALDACHINO

**ETB - UNEMPLOYED GIBRALTARIANS**

Can Government state of the 143 Gibraltarians who were employed during the month of May 1998 how many were registered unemployed with the ETB?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

Answered together with Question Nos. 84 to 87 and 89 to 95 of 1999.

NO. 89 OF 1999

THE HON J L BALDACHINO

**ETB - UNEMPLOYED GIBRALTARIANS**

Can Government state of the 263 Gibraltarians who were employed during the month of June 1998 how many were registered unemployed with the ETB?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

Answered together with Question Nos. 84 to 88 and 90 to 95 of 1999.

NO. 90 OF 1999

THE HON J L BALDACHINO

**ETB - UNEMPLOYED GIBRALTARIANS**

Can Government state of the 293 Gibraltarians who were employed during the month of July 1998 how many were registered unemployed with the ETB?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

Answered together with Question Nos. 84 to 89 and 91 to 95 of 1999.

NO. 91 OF 1999

THE HON J L BALDACHINO

**ETB - UNEMPLOYED GIBRALTARIANS**

Can Government state of the 182 Gibraltarians who were employed during the month of August 1998 how many were registered unemployed with the ETB?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

Answered together with Question Nos. 84 to 90 and 92 to 95 of 1999.



NO. 92 OF 1999

THE HON J L BALDACHINO

**ETB - UNEMPLOYED GIBRALTARIANS**

Can Government state of the 197 Gibraltarians who were employed during the month of September 1998 how many were registered unemployed with the ETB?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

Answered together with Question Nos. 84 to 91 and 93 to 95 of 1999.

NO. 93 OF 1999

THE HON J L BALDACHINO

**ETB - UNEMPLOYED GIBRALTARIANS**

Can Government state of the 204 Gibraltarians who were employed during the month of October 1998 how many were registered unemployed with the ETB?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

Answered together with Question Nos. 84 to 92, 94 and 95 of 1999.

NO. 94 OF 1999

THE HON J L BALDACHINO

**ETB - UNEMPLOYED GIBRALTARIANS**

Can Government state of the 186 Gibraltarians who were employed during the month of November 1998 how many were registered unemployed with the ETB?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

Answered together with Question Nos. 84 to 93 and 95 of 1999.

NO. 95 OF 1999THE HON J L BALDACHINO**ETB - UNEMPLOYED GIBRALTARIANS**

Can Government state of the 91 Gibraltarians who were employed during the month of December 1998 how many were registered unemployed with the ETB?

ANSWERTHE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

The information as regards Gibraltarians who were unemployed prior to obtaining employment during the period January 1998 to December 1998 is as follows:-

January 1998	of the	103 employed	52 were unemployed
February 1998	of the	134 employed	59 were unemployed
March 1998	of the	205 employed	100 were unemployed
April 1998	of the	162 employed	65 were unemployed
May 1998	of the	143 employed	63 were unemployed
June 1998	of the	263 employed	61 were unemployed
July 1998	of the	293 employed	63 were unemployed
August 1998	of the	182 employed	59 were unemployed
September 1998	of the	197 employed	76 were unemployed
October 1998	of the	204 employed	83 were unemployed
November 1998	of the	186 employed	60 were unemployed
December 1998	of the	91 employed	28 were unemployed

NO. 96 OF 1999

THE HON J L BALDACHINO

**ETB - VACANCIES - HOTEL INDUSTRY**

Can Government state whether the three Gibraltarians employed in vacancies in hotels in October 1997 were at the time registered as unemployed with the ETB?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

Yes.

NO. 97 OF 1999

THE HON J L BALDACHINO

**ETB - VACANCIES - HOTEL INDUSTRY**

Can Government state how many vacancies have been opened with the ETB for employment by the hotel industry for each month since October 1997?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

Answered together with Question No. 98 of 1999.

NO. 98 OF 1999

THE HON J L BALDACHINO

**ETB - VACANCIES - HOTEL INDUSTRY**

Can Government state in respect of each month since October 1997 how many vacancies were filled in the hotel industry giving nationalities and job titles?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

Since October 1997 the number of vacancies filled in the hotel industry giving nationalities are as follows:-

	Gib	Brit	Span	Port	Mor	EEC	Other	Total	Vacancies open in the month
Oct 97	3	-	1	-	-	-	-	4	4
Nov 97	2	2	-	-	-	-	-	4	1
Dec 97	2	2	-	-	-	-	-	4	3
Jan 98	-	1	-	-	1	-	-	2	2
Feb 98	1	-	-	-	-	-	-	1	8
Mar 98	1	-	1	-	-	1	-	3	6
Apr 98	3	1	1	-	-	-	-	5	6
May 98	-	3	2	-	1	-	1	7	10
Jun 98	3	-	-	-	-	1	-	4	6
Jul 98	3	3	1	-	2	-	-	9	9
Aug 98	2	2	2	-	-	-	-	6	10
Sep 98	1	-	1	-	2	-	-	4	3
Oct 98	2	-	1	-	1	-	-	4	6
Nov 98	1	1	3	-	-	-	-	5	8
Dec 98	-	1	-	-	3	-	-	4	4

As regards to job title is concerned, this information will be passed to the hon Member as soon as it becomes available.

NO. 99 OF 1999

THE HON J L BALDACHINO**ETB - UNEMPLOYED GIBRALTARIANS**

Can Government give a breakdown of male and female unemployed Gibraltarians aged 18 years and over from the end of July 1998 to 31<sup>st</sup> January 1999, receiving –

- (a) Unemployment benefit
- (b) Social assistance
- (c) No payments?

ANSWERTHE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

The breakdown of unemployed Gibraltarians, 18 years or over, males and females receiving Unemployment benefit, Social assistance or not receiving payment during the period July 1998 to December 1998 is as follows:

	<u>Unemployment benefit</u>	<u>Social assistance</u>	<u>No payment</u>
<u>July 1998</u>			
Males	32	102	97
Females	22	53	85
Total	54	155	182
<u>August 1998</u>			
Males	89	28	113
Females	45	15	84
Total	134	43	197
<u>September 1998</u>			
Males	82	37	116
Females	40	15	95
Total	122	52	211
<u>October 1998</u>			
Males	32	92	95
Females	15	48	77
Total	47	140	172
<u>November 1998</u>			
Males	25	87	92
Females	15	46	58
Total	40	133	150
<u>December 1998</u>			
Males	29	76	73
Females	12	44	49
Total	41	120	122

Figures for January will be available at the end of the first quarter.



SUPPLEMENTARY TO QUESTION NO. 99 OF 1999

HON J L BALDACHINO:

The Minister said that the figure for January will be provided at the end of the first quarter. I understand that this has been an on-going thing between the Minister and myself. The answer given in the past that the figures could not be given on a monthly basis was because they were going to be published quarterly. If that is not the case because they have not been published, what is the reason then that the Minister cannot give me the figures on a monthly basis?

HON J J NETTO:

This is something that has been debated on a number of occasions in the past. The answers are clearly stated in Hansard and as the hon Member knows, the employment, unemployment and that kind of data collection will be provided for in a quarterly basis.

MR SPEAKER:

It is not a question of debate, it is a question of questions and answers.

HON J L BALDACHINO:

I will ask the question again. Is it not correct that the Minister will not be passing the figures on the unemployment side because it would be published on a quarterly basis? These figures, I have a letter from him in which he was prepared, at one time, to give it to me monthly, at the end of a Question Time, is it not correct that he said that the figures would not be provided monthly because they were going to be provided quarterly like the unemployment figures and the indication was – and I can look at Hansard – that they were going to be published like everything else and therefore the Opposition were not going to get the information before everybody else. What I am asking is, seeing that this is not being published and not given to the public domain other than when I ask the question here, why is it that the Minister still insists that they cannot be provided to me on a monthly basis?

HON J J NETTO:

I have already answered the question but the hon Member does not seem to have understood what I have said. All the data collection, as far as employment, unemployment related questions are grouped together and provided to the hon Member, to the unions and the employer's association and the media in general in a far more ample and diverse manner than has ever been the case in the past and are given on a quarterly basis.

HON J L BALDACHINO:

I am not going to go back in the past. Can the Minister confirm that these figures are provided on a quarterly basis like the unemployment figure publicly?

HON J J NETTO:

I do not quite understand the question.

HON J L BALDACHINO:

The question is very simple. The unemployment figure he makes public, he just made reference to these figures and he said that they are given even to the media, can he tell me during the last six months when have these figures been published quarterly?

HON CHIEF MINISTER:

The hon Member is right, the question is simple and the answer is equally simple. It is the policy of the Government to publish statistics, whether by press statement, whether it is by publication of statistics formally or whether it is in answer to parliamentary questions relating to employment on a quarterly basis which is a good deal more frequently than the Opposition Members used to do when they were in Government.

HON J J BOSSANO:

Is it not the case that that was not the reason given when the information was first refused, irrespective of the fact that when the Chief Minister was on this side of the House he never chose to put any questions on this subject?

HON J J NETTO:

No, that is simply not true. When the GSD was in Opposition my hon Friend, Ernest Britto, used to ask the then Government to give information on a monthly basis. If he looks at Hansard he will see that the information was not being provided on a monthly basis, so it is not true what he has just said.

MR SPEAKER:

I am going to have a question and an answer and that is the end because these are not supplementaries any longer.

HON J J BOSSANO:

Is it not the case that on every occasion previously when a breakdown has been asked by the Opposition which was not previously information requested by anybody else in the Government then in Opposition but is now in Government, on unemployment benefit, social assistance and persons not getting any payment, as opposed to the figures produced by the ETB, indeed when they were not being answered by the Minister for Employment but by the Minister for Social Services, the policy then until very recently was that these figures continued to be provided when they were asked as opposed to being published and that in fact these figures in particular, which is the question my hon Colleague was asking, is not included in what he publishes every quarter? This information is being provided for the first time now because we are asking.

HON CHIEF MINISTER:

The policy applies equally.

NO. 100 OF 1999THE HON J L BALDACHINO**ETB - TERMINATIONS OF EMPLOYMENT**

Can Government state how many terminations of employment were received by the ETB for each month from 31<sup>st</sup> January 1998 to 31<sup>st</sup> December 1998?

ANSWERTHE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

Terminations of employment from January 1998 to December 1998 were as follows:

January	198	February	223	March	218
April	922	May	199	June	345
July	282	August	311	September	319
October	225	November	192	December	222

The hon Member will have noticed that the April figure of 922 is quite high in comparison to the other ones and this is as a result that the registration unit within the employment service actually conducted out a number of companies which they had identified which had ceased trading and consequently came out of the register together with the employees and that is the explanation for that peak at that particular moment.

NO. 101 OF 1999

THE HON J L BALDACHINO

**SOCIAL SECURITY - SOCIAL INSURANCE CARDS**

Can Government state what was the total number of social insurance cards in issue to males and females under 18 years of age from 30<sup>th</sup> April 1998 to 31<sup>st</sup> January 1999 broken down as follows:

1. (a) Gibraltarians (b) UK nationals (c) Spanish nationals (d) Moroccan nationals (e) Others, giving nationalities?
2. Are Government now in a position to give the nationalities of the four males and one female given as others to Question No. 347 of 1998?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

The information requested is not available.

As the hon Member is aware in my reply to Question Nos. 343 to 347 of 1998, I explained that no monthly statistics of the information requested has ever been kept in the Department of Social Services. We hope that the information requested will be readily available when our social security system is computerised.

The nationalities of the four males and one female mentioned in Question No. 347 of 1998 are as follows:

Male	1 Moroccan	Female	1 Spanish
	3 Spanish		

NO. 102 OF 1999THE HON J L BALDACHINO**SOCIAL SECURITY - SOCIAL INSURANCE CARDS**

Can Government state what was the number of social insurance cards in issue to males and females not previously in employment from 30<sup>th</sup> September 1998 to 31<sup>st</sup> January 1999 for each month broken down as follows:

- (a) Gibraltarians
- (b) Non-Gibraltarians?

ANSWERTHE HON THE MINISTER FOR SOCIAL AFFAIRS

The number of social insurance cards in issue to males and females not previously in employment from 1<sup>st</sup> September 1998 to 31<sup>st</sup> January 1999 is as follows:

		<u>Males</u>	<u>Females</u>	<u>Total</u>
September 1998	British/Gibraltarians	35	42	
	Non-British	30	12	119
October 1998	British/Gibraltarians	43	48	
	Non-British	39	22	152
November 1998	British/Gibraltarians	59	41	
	Non-British	26	23	149
December 1998	British/Gibraltarians	24	32	
	Non-British	22	9	87
January 1999	British/Gibraltarians	38	30	
	Non-British	21	23	<u>112</u>
	Total			<u>619</u>

NO. 103 OF 1999THE HON J L BALDACHINO**SOCIAL SECURITY - SOCIAL INSURANCE CARDS**

Can Government state what was the number of social insurance cards in issue to male and female frontier workers classified as self-employed from 30<sup>th</sup> September 1998 for each month to 31<sup>st</sup> January 1999?

ANSWERTHE HON THE MINISTER FOR SOCIAL AFFAIRS

The number of social insurance cards in issue to male and female frontier workers classified as self-employed for the period 30<sup>th</sup> September 1998 to 31<sup>st</sup> January 1999 is broken down as follows:

	<u>Sep 98</u>	<u>Oct 98</u>	<u>Nov 98</u>	<u>Dec 98</u>	<u>Jan 99</u>
(a) Gibraltarians	2	2	2	2	2
(b) UK nationals	24	24	24	25	25
(c) Spanish nationals	17	17	17	17	18
(d) Other EU nationals	1	1	1	1	1
(e) Non-EU nationals	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>
Total	45	45	45	46	47

SUPPLEMENTARY TO QUESTION NO. 103 OF 1999

HON J J BOSSANO:

The figures are for the insurance cards in issue which means effectively that we are saying there has been very little change over that period in the number of frontier workers as recorded by the social insurance, is that correct?

HON H CORBY:

That is correct.

HON J J BOSSANO:

How do the Government reconcile the fact that in answer to a previous question we were told by the Minister for Employment that there were 1,471 frontier workers with open contracts, 90 per cent of whom were supposedly Spanish and there are only 18 of them with insurance cards?

HON CHIEF MINISTER:

I think the answer to that question may lie in the fact that the question relates to self-employed persons.

HON J J BOSSANO:

Was the original figure inclusive of self-employed or was it people who are employees?

HON J J NETTO:

Yes, it is inclusive of both categories.

NO. 104 OF 1999

THE HON J L BALDACHINO

**HOUSING - EDINBURGH HOUSE**

Can Government state how many flats broken down by room composition there are in Edinburgh House?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

There are a total of 208 flats at Edinburgh House. There are 110 of 3RKB; 94 of 4RKB and four of 5RKB.

SUPPLEMENTARY TO QUESTION NO. 104 OF 1999

HON J L BALDACHINO:

Are these flats going to be allocated as per the waiting list only?

HON H CORBY:

No, the greatest impact is going to be on the waiting list. As the hon Member might know there were no 5RKB at Edinburgh House but there are four very large flats which have been converted into 5RKB. We will have a large impact on the waiting list and some flats will be used for medical cases and the approximate figure is about 32 flats and six to eight flats or maybe more, will be used for decanting and that will maximise the list on housing.

HON J L BALDACHINO:

Is the Minister keeping to the tradition of the previous administration that 20 per cent, more or less, will go to medical cases?

HON H CORBY:

The thing is we have identified people on medical cases who require the flats that are available at Edinburgh House and we will put those people into Edinburgh House as such but it is the family composition that we are taking into account as far as Edinburgh House is concerned.

HON J L BALDACHINO:

I fully appreciate that he is going to do that and he is going to get the best out of them generally for the people in the waiting list. What I am asking is, traditionally in all past administrations whenever new housing became available to the Housing Department for allocation, 20 per cent have been for medical cases. He has mentioned that 32 of them will be used for people who are categorised on medical grounds. Therefore I am glad that he is keeping to the tradition.

MR SPEAKER:

This is not a question, is it? Next question.



NO. 105 OF 1999

THE HON J L BALDACHINO

**HOUSING - PENSIONERS EXCHANGE LIST**

Can Government state how many applicants are in the housing pensioner exchange list?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

There are 377 persons who are on the pensioner exchange list.

NO. 106 OF 1999

THE HON J L BALDACHINO

**HOUSING - MEDICALLY RECOMMENDED APPLICANTS**

Can Government state how many housing applicants are medically recommended to date, broken down, for example, room requirements and their medical category recommendation?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

There are 13 housing applicants that are also medically categorised.

Of these five are medically categorised B. Their housing requirements are: 2 – 1RKB; 1 – 2RKB; 2 – 3RKB.

The housing requirements of the eight that are medically categorised on C are: 1 – 1RKB; 1 – 2RKB; 4 - 3RKB; 1 – 4RKB; 1 – 6RKB.

NO. 107 OF 1999

THE HON J L BALDACHINO

**HOUSING - MEDICALLY RECOMMENDED APPLICANTS**

Can Government state how many of the 23 housing applicants medically recommended, stated in answer to Question No. 315 of 1998, have had an allocation and, if any, what was their medical category?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

Of the 23 applicants that had been medically categorised, as stated in my answer to Question No. 315 of 1998, six have now been allocated flats. All these six were medically categorised A.

SUPPLEMENTARY TO QUESTION NO. 107 OF 1999

HON J L BALDACHINO:

It could not possibly be that there are six who are medically categorised A because there were only five. Can the Minister look and let me know?

HON H CORBY:

The six are medically categorised A.

HON J L BALDACHINO:

The Minister might not have the answer but in answer to Question No. 315 of 1998, there were five category A. There have been six allocations from those 23, one was either upgraded to category A from B or C. Will he let me know from which category?

HON H CORBY:

Yes, certainly.

NO. 108 OF 1999THE HON J L BALDACHINO**HOUSING - NUMBER OF ALLOCATED UNITS**

Can Government state how many housing units have been allocated since 1<sup>st</sup> September 1998 to date, broken down for each month and room composition? It should have read post-war.

ANSWERTHE HON THE MINISTER FOR SOCIAL AFFAIRS

For the period 1<sup>st</sup> September 1998 to 19<sup>th</sup> February 1999 a total of 52 have been allocated. The breakdown by month and room composition is as follows:

Month	No.	1RKB	2RKB	3RKB	3/4RKB	4RKB	4/5RKB	5RKB
September	12	2	2	4	1	2	1	-
October	13	1	4	4	-	1	2	1
November	7	1	2	2	2	-	-	-
December	8	-	1	4	1	2	-	-
January	6	-	3	1	-	2	-	-
February	6	-	-	5	1	-	-	-

SUPPLEMENTARY TO QUESTION NO. 108 OF 1999

HON J L BALDACHINO:

Can the Minister say how many were used for decanting? I know that six have been used for medical but for decanting purposes were any used?

HON H CORBY:

On decanting in September two; October four; November none; December three; January two and February three.

HON J L BALDACHINO:

How many of the allocations have been done on a do-it-yourself basis, has he got that information?

HON H CORBY:

No, I have not got that information here but I can give that to the hon Member if he wishes to have it.

NO. 109 OF 1999

THE HON J L BALDACHINO

**HOUSING - PRE-WAR FLATS**

Can Government state how many pre-war flats have been allocated since 1<sup>st</sup> September 1998 broken down for each month to date?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

A total of 13 pre-war flats have been allocated for the period 1<sup>st</sup> September 1998 to 19<sup>th</sup> February 1999. The breakdown by month is as follows:

September – 3; October – 2; November – 3; December – 3; January – 2; February – Nil.

SUPPLEMENTARY TO QUESTION NO. 109 OF 1999

HON J L BALDACHINO:

Can he tell me how many of those have been allocated on a do-it-yourself basis, if any?

HON H CORBY:

I have the information here, with materials seven; from the contractor we have had two and by Buildings and works refurbished four.

NO. 110 OF 1999

THE HON J L BALDACHINO

**HOUSING - POST-WAR FLATS**

Can Government state what is the room composition of the 24 post-war housing units allocated on the 24<sup>th</sup> April 1998 to the end of August 1998?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

The breakdown by room composition of the 24 post-war flats allocated during the period 24<sup>th</sup> April 1998 to the end of August 1998, is as follows:

5 – 1RKB; 7 – 2RKB; 4 – 3RKB; 4 – 3/4 RKB; 4 – 4RKB.

NO. 111 OF 1999

THE HON J L BALDACHINO

**HOUSING - POST-WAR FLATS**

Can Government state how many post-war flats are at present vacant and in which areas?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

There are currently 47 post-war flats that are vacant. These are in the following areas:

North – 15; Town – 22; West – 5; South – 5.

SUPPLEMENTARY TO QUESTION NO. 111 OF 1999

HON J L BALDACHINO:

Have they been vacant for more than three months?

HON H CORBY:

Yes, some of them have been vacant for more than three months. Those that are vacant are being fixed by Buildings and Works and Electricity. We are also having trouble in allocating flats which are empty because of the Edinburgh House complex. There are people who would rather wait for a house at Edinburgh House than have a house in Laguna Estate or Moorish Castle Estate. We are going down the list all the time but we have the problem of people who do not want the houses that are available because they would rather wait for Edinburgh House.

HON J L BALDACHINO:

Is the Government relaxing the Housing Allocation Scheme criteria?

HON H CORBY:

No, it is not relaxing it but I have got to take into consideration if it would be unfair for the person who wants to have Edinburgh House and who has been waiting six years or 10 years for a house that I should implement the system where I say, "You go to this House and that is it". I think it is unfair on the person and that is my criteria.

HON J L BALDACHINO:

I understand what the Minister is saying. Seeing that the Housing Allocation Scheme is rigid in that area in that the first person on the list takes the house that is offered, have Government decided to relax that particular clause of the Housing Allocation Scheme until Edinburgh House is allocated and then that relaxation will go back to normal?

HON H CORBY:

It will go back to normal, yes.

HON J L BALDACHINO:

Of the 44 flats offered on a do-it-yourself basis have people said, "I would rather wait"?

HON H CORBY:

We offer materials but they are reluctant to take it, they much prefer to wait for Edinburgh House.

HON J L BALDACHINO:

Therefore if I understood the Minister correctly, he has actually tried to go down the list, how far down the list has he gone that there are no takers for these 44?

HON H CORBY:

We are still going down the list and even on decanting we have tried to do it, we have tried to say, "There is a house here for you and you live in a very bad state" and they are reluctant to go but we are going down the list as far as we can go.



NO. 112 OF 1999

THE HON DR J J GARCIA

**TOURISM PROMOTION - EXPENDITURE**

Can the Government state how much money has been spent on tourism promotion in this financial year up to 31<sup>st</sup> January 1999?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The amount spent was £638,545.70.

SUPPLEMENTARY TO QUESTION NO. 112 OF 1999

HON DR J J GARCIA:

Can the Minister provide a breakdown of that figure?

HON J J HOLLIDAY:

The breakdown is as follows: Literature - £127,278.80; Promotional material - £30,378.32; UK consumer trade roadshows - £20,429.38; Press and Travel Agent familiarisation trips - £25,044.96; Advertising - £173,314.40; Travel Fairs - £141,640.70; Events - £54,197.43; Marketing and PR contracts - £46,973; Miscellaneous - £19,288.71. That totals £638,545.70.

HON DR J J GARCIA:

I thank the Minister for the figures. Can he perhaps clarify what is meant by events?

HON J J HOLLIDAY:

Events cover the Gibraltar Regatta, the Challenger of the Seas, the Trade Winds Rally, the Cacti Conference, a budget that we put aside for cruise visits when they come to Gibraltar for the first time, Calpe 98, the Millennium Odyssey Race, our participation at the ABTA Convention and various other local events.

HON DR J J GARCIA:

Could the Minister provide a breakdown of the PR contracts?

HON J J HOLLIDAY:

PR contract is a contract that we have with PGC in UK. It is a contract that we inherited from the previous administration and as at the 31<sup>st</sup> January 1999 the figure of expenditure was £25,806. This company has an annual contract on a monthly retainer and carries out various PR and assists us in a number of areas as far as marketing is concerned.

HON DR J J GARCIA:

The literature also seems to be particularly high, perhaps the Minister could give me a breakdown of the literature element?

HON J J HOLLIDAY:

The literature is composed of the UK/GTA brochure which accounted, to date, an expenditure of £60,000. This has a circulation of 150,000 but we are in the process of increasing that by another 100,000 due to the number of requests that we are getting from our advertising for the brochure. There is an element of brochure reprints at a cost of £39,096; Spanish brochures £1,797; the Quay £10,306.65; Conference and incentive folders £18; direct mail literature £200; and special interest literature £11,086.05. That should total £127,278.80 which I have listed.

HON DR J J GARCIA

The GTA brochure the Minister has given the figure of £60,00 to produce 150,000 copies. The reprints cost £39,000, how many copies were reprinted?

HON J J HOLLIDAY:

I think the figure is 100,000 reprinted. One must realise that the UK/GTA brochure is not just the element of the printing, there is a distribution cost and there is actually participation from the members of the UK/GTA which are local hotels and UK tour operators who participate in the cost of this as well so it is an expensive form of marketing but it is the only tool that we have really to sell Gibraltar short breaks to the UK market and it is something that was very closely analysed last year and the general consensus of tour operators was that we needed this to be able to promote Gibraltar.

HON DR J J GARCIA:

Can the Minister clarify whether the Government intend to spend the entire budget for promotion this year?

HON J J HOLLIDAY:

He means the marketing budget, yes. Our budget is £650,000 approved and we are working around that figure. If we can make any savings we obviously will do but it is not easy.

HON DR J J GARCIA:

Does the Minister intend to increase the budget for next year in the estimates or to decrease it?

HON J J HOLLIDAY:

I think the hon Member should wait till budget time and I will give him the news.

NO. 113 OF 1999

THE HON DR J J GARCIA

**TOURISM - AVERAGE EXPENDITURE**

Can Government state what is the estimated average expenditure per person per day excluding accommodation, for 1998 giving a breakdown in respect of UK flight departures, arrivals from Morocco, cruise ship excursionists, visitors from yachts and excursionists from Spain at the coach park and the frontier?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The 1998 Tourist Survey is currently being processed. It is not envisaged that the information requested will be available until at least four to six weeks from now.

NO. 114 OF 1999THE HON DR J J GARCIA

## TOURISM - COMMERCIAL FREIGHT

What was the value of commercial freight set down and picked up by air in 1998?

ANSWERTHE HON THE MINISTER FOR TOURISM AND TRANSPORT

These figures are not yet available.

SUPPLEMENTARY TO QUESTION NO. 114 OF 1999

HON J J BOSSANO:

Is this not information that is provided through the computer system of the Customs on a monthly basis? The freight that is discharged in Gibraltar, surely is recorded by the Customs at the airport every month?

HON J J HOLLIDAY:

I assume that this may be the case. When I sought the information I was told by the Statistics Office that they were in the process of preparing the 1998 Air Traffic Survey Report which contains this information and that it was not available at the time of the question being asked. So that is basically the position.

HON J J BOSSANO:

Does the Minister have any information for any part of 1998?

HON P C MONTEGRIFFO:

The question asked was in respect of the whole of 1998. The Minister has not made enquiries, as far as I am aware, in respect to any particular part of 1998 but if the hon Member is desirous of asking that question notice can be given in the appropriate way or we are certainly happy to investigate whether there is information available for a part of the year. In response to the question as tabled, the figures are not currently available.

HON J J BOSSANO:

Obviously we did not anticipate the answer because we did not know in February how much freight had been landed in 1998 but presumably if it was not possible to do it for the whole year it ought to have been possible to have given some information. It does not necessarily follow, surely, the Government will agree, that because the Statistics Office may not have it sorted out the originating department in the Customs at the airport will have the information, surely, is this not the case? It is not addressed to the Minister for Tourism, it is addressed to the Government, somewhere in the civil service somebody must know what comes off a plane in 1998.

HON P C MONTEGRIFFO:

The information may or may not be available in the appropriate departments as raw data but the statistics that the Government make available in this House and generally in public go through a procedure which involves the analysis and production of those by the statisticians in the Statistics Office and, frankly, it is the view of the Government that the figures published and the statistics provided in response to questions should follow that assessment and that procedure and the figures will be made available when the Government are confident that we can publish figures that are accurate.

HON J J BOSSANO:

Can the Minister give us an indication of what it is that involves calculations, when what we are talking about is the value of commercial freight which is recorded as it comes off the plane and is simply added up? What is the nature of the exercise that the Statistics Office has to do with these particular statistics? I am not questioning that, for example, in the kind of information requested in the previous answer where it was an average there is a calculation but this is simply a straightforward figure of adding the value of the freight that is landed which has to be cleared through Customs, irrespective of whether it pays import duty or not there is a record. Can the Government confirm that the procedure is that there is a record with the Customs of all the freight that comes off a plane?

HON P C MONTEGRIFFO:

I cannot confirm that, I assume that to be the case, that would be the logical interpretation but if the hon Member is inviting me to debate with him the methodology used by the Customs Department or by the Statistics Department with regard to the compilation of figures, this is a debate that I am neither prepared to entertain now nor indeed justified by the question asked nor indeed permitted under Standing Orders relating to questions.

HON J J HOLLIDAY:

Can I suggest that I make further enquiries along the lines of what the Leader of the Opposition is saying and come back tomorrow. Although it will not be in the format of information supplied by the Government Statistician under the Air Traffic Survey, it may be in terms of raw data which will give an indication and may satisfy the hon Member's requirement but I will have to make the necessary enquiries and see what I can obtain.

HON J J BOSSANO:

I am grateful to the Minister for that reply.

-----

HON J J HOLLIDAY:

Yesterday during Question and Answer session I undertook to obtain overnight the value of commercial freight as set down and picked up by air in 1998 and the information has been made available to me. I have not had the opportunity to analyse this in any way but I can give the hon Member the value he is seeking. The value of incoming freight, excluding bank notes, is £25,177,797 and the outgoing freight is £1,955,546.

NO. 115 OF 1999

THE HON DR J J GARCIA

**TOURISM - PEDESTRIAN VISITORS**

What was the number of pedestrian visitors to Gibraltar in each week of 1999 and the comparable figure for 1998?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

Visitor arrival statistics are provided to the Statistics Office on a monthly basis. The comparable figures for January 1998 and 1999 are therefore:-

January 1998 - 103,302

January 1999 - 134,679

I am further informed that the weekly numbers of pedestrians entering Gibraltar since the beginning of February 1999 shows an increase of about 75 per cent on the 1998 figures and this is attributed to a higher proportion of visitors leaving their vehicles in Spain and walking across the border consequent on the increased border restrictions experienced at present.

NO. 116 OF 1999

THE HON DR J J GARCIA

**TOURISM - VISITOR ARRIVALS BY LAND**

What was the number of visitor arrivals by land for each month of 1998?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The information requested is as follows:

January	438,868
February	420,165
March	493,062
April	556,630
May	556,601
June	523,495
July	595,969
August	692,247
September	610,899
October	601,672
November	499,779
December	<u>527,547</u>
Total	<u>6,516,934</u>

NO. 117 OF 1999

THE HON DR J J GARCIA

**TOURISM - VISITOR ARRIVALS BY AIR**

What was the number of tourist arrivals by air in transit for each month of 1998?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The information requested is as follows:

January	1,904
February	2,676
March	3,306
April	3,920
May	4,573
June	3,511
July	4,505
August	4,369
September	3,903
October	3,746
November	1,999
December	<u>2,251</u>
Total	<u>40,663</u>



NO. 118 OF 1999

THE HON DR J J GARCIA

**TOURISM - VISITOR ARRIVALS BY AIR**

What was the number of tourist arrivals by air staying in Gibraltar for each month of 1998?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The information requested is as follows:

January	2,003
February	2,481
March	3,245
April	2,784
May	3,353
June	3,292
July	3,625
August	3,466
September	3,560
October	3,235
November	2,601
December	<u>2,245</u>
Total	<u>35,890</u>

NO. 119 OF 1999

THE HON DR J J GARCIA

**TOURISM - SCHEDULED FLIGHTS**

What was the number of seats used by arrivals on scheduled flights from UK in each month of 1998?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

Answered together with Question No. 120 of 1999.

NO. 120 OF 1999

THE HON DR J J GARCIA

**TOURISM - SCHEDULED FLIGHTS**

What was the number of seats used in departures by scheduled flights to UK in each month of 1998?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The information requested by the Opposition Member is not yet available. I am informed by the Government Statistician that the figures will be available in about four weeks time.

NO. 121 OF 1999

THE HON DR J J GARCIA

**TOURISM - PRIVATE MOTOR VEHICLES ENTERING GIBRALTAR**

What was the number of private motor vehicles entering Gibraltar for each month of 1998?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The information is as follows:

January	155,523
February	142,887
March	166,764
April	165,930
May	167,542
June	167,335
July	170,285
August	178,089
September	156,524
October	158,333
November	147,079
December	<u>161,285</u>
Total	<u>1,937,576</u>

NO. 122 OF 1999

THE HON DR J J GARCIA

**TOURISM - PRIVATE MOTOR VEHICLES ENTERING GIBRALTAR**

What was the number of private motor vehicles and the number of persons in such vehicles entering Gibraltar in each week of 1999 and the comparable figure for 1998?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The statistics in respect of private motor vehicles entering Gibraltar is collected by the Government Statistician on a monthly basis. The comparable figures for January 1998 and January 1999 are as follows:

January 1998 - 155,523	January 1999 - 148,416
------------------------	------------------------

The figures for February will not be compiled until the end of the month.

Insofar as the number of persons in such vehicles is concerned, the numbers for January are as follows:

January 1998 - 414,773	January 1999 - 381,826
------------------------	------------------------

The figures for February will not be available until the end of the month, but the first half of the month will obviously show a sharp decline consequent on the recent spate of border delays.

NO. 123 OF 1999

THE HON DR J J GARCIA

**TOURISM - NUMBER OF COACHES ENTERING GIBRALTAR**

What was the number of coaches entering Gibraltar for each month of 1998?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The information is as follows:

January	551
February	758
March	1,035
April	1,480
May	1,753
June	1,178
July	1,040
August	1,007
September	1,327
October	1,293
November	835
December	<u>700</u>
Total	<u>12,957</u>

NO. 124 OF 1999

THE HON DR J J GARCIA

**TOURISM - NUMBER OF COACHES ENTERING GIBRALTAR**

What was the number of coaches which entered Gibraltar in January 1999?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

There were 521 coaches.

NO. 125 OF 1999

THE HON DR J J GARCIA

**TOURISM - VISITOR ARRIVALS BY COACH**

What was the number of visitors arriving by coach in Gibraltar in each month of 1998?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The number of visitors arriving by coach in Gibraltar in 1998 were:

January	19,872
February	27,009
March	34,992
April	52,141
May	63,649
June	40,918
July	39,507
August	36,868
September	48,011
October	44,976
November	28,651
December	<u>23,997</u>
Total	<u>460,591</u>



NO. 126 OF 1999

THE HON DR J J GARCIA

**TOURISM - VISITOR ARRIVALS BY CRUISE LINER**

What was the number of cruise liner visitor arrivals for each month since July 1998?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The visitor arrivals were as follows:

1998	July	4,658
	August	8,193
	September	15,590
	October	12,031
	November	9,863
	December	4,626
1999	January	3,489

The total number of visitor arrivals in this period was therefore 58,450.

NO. 127 OF 1999

THE HON DR J J GARCIA

**TOURISM - COMPLAINTS BY TRADERS**

Are the Government aware of the complaints made by many traders that most visiting cruise liners do not stay in Gibraltar for long enough to have a real impact on the retail trade?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

No such complaints have been brought to my notice. Indeed, no such complaints would be justified given the trend by cruise ships for longer port calls at Gibraltar.

NO. 128 OF 1999

THE HON DR J J GARCIA

**TOURISM - VISITOR ARRIVALS BY YACHT**

What was the number of yacht visitors for each month since June 1998?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The figures are as follows:

June	1,830
July	2,264
August	2,918
September	1,349
October	1,822
November	1,370
December	495

I am informed by the Government Statistician that the figures for January 1999 are not yet to hand.

NO. 129 OF 1999THE HON DR J J GARCIA

## TOURISM - ARRIVALS BY SEA

What was the number of other visitors by sea since July 1998?

ANSWERTHE HON THE CHIEF MINISTER

The number of other visitors by sea between July 1998 and December 1998 was as follows:-

July	185
August	247
September	156
October	127
November	130
December	<u>67</u>
<u>TOTAL</u>	<u>912</u>

I would like to take this opportunity to inform the House that the statistics for visitor arrivals by sea for 1996 and 1997 which were published in the Tourist Survey Reports for previous years were incorrect.

The Government Statistician has informed me that due to an oversight the figures for visitor arrivals from Morocco in 1996 and 1997 were not adjusted to exclude passengers who were resident in Gibraltar. This means that the corrected figures should now read as follows:-

1996	1,394 (previously 9,500)
1997	3,108 (previously 20,700)

When calculating tourist expenditure, visitor statistics are broken up into different categories because of the different expenditure patterns between those who arrive by land, sea or air, broken down further between those who stay in hotels and those who do not.

Most of the visitors who arrive from Morocco stay in hotels. The error which has now been identified largely affects the calculation of expenditure for that particular category. The figure for tourist expenditure by visitors staying in hotels is broken down into three groups, that is, those arriving from the UK, those arriving from Morocco and those arriving from Spain. In the case of arrivals from the UK and Morocco the immigration figures give a good indication of the numbers who will be staying in Gibraltar and together with the information derived from the tourist survey it is possible to estimate what percentage of visitors will in fact stay in hotels and what percentage make other arrangements. Similar information cannot reliably be obtained in respect of those visitors who arrive from Spain to determine how many stay in hotels. The immigration count for visitors arriving by land is not compiled on this basis and the tourist survey questionnaires have not covered for this either.

In order to estimate the number of visitors arriving from Spain and staying in hotels, the Statistician uses the actual total number of visitor arrivals as recorded by the hotels as the control total and deducts from that figure the number of visitors which, by extrapolation from immigration data and the tourist surveys, he estimates have arrived from the UK or Morocco. The difference between these two sets of figures is then the estimate for the number of visitors from Spain who stay in hotels. This means that if the figure for Morocco is reduced, as is now the case when correcting the errors to which I have referred, then the figure for visitors from Spain staying in hotels is increased correspondingly. Given that the level of expenditure by visitors from Spain is marginally higher than that by visitors from Morocco, the tourist expenditure figure for all hotel visitors is actually marginally increased notwithstanding the reduction in other visitor arrivals from Morocco. There is, of course, an offsetting fall in the expenditure of visitors arriving from Spain who do not stay in hotels as a result of the adjustment. The overall effect is basically neutral.

Finally, Mr Speaker, I have already arranged for revised tables to issue in respect of the 1996 and 1997 Tourist Surveys to account for these changes consequent on the errors which have now been identified by the Government Statistician in his own production of statistics in this respect.

#### SUPPLEMENTARY TO QUESTION NO.129 OF 1999

HON J J BOSSANO:

Obviously it is useful to hear that we are on the record putting right the information that was provided incorrectly. Can I just simply point out that we did in fact point out that there was an obvious discrepancy as long ago as April before we started questioning it much later. I think if they had looked at it initially instead of defending it on the basis that it could not be that wrong, they might have come up with this conclusion earlier. Can I just ask, is he saying then that they continue to take the view notwithstanding the errors that have been discovered that the number of guest nights sold in 1997 was 200,000 and not 140,000 which the hoteliers claim to have sold?

HON CHIEF MINISTER:

I do not know if that is consequentially in error as a result of this explanation. The minutes that have been sent to me do not address issues of any possible knock-on effect on the accuracy of the bed night sold statistic. What I am told and what I have just told the House is that the errors in the figures previously given for visitor arrivals from Morocco does not have the effect of reducing the overall tourism expenditure. It nevertheless has the effect of having a restating effect on that particular statistic that the hon Member has pointed out, I will find out and have that communicated to him.

HON J J BOSSANO:

I can in fact tell him that the implication of the answer that he has read out is in fact that the figure of 200,000 is not being changed and that what we are saying in the House notwithstanding the fact that the hoteliers who bill the visitors occupying the beds claim that they actually received payment for 140,000 bed nights in 1997, the expenditure figure of £17 million which is now going to be slightly increased, assumes that it was not true that they billed 140,000 but they billed for 207,000 and that the 67,000 beds for which the hotel owners claim they did not receive payment were now occupied by people from the frontier instead of by people from the ferry. Will the Chief Minister not agree that that needs further investigation?

HON CHIEF MINISTER:

I hear what the hon Member says. The Government Statistician that has been under intense pressure from me to get this right once and for all had better not overlooked something quite as simple as that but I will certainly invite him as I have done once before already to take another look at the matter and reflect that. I accept what the hon Member is saying that what the Government Statistician is now saying is that people that he had wrongly thought before were staying in beds having arrived from Morocco were actually in those beds but not having arrived from Morocco but they had arrived from Spain. That is the basis of this answer. It therefore does not suggest that the Statistician thinks that there has been any over estimation in the number of bodies lying in bed, simply the country from which they came. I will certainly invite him to look at that aspect as well again.

ORAL

NO. 130 OF 1999

THE HON DR J J GARCIA

**TOURISM - ARRIVALS BY SEA - MOROCCO**

Can Government state how many of the visitor arrivals by sea from Morocco in 1998 are estimated to have stayed in hotels?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

Answered together with Question Nos. 131 and 134 of 1999.

NO. 131 OF 1999

THE HON DR J J GARCIA

TOURISM - NUMBER OF HOTEL GUESTS INTERVIEWED

Can Government state how many interviews with persons staying at hotels have been carried out since 31<sup>st</sup> August 1998 giving the number of persons interviewed and the date of such interviews?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

Answered together with Question Nos. 130 and 134 of 1999.



NO. 132 OF 1999

THE HON DR J J GARCIA

TOURISM - GUEST NIGHTS SOLD

Can Government give the hotel bed nights sold in each month of 1998 since 31<sup>st</sup> August?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The number of guest nights sold over the period is as follows:

September	16,866
October	14,516
November	12,469
December	<u>9,197</u>
TOTAL	<u>53,048</u>

NO. 133 OF 1999

THE HON DR J J GARCIA

TOURISM - GUEST NIGHTS SOLD

Can Government give the hotel bed nights sold in January 1999?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The figure for January 1999 is not yet available.

NO. 134 OF 1999THE HON DR J J GARCIA

## TOURISM - NUMBER OF HOTEL GUESTS INTERVIEWED

Can Government state of the persons who have been interviewed since 31<sup>st</sup> August 1998 who said they had stayed in a hotel, how many were interviewed at the airport and how many were interviewed at the land frontier, and in each case what was the average length of stay in hotels?

ANSWERTHE HON THE MINISTER FOR TOURISM AND TRANSPORT

The answer to these questions will be available when the 1998 Tourist Survey, which is presently being compiled, is published. I would additionally like to point out that statistics in the Tourist Survey are published on a monthly basis.

SUPPLEMENTARY TO QUESTION NOS. 130, 131 AND 134 OF 1999

HON J J BOSSANO:

Why is it that the Minister was able to give the information, for example, on the number of interviews in the last House of Assembly in September and he is not able to give it now for the period after that without having to wait for the survey? This is not information that is contained in the survey results.

HON CHIEF MINISTER:

I hear what the hon Member asks. That is the information that has been provided to Ministers by the Government Statistician. It may be that he is less advanced in his work in that respect and that he has not analysed the questionnaires and has not totted them up, we really cannot say.

HON J J BOSSANO:

If we ask how many people were interviewed, it is a number of persons interviewed. How can that change by analysis and we were told prior to the 31<sup>st</sup> August, in September how many people had been interviewed up to August. In the last House of Assembly the Minister gave us very up-to-date information on what was taking place during the year. We have not asked what is the result of the analysis of the replies, we have asked how many people have they stopped and asked the question to.

HON CHIEF MINISTER:

It is implicit in my original answer that I agree entirely with the logic and thrust of the hon Member's question. I agree that this is information that ought logically to already exist. If the interviews have already taken place they must know how many people they interviewed and where. I cannot explain to the hon Member but I can assure him that I will personally enquire as to why this answer has been given to the Minister. The hon Member sounds to me as if he is absolutely right.

-----

HON CM:

Mr Speaker, I would be obliged if I could return to Question No. 134 of yesterday. This was a question asked by the Hon Dr Joseph Garcia, but that in a supplementary asked by the Leader of the Opposition he recalled that I agreed with him that the original answer given appeared to be unsatisfactory because as the hon Member pointed out he felt that we should at least be able to give the number of interviews that have taken place even if the information in them had not been analysed. I have overnight had the matter looked into and I am now in a position to hand the hon Member, not just the number of interviews for visitors staying in hotels, broken down by point of interview, in respect of the period after the 31<sup>st</sup> of December, but indeed although he has not asked for it, in respect of the first six months of 1998 as well.

HON J J BOSSANO:

I am grateful for that information but I believe in fact that the information for the first period was actually provided in the September question.

NO. 135 OF 1999

THE HON DR J J GARCIA

TOURISM - HOTEL ARREARS

What amounts are due and owing to Government by hotels broken down by items and in respect of which periods these monies become due as at the end of January 1999?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The arrears due by hotels currently stand at £966,000. These arrears are in respect of amounts due over a number of years dating as far back as 1991. It would be onerous to supply the hon Member with details of the billing periods when each payment in respect of each item became due. I presume that the hon Member primarily wishes to know the items in respect of which there are arrears.

These are as follows:

PAYE	£220,000
Social Insurance	£310,000
Electricity	£350,000
Municipal rates	£80,000
Corporation tax	£6,000

I would like to add that under the Hotel Assistance Scheme there are arrangements with these hotels totalling £868,397.56 under which a repayment schedule is in place for these arrears to be settled and forms part of the Hotel Assistance agreement. To date there have been payments in respect of these and they are being maintained.

NO. 136 OF 1999THE HON DR J J GARCIA

## TOURISM - NEW AIRLINE

Can Government give details of the new airline that is interested in operating a scheduled service from Gibraltar?

ANSWERTHE HON THE MINISTER FOR TOURISM AND TRANSPORT

This information is commercially sensitive. I believe that it is not prudent to make a public statement on this matter until such time as an agreement with the airline is concluded. To do so prematurely could prejudice this matter materially.

SUPPLEMENTARY TO QUESTION NO. 136 OF 1999

HON DR J J GARCIA:

The reason the question was tabled was because the Minister himself made it public, I believe, in Madrid. Without giving details of the actual airline, can he give any other information?

HON J J HOLLIDAY:

There was no particular statement, I was at the FITUR stand when the Gibraltar Chronicle turned up and then found out that I was having a meeting there with a particular airline and I was asked and I said that I had had a meeting with an airline but that I could not make the name known. I think it is better if we leave it, for the best interest of Gibraltar, as it is.

HON DR J J GARCIA:

When the Minister attended the Routes 1998 Conference in London in September we heard that 17 airlines were interested in flying to Gibraltar. Is this one of those 17 or is it a new one?

HON J J HOLLIDAY:

Yes, it is one of those 17 but let me tell the hon Member that the Government are in contact and negotiation with more than one airline.

HON DR J J GARCIA:

Is this airline or perhaps any of the other ones which have expressed an interest, would that open a new Heathrow link once again which is something which many people in Gibraltar are concerned about?

HON J J HOLLIDAY:

No, I am afraid it would not.

NO. 137 OF 1999THE HON DR J J GARCIA

## TOURISM - MADRID OFFICE

Can Government advise what criteria was used to select staff for the office in Madrid and will Government confirm that those selected were amongst the original applicants?

ANSWERTHE HON THE MINISTER FOR TOURISM AND TRANSPORT

The Office Administrator and the Marketing Co-ordinator of the Madrid office were interviewed by a selection board. The applicants selected were those who, in the opinion of the board, were best suited to the job profile for the post.

I can indeed confirm that the persons selected were among the original applicants.

SUPPLEMENTARY TO QUESTION NO. 137 OF 1999

HON DR J J GARCIA:

In terms of the criteria, will the Minister perhaps elaborate whether any experience or degree of qualifications were necessary for the job?

HON J J HOLLIDAY:

There was a job profile for the Office Administrator and there was a job profile for the Marketing Co-ordinator and in the opinion of the selection board the two applicants that were finally selected were obviously, in their opinion, the people who were best suited for the sort of role that they had to undertake in the office in Madrid and based on that the persons concerned were selected. I am quite happy to let the hon Member have copies of the job profiles if he so wishes.

HON DR J J GARCIA:

I thank the hon Member for his reply and perhaps he can let me have a copy of the profiles.

NO. 138 OF 1999

THE HON DR J J GARCIA

TOURISM - MADRID OFFICE

Can Government provide a detailed breakdown of all the costs relating to the setting up of the office in Madrid and its annual running costs?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The costs incurred in setting up the office in Madrid came to £40,763 broken down as follows:

Decorating and furnishing the bare shell of the office	£28,576
Legal services	£7,591
Office equipment (fax, photocopier, computers, et cetera)	£4,596

With regard to the running costs of the office, it is difficult to gauge exactly what the total will be as the office has just been opened. However, it is believed that the running costs will total about £85,000 per annum inclusive of staff salaries.

SUPPLEMENTARY TO QUESTION NO. 138 OF 1999

HON DR J J GARCIA:

Can the Minister advise what rents the office pays?

HON J J HOLLIDAY:

The office rent and charges which I presume are community or service charges, is £1,165 a month, therefore totalling £13,980 a year.

HON DR J J GARCIA:

Could the Minister also advise what the terms of the lease is for the office?

HON J J HOLLIDAY:

I am afraid that I need prior notice for that question. I think the lease is for two or three years, I think it is a three year period with rent review at the end of the period. We did get a period of grace because of the problems we had with the actual opening which was basically as a result of not meeting certain fire regulations which was no fault of ours and we did get an interim period but the details of that I can make available to the hon Member if he so wishes. Would he like that information?

HON DR J J GARCIA:

I thank the Minister, I think that is sufficient for the time being.



NO. 139 OF 1999THE HON A J ISOLA

## TOURISM - ARRIVAL TAX - MOROCCO

Can Government state on a month by month basis in respect of the years 1996, 1997 and 1998:

- (a) the amount received by Government in respect of arrival tax from persons arriving on ferry from Morocco
- (b) in respect of how many visitors the arrival tax in (a) was paid?

ANSWERTHE HON THE MINISTER FOR TOURISM AND TRANSPORT

The information I can supply covers the passenger arrival tax paid per month, in respect of all arrivals by ferry, as requested in part (a) of the question. In reply to part (b) of the question, there is no breakdown kept of the arrival tax paid by visitors and residents respectively.

The information is as follows:

<u>1996</u>	<u>£</u>	<u>Passengers</u>
January	1,667	1,167
February	340	340
March	306	306
April	727	727
May	1,518	1,518
June	627	627
July	70	140
August	546.50	1,093
September	672	1,344
October	513	1,026
November	269.50	539
December	357.50	715
<u>1997</u>	<u>£</u>	<u>Passengers</u>
January	646.50	1,293
February	775.50	1,551
March	904	1,808
April	664	1,328
May	661	1,322
June	728	1,456
July	646.50	1,293
August	776.50	1,553
September	692.50	1,385
October	625.50	1,251
November	666	1,332
December	523.50	1,047

<u>1998</u>	<u>£</u>	<u>Passengers</u>
January	364.50	729
February	327	654
March	653	1,306
April	601.50	1,203
May	515	1,030
June	890.50	1,781
July	616	1,232
August	713.50	1,427
September	520	1,040
October	422.50	845
November	466	932
December	174.50	349

NO. 140 OF 1999THE HON A J ISOLA

## TOURISM - DEPARTURE TAX

What amount of passenger departure tax was paid to Government and in respect of how many passengers in each month of:

- (a) 31<sup>st</sup> March 1997 to 1<sup>st</sup> April 1998  
 (b) 1<sup>st</sup> April 1998 to 31<sup>st</sup> January 1999?

ANSWERTHE HON THE MINISTER FOR TOURISM AND TRANSPORT

Departure tax is payable in respect of both air and sea departures. I will deal with each in turn.

## (a) Air Departures

The amounts in question are as follows:

April 1997	£37,963.50
May 1997	£47,118.75
June 1997	£50,120.25
July 1997	£46,666.50
August 1997	£53,806.50
September 1997	£54,541.50
October 1997	£49,949.25

From November 1997 to March 1998 inclusive, no amounts were paid to Government in respect of air passenger departure tax. The total amount paid in this respect in the financial year ended 31<sup>st</sup> March 1998 was therefore £340,166.26.

The amounts paid since April 1998 are as follows:

April 1998	£32,988
May 1998	£32,196
June 1998	£32,400
July 1998	£30,992
August 1998	£39,784
September 1998	£36,984
October 1998	£35,624
November 1998	£30,892
December 1998	£20,360
January 1999	£25,240

The total for this financial year to 31<sup>st</sup> January 1999 in respect of air departure tax is therefore £317,460.

(b) Sea Departure Tax

The totals collected were as follows:

April 1997	£6,418.50
May 1997	£10,133.00
June 1997	£5,418.00
July 1997	£6,741.50
August 1997	£4,666.00
September 1997	£12,746.50
October 1997	£5,769.50
November 1997	£7,348.00
December 1997	£3,286.50
January 1998	£3,267.00
February 1998	£2,165.00
March 1998	£2,730.00

The total collected in the financial year 1997/98 in respect of sea departure tax was £70,419.50. the figures for the financial year 1998/99 are as follows:

April 1998	£8,298.00
May 1998	£17,640.00
June 1998	£6,760.00
July 1998	£5,218.50
August 1998	£7,990.45
September 1998	£11,850.85
October 1998	£11,483.85
November 1998	£7,875.70
December 1998	£2,904.70
January 1999	£1,977.00

The total sea departure tax collected to 31<sup>st</sup> January 1999 in respect of the financial year 1998/99 is £81,999.05.

NO. 141 OF 1999

THE HON J J GABAY

TOURISM - ELLIOTT'S MEMORIAL

Can Government state for how long the access to Elliott's Memorial from Alameda Parade has been fenced off?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The access steps to the Elliott Memorial have been closed to pedestrians since September 1998.

SUPPLEMENTARY TO QUESTION NO. 141 OF 1999

HON J J GABAY:

Is the Minister aware that this is causing a degree of public dissatisfaction because as a result of this long delay a considerable number of extra parking spaces are lost; secondly perhaps the most convenient and picturesque main entrance to the Alameda Gardens is blocked? Perhaps he might consider expediting the matter.

HON LT-COL E M BRITTO:

There are a number of technical reasons why the works have been delayed. The position is that the tenders for new work that the Government decided to do half-way through the project are due in tomorrow and the final works should start as soon as the tenders are allocated shortly after that. In the meantime because of the delay, it is expected that the existing fence will be realigned; the ground will be repaired and marked for parking in the very near future but unfortunately, for safety reasons, the steps will continue to have to remain closed.

HON J J GABAY:

I thank the Minister for the information he has given and I would add that as he knows the Grand Parade attracts a large number of local people as well as tourists in the Cable Car and so on and there is a great need going from the sublime to the ridiculous for toilet facilities in the area. Will the Government consider adapting the old school toilets for public use?

HON CHIEF MINISTER:

I think there are toilets there and they are being refurbished as part of this work. If the hon Member stands facing the staircase, which he obviously has not done for some time, there is a substation on one side and the building on the other side are the toilets and they are being refurbished and, indeed, he may be interested in knowing that the additional works that the Hon Col Britto said we had decided to do half-way through the contract is to clad both those structures on either side of the staircase which actually is underground the wall,

one has a beige wall and the other one has a white wall and it detracts from the aesthetic appearance of the stairs and they are going to be beautified, plants and things are going to be put over them and bricked up and the toilet refurbishment is precisely part of this project. I am not sure whether the toilets are big enough or whether there ought to be more toilets but there are toilets there.

HON J J GABAY:

I can assure the Chief Minister that I have not been using them but this is why the question is are they in public use at the moment since I have had representations, this is why I ask. I have not attempted to use them personally.

HON LT-COL E M BRITTO:

That is not part of the question.

NO. 142 OF 1999THE HON A J ISOLA

## TOURISM - HOTEL BED NIGHTS

Can the Government now state whether the correct figure for hotel bed nights sold in the months of May and June 1997 was 4,824 and 4,665 respectively as stated in answer to Question No. 258 of 1997 or the figure of 14,335 for May 1997 and 13,484 for June 1997, as stated in answer to Question No. 395 of 1998?

ANSWERTHE HON THE MINISTER FOR TOURISM AND TRANSPORT

I can confirm that the number of bed nights sold in respect of May 1997 and June 1997 was indeed 14,335 and 13,484 respectively. The figure of 4,824 and 4,665, as stated in answer to Question No. 258 of 1997, should have referred to all arrivals at hotels. In error, in answer to this question I informed the House that the figure related to bed nights.

I would like to emphasise that the figures themselves were the true and correct figures. The 4,824 arrivals at hotels in May 1997 accounted for 14,335 bed nights and the 4,665 arrivals at hotels in June 1997 accounted for 13,484 bed nights.

The point I was trying to make in answer to Question No. 258 of 1997 was that there had been a marked increase in the take-up of hotel beds in May and June 1997 compared with May and June 1996. The fact that I referred to bed nights where I should have said visitor arrivals in no way alters this statement of fact.

I welcome the opportunity to set the record straight on this matter. In supplementaries arising from Question No. 395 of 1998, the Leader of the Opposition questioned the reply I provided because it did not seem to tally with the answer given to Question No. 258 of 1997. It is unhelpful to discuss minutiae of historical figures at Question Time. I believe that questions should refer to general matters of policy and of principle, rather than long catalogues of figures. It would be much more constructive if the Leader of the Opposition or indeed any other Opposition Member were to write to me if details were required in respect of hotel or any other kind of statistics. I will be pleased to provide the information required in writing provided that it is in respect of matters for which statistics are kept by the Government Statistician.

SUPPLEMENTARY TO QUESTION NO. 142 OF 1999

HON J J BOSSANO:

Is it not the case that the question of which notice is given asked for bed nights sold, we have no reason to doubt that the answer we are getting is the answer which we expect from the way the question has been drafted and if the Minister then says that there is a 14 per cent increase in bed nights sold and then when we see the survey we see that the increase does not tally with the original question, that there was no gap in between the first time it was answered and the subsequent time, would the Minister not agree that it is not unreasonable on our part to assume that the answer originally was correct and we work on that assumption until we get a different statistic?

HON CHIEF MINISTER:

Yes, I think that is entirely reasonable.

NO. 143 OF 1999

THE HON A J ISOLA

TOURISM - PORT STUDY

Has the Committee commissioned to review the Port Study now concluded its recommendations to Government and, if so, will Government implement those recommendations?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

There were two committees appointed to advise me on the recommendations contained in the MDS Transmodal Port Strategic Study. One committee was tasked with advising me on commercial matters; the other on matters in relation to the changeover from the Port Department to the Port Authority. Both committees held a number of meetings between July and December 1998. Their deliberations have now been completed.

A report on the conclusions of the committees is in the process of completion and it will be considered by Ministers shortly. There will be changes introduced consequent on the report as soon as practicable after 1<sup>st</sup> April 1999. However, no changes affecting staff will be implemented without prior discussion and negotiation with the staff association of the employees concerned.

SUPPLEMENTARY TO QUESTION NO. 143 OF 1999

HON A J ISOLA:

In answer to Question No. 205 of 1998, which was last April, the Minister informed the House that there was one committee, in fact, it was a Steering Committee, there was not any reference to the other committee. May I ask which of the two committees is preparing the recommendations or concluding the recommendations for Government?

HON J J HOLLIDAY:

When the Government appointed the Steering Committee it was made clear that this Steering Committee would be working under two different groups; one group would be looking at the commercial aspects of the report whilst the other would be looking at the staffing and the transformation of the Port Department to the Gibraltar Port Authority but basically it has all been working under my chairmanship and both have been co-ordinating and have been liaising in terms of information flowing from one to the other so that now we have reached a consensus in the way forward covering both aspects. I felt that this was the best way forward considering that there were people who had more expertise on the commercial front whilst others had more expertise on the logistics of the structure of the Port Department and what needed to be achieved considering the requirements of today's commercial world within the Port.

HON A J ISOLA:

Is there then one Steering Committee which is divided into two groups?



HON J J HOLLIDAY:

That is correct. When I launched this at No. 6 Convent Place, I think it was some time in July last year, the press release clearly stated that there was one Steering Committee with two groups working within the same Steering Committee.

HON A J ISOLA:

Obviously under the chairmanship of the Minister, the Government must be aware of what those recommendations will be. Do Government envisage significant changes within the Port not just in the terms of the Port Authority or the transfer from Government to the Port Authority but in the commercial workings of the Port? There was mention in the MDS Report of a substantial reclamation, there were two, there was a big one and a small one. Are Government thinking along the lines of embarking on a small reclamation for that part?

HON J J HOLLIDAY:

The recommendations that have been put forward to me by the Steering Committee I think will probably be .....

HON A J ISOLA:

They have not been put to the Minister yet?

HON J J HOLLIDAY:

The Steering Committee has finished and basically I have the Principal Secretary of the Ministry at the moment co-ordinating it in the form of a report which basically covers all the recommendations that they have put forward. These recommendations, I think, will probably, if acceptable to the Government, be able to be taken forward because most of the recommendations in respect, for example, of commercial changes in practices have been recommended by a number of operators and this Steering Committee has not limited itself just to the workings of the few individuals that were selected there. We have actually asked the different operators to come in and give their own recommendations to the Steering Committee and I can give an example, we have M H Blands who have been asked to come in and give their own views as to the future of the stevedoring in the Port, et cetera in order to take into account what effects any changes could have on the viability of their operation. We have then reached recommendations and final suggestions and the recommendations by the Steering Committee and now these will be put to the Government as a whole for us to take forward.

NO. 144 OF 1999THE HON J C PEREZ

## TRANSPORT - NUMBER OF NEW REGISTRATIONS

What was the number of new registration of road vehicles in 1998, giving a breakdown of private, commercial and motorcycles?

ANSWERTHE HON THE MINISTER FOR TOURISM AND TRANSPORT

There were 2,904 new registrations as follows:

Private cars	1,913
Commercial vehicles	160
Motorcycles	780
Other categories	51

SUPPLEMENTARY TO QUESTION NO. 144 OF 1999

HON J C PEREZ:

Other categories I presume are vehicles for handicapped and things like that which do not fall in any of those three?

HON J J HOLLIDAY:

Other categories covers omnibuses, special cars for handicapped, taxis, self-drive, private hiring.

HON J C PEREZ:

They do not come under commercial then.

HON J J HOLLIDAY:

No.

NO. 145 OF 1999THE HON J C PEREZ

## TRANSPORT - NUMBER OF LICENSED ROAD VEHICLES

What was the number of licensed road vehicles at the end of 1998, giving a breakdown of private, commercial and motorcycles?

ANSWERTHE HON THE MINISTER FOR TOURISM AND TRANSPORT

The number of licensed road vehicles at the end of 1998 was 29,808 made up as follows:

Private cars	21,127
Commercial vehicles	1,527
Motorcycles	6,767
Other classes of vehicles	387

SUPPLEMENTARY TO QUESTION NO. 145 OF 1999

HON J C PEREZ:

I presume that the persons who have licences where they can drive the three categories are counted three times, is that so? If a person has a licence which allows him to drive a motorcycle, x number of good vehicles and private vehicle, is that counted three times or is that a different category?

HON J J HOLLIDAY:

I think this is a different issue altogether. What the Hon Gentleman has asked was for the number of licensed road vehicles not actual driving licences.

NO. 146 OF 1999

THE HON J C PEREZ

TRANSPORT - PUBLIC BUS SYSTEM

Have Government now received the conclusions of the study into the bus service in Gibraltar?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The report of the review team which has examined the public bus system in Gibraltar and made recommendations thereon has been submitted and is presently being considered by Government.

SUPPLEMENTARY TO QUESTION NO. 146 OF 1999

HON J C PEREZ:

Are the Government intending to make the recommendations public or are they intending to review it and make proposals public as a result of the recommendations?

HON J J HOLLIDAY:

The latter is the case.

HON J C PEREZ:

So we will not know whether the recommendations agree with the view of the Chief Minister or mine having debated the matter the last time?

HON J J HOLLIDAY:

I think the hon Member must understand that this study was basically on the public bus system. Government are looking at the whole of the transportation policy which obviously covers a number of other areas, therefore this will have an implication. The recommendations were based on the current position and we will need to review it as part of a far wider transport policy.

HON J C PEREZ:

Does the Minister know when he expects to make the Government's position known on this matter?

HON J J HOLLIDAY:

I think it will probably take two to three months but let me say that this is one of my priorities at the moment because I feel that transport is particularly an issue which needs some policy decisions being taken on a wide cross section of issues.

NO. 147 OF 1999

THE HON J C PEREZ

TRANSPORT - SIR HERBERT MILES ROAD

Given the "No Parking" zones that have been demarcated along the length of Sir Herbert Miles Road between the Caleta Palace Hotel and Both Worlds, can Government state whether they have plans for alternative parking arrangements for the users of Sandy Bay during the summer season?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

It is Government's intention that the road from the Caleta Palace Hotel to Both Worlds should be one way southbound during the official bathing season to allow motorists to park by the side of the road.

It will be a two way road for the remainder of the year.

NO. 148 OF 1999THE HON J C PEREZ

## TRANSPORT - ENGINEER LANE

When do Government intend to reply to representations made to them on traffic, on the 5<sup>th</sup> May 1998, by shopkeepers of Engineer Lane?

ANSWERTHE HON THE MINISTER FOR TOURISM AND TRANSPORT

Government have carefully considered the representations made by shopkeepers in Engineer Lane and Governor's Street. I have met their representatives on a number of occasions. The Government's position in relation to their representations have been communicated to them on several occasions and are well known to them. No reply is pending.

SUPPLEMENTARY TO QUESTION NO. 148 OF 1999

HON J C PEREZ:

Perhaps we are talking about different representations. My information is that the shopkeepers concerned went to see the Chief Minister in May and were told that they would get a reply within two months and they claim that they are still waiting for a reply from the Minister. I presume that we are talking about the same representations.

HON CHIEF MINISTER:

The position is the first set of representations that were made related to traffic access along there and the Government have made it perfectly clear that we are not willing to allow traffic to exit along Engineer Lane because it means necessarily either channelling it down the very narrow Parliament Lane or otherwise sending it along Main Street through to Casemates. My hon Colleague, the Minister for Transport, has separately discussed the possibility of beautification schemes extending up there to try and make this street more attractive to pedestrian shoppers in that way and the Government are agreeable to doing that and I believe that that has been communicated to them but if it has not then there is some administrative defect there.

HON J C PEREZ:

Well, whatever it is the Government intend to do might it not be a good idea to try and carry that out as quickly as possible because two of the ones that were making representations has already closed his shop as a result of the Government's traffic policy in the area.

HON CHIEF MINISTER:

No, the Government do not accept that the problems facing those businesses are due to the Government's traffic policy in those areas. The Government do not accept that at all and the Government have made it clear to the shopkeepers concerned that the Government feel that they are mistaken in believing that the problems being suffered by their businesses are due to the fact that traffic does not flow out from the bottom of

Engineer Lane. We do not accept that and we do not accept that that is the reason why businesses in those areas are not flourishing. Businesses in those areas are not flourishing principally because there has been a massive transfer of population down to the westside reclamation areas and because Main Street, having now been beautified, there is much less feed-off to the side streets that have not been beautified. The Government do not accept that it has anything to do with passing traffic. As I recall one of the ladies sold wedding dresses. I do not know to what extent the demand for wedding dresses depends on the fact that one can drive down Engineer Lane or not.

NO. 149 OF 1999

THE HON J C PEREZ

TRANSPORT - CASEMATES SQUARE

Now that it has become evident that the closure of Casemates to vehicular traffic is causing chaos to the traffic flow in the lower town area and beyond, will Government consider adapting their development plan for the square to allow access by vehicular traffic?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The Government do not believe that the closure of Casemates Square to vehicular traffic is causing any chaos.

SUPPLEMENTARY TO QUESTION NO. 149 OF 1999

HON J C PEREZ:

Is the Minister waiting for comments, I thought we were in Questions and Answers. He knows very well what I think already.

HON J J HOLLIDAY:

So what, the hon Member has asked a question and I have answered it.

HON J C PEREZ:

No, I am talking to the Chief Minister who is staring at me.

HON CHIEF MINISTER:

It is most unusual for the hon Member to have no supplementary to ask on such a politically highly charged subject as this. I am most surprised he is losing his grip.

HON J C PEREZ:

He might take the matter as a joke but I can tell him that I have already made my position clear, the position of my Party clear. The two views are there for people to decide who they think is right or wrong and if the Government think that they are doing the right thing I disagree with them but that is it. I have given them an opportunity to correct what I think is a gross mistake but if they want to carry on from the Opposition I am afraid I cannot stop them, I can only point out to them where I think they are going wrong but it is up to them.

HON CHIEF MINISTER:

Government's position is perfectly clear. Casemates will remain pedestrianised. There is no traffic chaos that will result from it. What is happening, as I told the hon Member before, is that he is using the traffic disruption that is occurring due to road works in other places and he is attributing it to the Casemates project in a rather cynical attempt to get people to start feeling negatively about what is going to be one of the best redevelopment projects



that Gibraltar has known for a long time. When the traffic works in the other roads have finished and when the Casemates project is finished and when the resulting traffic flow arrangements are introduced, I am confident that at that time the people of Gibraltar will judge the balance between traffic at Casemates pedestrianisation to have been perfectly struck by the Government. In the meantime, as we are refurbishing, not just resurfacing but indeed rebuilding Winston Churchill Avenue, there is a necessary additional disruption which is causing delay at peak hours.

HON J C PEREZ:

The Chief Minister might recall that the first instance that we came out publicly on the matter of Casemates where chaos was already evident, was before Winston Churchill Avenue was being refurbished. The second time we came out, we came out criticising the Government for refurbishing it after it had been closed for a long time during the beautification works when the works of road construction would have been carried out at the same time and it would have avoided more traffic chaos. But to suggest that the closure of Casemates to vehicular traffic without making other alternative arrangements is an invention of mine is to live in cuckooland.

HON CHIEF MINISTER:

Two points. First of all, the hon Member who has been a Minister with responsibility for this area must know that the beautification of Winston Churchill Avenue resulted in the closure of the road for three or four days which was at a touristically and commercially sensitive period in the run-up to Christmas. The fact of the matter is that the rebuilding and resurfacing of the road is a four to six weeks project which the Government were advised to do at a touristically and commercially less sensitive period, namely, January and February. The hon Member thinks that the Government could have done what we have to Winston Churchill Avenue in the four days that Winston Churchill Avenue was closed to allow the bridge to be re-clad then he must know that one cannot squeeze a six weeks road building project into a four day road closure. And he is mistaken on the second point when he assumes that there are going to be no alternative arrangements made in connection with the closure of Casemates to vehicular traffic.

HON J C PEREZ:

I would ask the chief Minister to check his facts because it was not four days that it was closed, it was at least three weekends on the whole that the area was closed for beautification. [*HON CHIEF MINISTER: All right, six days.*] No, three weekends and the days in between. Be that as it may, if the Chief Minister has things to put in place to alleviate Casemates it is a very odd thing that the Government should not have introduced it already and should continue to create inconvenience to motorists unnecessarily because he seems to have an alternative to the chaos which he says is not being caused but the chaos that is being caused through traffic at the moment, but it is up to the Chief Minister.

HON CHIEF MINISTER:

It also depends on what one's definition of chaos is. Let me answer his question first. The plans that the Government have in that connection cannot be implemented until the resurfacing of Winston Churchill Avenue is complete. It also depends on what the hon Member means by chaos. There are many thousands of people in Gibraltar who will agree with the Government, the ones that do not allow themselves to be brainwashed by the Opposition Members, that the improved amenities for the whole of the community in Casemates project when it is finished more than justifies what the hon Member calls chaos which is at the moment because of the Winston Churchill Avenue works and the fact that

we cannot until that is finished implement our alternatives, means that for two periods of the day, that is to say, mornings and lunchtime in connection with school traffic, one might take three or five minutes longer to complete a journey than before. He may regard that as chaos, I do not regard that as chaos, I frankly think that it is a price worth paying but it will not have to be paid when both Casemates and Winston Churchill Avenue are finished. It is just a question of patience and allowing public opinion to judge for itself in due course who is right.

HON J C PEREZ:

The more he repeats it the more he believes it himself.

NO. 150 OF 1999THE HON J C PEREZ

## TRANSPORT - TRAFFIC FLOW

Is it still the intention of the Government to implement the third phase of the changes to the traffic flow announced in December 1997 in a Government Press Release No. 284/97?

ANSWERTHE HON THE MINISTER FOR TOURISM AND TRANSPORT

The implementation of the proposed third phase of changes to traffic flows, as set out in Press Release No. 284/97, is still under consideration. There is, however, no intention to introduce these changes for the present until planned roadworks are completed.

The project to widen Lover's Lane continues. When this is finished, it will allow work to commence on the replacement of the sewer which runs under Main Street from the Convent to Ragged Staff. Once these major works are completed, then changes to traffic flows can be introduced.

SUPPLEMENTARY TO QUESTION NO. 150 OF 1999

HON J C PEREZ:

The Minister has said that the changes are still under consideration. The Press Release said that they would be implemented to check whether they work and I have been arguing from the Opposition that they ought not to be implemented. In fact to the extent that the intention was to implement them is that all the traffic signs were erected and are still there covered up awaiting the decision of Government to implement them. The Minister is now saying that they are not necessarily going to be implemented because they are now under consideration rather than awaiting to be implemented, is that the case?

HON CHIEF MINISTER:

There will be changes implemented.... [*HON J C PEREZ But not the ones announced.*] No, there will be changes implemented but not as quickly as we had hoped because the viability of the traffic flow change is interrupted by the fact that the whole of Main Street from the Convent to Referendum Gates has got to be dug up to rebuild the sewer that runs along that route. The intention of the Government is that when Lover's Lane is widened it will take all the southbound traffic and Main Street will be one way from King's Yard Lane to the Supreme Court and traffic will come the opposite way down Secretary's Lane. That will enable us to pedestrianise Main Street from the Supreme Court all the way up to the end of the present pedestrianisation by Baker's Passage and to do that we have to re-route the traffic coming down from the Upper Town. At the moment the traffic comes down from the Upper Town, down Library Street, along that bit of Main Street and through Cathedral Square. That has to be re-routed. There were two possibilities of doing that re-routing: one was to reverse Prince Edward's Road and that scheme, there is another scheme which the Government are considering which involves reversing the flow of traffic down Town Range. That is the aspect of it, that one aspect of it is the one that is under consideration.

HON J C PEREZ:

I am glad that my efforts in convincing the Government not to go ahead with the arrangements in the Upper Town have not fallen on deaf ears as I thought they had as a result of the insistence by the Government, the last time I raised it, that it would be implemented and I hope that they do not and that a more sensible decision is taken in relation to the traffic flow.

HON CHIEF MINISTER:

Yes, the most sensible plan will be implemented. It would be premature at this stage for the hon Member to assume that it will be the first one. It might be the first one or it might be the second.

HON J C PEREZ:

The last time he stood in the House he said it would be implemented for sure and that I was inventing all these things, at least at the moment he has got two plans and it might be that he might wash out the one that he announced in December 1997 that he was going to announce and which he insisted he was going to announce. So at least I think that we have got somewhere, given that even the signs were erected for the implementation of the plan announced by the Government. If at the moment they are looking at an alternative I am glad that they are doing it, this is the way constructive parliaments work, we suggest things and they take it on board. I think it is a breakthrough.

HON CHIEF MINISTER:

I hate to shatter the hon Member's illusions but the reasons why the plan is being reconsidered has got nothing whatsoever to do with the reasons that he advocates. Were the issues and the facts still as they were when I gave that answer the answer would still be the same. The reason why option two now becomes viable again has got nothing to do with any lack of confidence on the Government's part with the viability of option one, none whatsoever.

NO. 151 OF 1999

THE HON J C PEREZ

TRANSPORT INSPECTORS

Are the Government now in a position to state when they intend to appoint Transport Inspectors and what is the method they will use in selecting them?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

This will be done shortly. Job descriptions for Transport Inspectors are currently being drawn up prior to advertising the posts.

The normal Gibraltar Development Corporation selection procedures will be followed.

SUPPLEMENTARY TO QUESTION NO. 151 OF 1999

HON J C PEREZ:

Can the Minister state what normal selection procedures are? Is there a board selected from the Development Corporation?

HON CHIEF MINISTER:

The procedure that is followed is the same as for civil servants. There is a selection board with the difference that the appointment does not need to go to His Excellency the Governor for ratification.

HON J C PEREZ:

Does it go to the Minister for ratification?

HON CHIEF MINISTER:

It goes to the Government to ensure that the Government's selection procedures have been followed and to ensure that it is operated properly but at the end of the day it goes to the Board of Directors of the Gibraltar Development Corporation which, as the hon Member knows, is four Ministers and they ratify this board's selection and ensure that they have applied the selection criteria which is established by the Government.

NO. 152 OF 1999THE HON J C PEREZ

I&D FUND – HEAD 104, SUBHEAD 13

Can Government state how much of the £300,000 in this year's estimates in the Improvement and Development Fund, Head 104, Subhead 13, had been spent by 31<sup>st</sup> December 1998?

ANSWERTHE HON THE MINISTER FOR TOURISM AND TRANSPORT

No funds had been spent from Head 104, subhead 13, as at 31<sup>st</sup> December 1998.

SUPPLEMENTARY TO QUESTION NO. 152 OF 1999

HON J C PEREZ:

Is it that no works have been carried out on the sewers this year or is it that the funds allotted to the recurrent expenditure were insufficient?

HON J J HOLLIDAY:

This Head of Expenditure basically covered two projects: the replacement of the old sewers at Main Street from the Convent to Referendum Gates and obviously with the Lover's Lane project being undertaken at present, those works have not been possible to be done. As soon as the Lover's Lane project is completed we hope to open up Main Street for the sewers to be laid. The other project under this Head is the new storm water drain which covers the junction from Main Street to Cooperage Lane to Landport Ditch. This will be done as part of the Casemates project and we could be incurring some expenditure for this before the end of the fiscal year, it all depends on the programme of works of the Casemates project but it is tied to the Casemates project itself.

NO. 153 OF 1999THE HON J J BOSSANO

## TRANSPORT - EXCHANGES OF DRIVING LICENCES

Can Government state what is the number of persons exchanging their unexpired "GBZ" driving licence for "EU/UK" format, each week since 1<sup>st</sup> January and the comparable number for the same period last year?

ANSWERTHE HON THE MINISTER FOR TOURISM AND TRANSPORT

In 1998, no person exchanged their unexpired GBZ driving licence for the new format introduced in January 1997.

As regards 1999, such exchanges only occurred on the week commencing 8<sup>th</sup> February 1999 when 31 licences were so exchanged; and in the week commencing 15<sup>th</sup> February 1999 when 315 licences were so exchanged. I understand that there continues to be exchanges on a daily basis.

SUPPLEMENTARY TO QUESTION NO. 153 OF 1999

HON J J BOSSANO:

Do the Government agree that the sudden upsurge is related to the figure that the licence will not be accepted in our neighbouring state?

HON CHIEF MINISTER:

Yes, obviously so but it is a curious thing this. The new format of driving licences simply repeats the passport formula of United Kingdom/Gibraltar and that the Spaniards object to that as well in relation to the passport. It is not clear why anybody thinks that the Spaniards should find the new driving licence format anymore or less acceptable than they find the passport format. The answer is that they are capricious as to both. There is no difference between the GBZ and the original format, they are still issued by the Government of Gibraltar which is what the Spanish Government fundamentally object to. They still refer to Gibraltar and they are in the same form as the passport which was the last document that they challenged. This is a personal decision that people have to make. The Government would prefer that people do not change their driving licences under this pressure and in these circumstances but, of course, the Government understand that people are intimidated not so much by being denied access into Spain at the border but on the highway. There are people that have gone into Spain with no problem and then three kilometres up the road they get stopped by a patrol car and get fined 20,000 pesetas on the spot. I suppose for people who have to go there regularly this is a form of intimidation to which they succumb and that is a matter of personal choice. Obviously the Government do not consider it appropriate to prevent people from exercising that choice if they wish to.

HON J J BOSSANO:

But, in fact, there is no evidence to show that people are any safer with the new one than with the old one, that is what we are being told, is that right?

HON CHIEF MINISTER:

That is my view. The Spanish Government have never said either to the United Kingdom Government or to the Gibraltar Government, "We object the licence that says GBZ but we do not object to the licence that says United Kingdom/Gibraltar". We have no official or even unofficial formal or informal view that that is the basis of their objection to the driving licence. I do not think there is a basis for objection to the driving licences except another pretext upon which to have an act of harassment to innocent Gibraltarians going about their business.

HON J J BOSSANO:

Would the Government not agree, given the fact that the people who are doing this obviously have a need to go across and feel that it is worth spending the £20 which I think is being charged because that will ensure that they will not have a problem. Should they not be made aware that, in fact, there is no such assurance? Given the fact that they obviously are spending the £20 because they think that is what the issue is about, whether it is the old one or the new one? Obviously the answers that are being given here should help to clarify it for people but would the Government not agree that it is worth letting people know who are spending the £20 a lot of whom think they should not be charged £20, that in fact their old licence is as good as their new one and that since it is capricious there is no more guarantee they will not be stopped with the new one than with the old one?

HON CHIEF MINISTER:

Exactly. The Government have done nothing to encourage people to change their licence, we have not said to anybody that these licences are more or less acceptable to the Spaniards. When the British Government have protested to the Spanish Government in respect of these or have raised – I do not think protested may not be the right word to describe it – when this issue has been raised, when there have been two or three incidents recently in the last fortnight the response from Madrid has been that this is an over-exuberant patrolman on some highway. Presumably over-exuberant patrolmen are just as capable as being over-exuberant with one form of licence as the other. Spain has never said we will not accept the old and indeed they are still accepting it. Most of the people going to Spain today are using the original form of driving licence. There is no policy on the part of the Spanish Government to withhold recognition from them and that really is the position but people feel safer just as many people rushed contrary to the Government's advice to change their passports.



NO. 154 OF 1999

THE HON J L BALDACHINO

CONSOLIDATED FUND - REIMBURSEMENT OF TRAINING EXPENSES

Can Government state how much has been spent since 1<sup>st</sup> September 1998 to date from the £250,000 provided from the reimbursement of training expenses funded by the Consolidated Fund?

ANSWER

THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE AND YOUTH

From the £250,000 provided from the reimbursement of training expenses funded by the Consolidated Fund, £201,498.64 has been spent to date.

NO. 155 OF 1999

THE HON J J GABAY

EDUCATION - SCHOOL HOURS

Have Government come to a decision on changes to the pattern of school hours?

ANSWER

THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE AND YOUTH

The Government have not come to a decision on changes to the pattern of school hours.

SUPPLEMENTARY TO QUESTION NO. 155 OF 1999

HON J J GABAY:

Would the Minister not agree that over a year has gone by since he set up the Working Group, does he not consider this sufficient time for recommendations to have been made and put on his desk?

HON DR B A LINARES:

The delay is not of our making. The Teachers' Association has not been able to make to us definite formal specific proposals until two weeks ago, that is the 3<sup>rd</sup> February this year. It appears that there are wide differences of opinion among teachers and the GTA has had to hold numerous consultations and meetings in order to be able to arrive at some definite specific proposals and even now, let me say, what they propose actually results in different patterns of school hours for different schools, for First Schools, Middle Schools and Secondary Schools which may be a good thing or not. Yet again, the headteachers and the deputy headteachers have a favoured pattern which is different from that proposed by the other teachers. Let me say that I think the social and the sociological repercussions in our community of any major change of this sort in school hours could be quite serious, could ripple out into serious implications and I am sure this is an issue on which the hon Member would not want to score any political points. I think we should all want to make sure that we get it right and that everybody is clear and as far as possible consentient about it all. Above all I think it is important that parents themselves know exactly what is being proposed and feel that what is being proposed will actually facilitate rather than disrupt any further their own style and pattern of working life and for this purpose we intend to put the teachers' proposals as they have been made to us to the parents in a comprehensive survey of parental views and, of course, whatever the outcome the Government, in any case, will have to also consider the logistical and financial implications in terms of staff and physical resources that any new pattern of school hours may necessarily entail.

HON J J GABAY:

I appreciate the complexity of the subject and I agree with the Minister that this is not a question of scoring political points. However, because it is a very complex problem which can have serious repercussions if the wrong decision is taken, has the Minister in any way in facilitating an easier arrival at a decision by actually providing guidelines through the Director of Education?

HON DR B A LINARES:

I am not too sure exactly what the hon Member means in terms of guidelines. Obviously the Director of Education has been chairing the Committee representing the parents, representing the teachers and a number of other entities and in the process of analysis and discussion within that Committee, of course all the pros and cons and all the factors involved have been discussed. The Director of Education has indeed made his mind clear also on the educational and academic merits of whatever proposal comes his way and there are very definite educational aspects which can also be disrupted by the change of school hours and they are quite sensitive and delicate and they have to be attended to and that, of course, I know that the Director of Education and his advisers have been putting before the Committee, not in any biased way but so that they are weighed accordingly when anything else is being proposed in a practical sense.

HON J J GABAY:

If I may simplify the question. Do the Government themselves have a policy on this matter? Obviously I welcome the degree of consultation but have the Government particularly when the Minister explains quite articulately all the various ramifications of the change, might it not be helpful for the Government to suggest their own policy and their own views on prospective changes?

HON DR B A LINARES:

No, it is not my style of working. I think the consultation has to be absolutely genuine. I think I should hold a tabula rasa on this, a completely open mind. Let the persons involved, as I say, parents, teachers, headteachers, come up with their experience and how they live this problem and what they suggest and then after that I think it is for the Government obviously and the hon Member is right in that respect, the Government should not sit on the fence as he put it last time but actually make decisions on this matter, whatever the outcome.

HON J L BALDACHINO:

Can the Minister clarify, am I right that there was certain consultation by the GTA with the parents? I believe that a leaflet was given and they had to return it, is that the case?

HON DR B A LINARES:

I believe so. I think the teachers carried out a survey of their own but they have been reviewing this once they had to confront this evidence which was not entirely comprehensive in the survey. The sample was not as informative as it should have been and I know that they have had to put to the teachers themselves and they have had to go through a complicated and complex process before they have been able to arrive at the very definite proposals that I now have before me. One knows what it is like in union affairs and in union processes that to carry one's members in a consensus is not always an easy matter.

NO. 156 OF 1999THE HON J J GABAY

## EDUCATION - PLANS TO LINK PAY RISES TO EXAMINATION RESULTS

What is the policy of the Minister for Education in relation to the UK Government's plans to link pay rises to examination results?

ANSWERTHE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE AND YOUTH

The Gibraltar Government have no plans to link pay rises for teachers to examination results.

SUPPLEMENTARY TO QUESTION NO. 156 OF 1999

HON J J GABAY:

There is a considerable controversy going on in England in respect of Government proposals where pay rises are concerned and it is a two prong one. On the one hand there is a plan to reward teachers for the end result and there is another dimension to it that is to reward teachers for their performance. On the first level there is absolute rejection by the Teachers' Union that consider it absolutely out of the question and I think rightly so personally. I just simply wanted to know what the Minister's opinion was. With regard to the second dimension, there seems to be a great deal of support for actually.....*[Interruption]* Well, we know there is here locally too. The only difference is that the teachers would not be able to appoint their own salaries here. There is much merit probably in the second point where it would be a question of evaluating and assessing the performance of a teacher because of his skills, his knowledge and so on which the unions claim is easily assessable and done bureaucratically. So since there is a possibility of that line of action being taken up I would simply ask him what is the policy of the Government in respect of this possibility?

HON DR B A LINARES:

My only answer to that is that surely the hon Member knows that the thrust of the Government proposals in UK are relevant to conditions and situations, the great difficulty of recruiting and retaining good teachers and particularly headteachers, and that sort of scenario is very different from our situation here. We have no problem in recruiting or retaining teachers, as the hon Member is well aware so the factors that are conditioning the policy of the United Kingdom is so distant and irrelevant to our situation here that at the moment I can say we have no plans whatsoever to in any way follow the path of the United Kingdom Government.

HON J J GABAY:

Am I to accept that this refers to both dimensions?

HON DR B A LINARES:

Yes.

NO. 157 OF 1999THE HON J J GABAY

## EDUCATION - EXCLUSIONS FROM COMPREHENSIVE SCHOOLS

Can Government state how many exclusions, temporary or permanent, have taken place in our comprehensive schools since the beginning of the current school year and, if so, on what grounds, for what length of time and what follow-up measures have been pursued?

ANSWERTHE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE AND YOUTH

During the course of the current school year no pupil has been excluded from school permanently. There have been 11 exclusions of a temporary nature ranging from one day to a maximum of one week and three of these exclusions actually relate to the same single boy. In five cases the reason for exclusion has been aggressive and violent behaviour. In all other cases the reason has been serious misconduct, which takes a variety of forms. In any exclusion of more than one day arrangements are made by the school for the child to receive work to do at home and have it marked.

SUPPLEMENTARY TO QUESTION NO. 157 OF 1999

HON J J GABAY:

When permanent exclusions are made, such as we have one it appears from the information given by the Minister on the last time I asked a similar question, on what grounds was that particular individual expelled, which is the traditional word and I think makes the position clearer? And generally, could the Minister comment on the type of offence that brings about the final punishment? Is it usually drugs related or related to violence or to what? Needless to say, I am not asking for names, I am asking for some sort of explanation for the interest of the House to know what it is that can cause permanent expulsion from school?

HON DR B A LINARES:

I think it is a question of degree. Normally one can define the misconduct as violent aggressive behaviour but it depends to what extent and how recurrent it is before the child is actually deemed to have no other remedy but to have a permanent exclusion and even then it is not permanent. Permanent is not the right word, the right word is indefinite. There is always a process, I think it is a very genuine approach, indefinite exclusion means that there is always the possibility of redemption, that the child is set an individualised programme of education outside the school ambience but pending on the progress made the pupil could always come back and hopefully that is the desire of everybody.

HON J L BALDACHINO:

Who makes the decision if it is permanent or indefinite, as the Minister has said? Is it up to the headmaster of the school or to the Director of Education?

HON DR B A LIINARES:

The headmaster or the headmistress and always with the approval of the Director of Education.

NO. 158 OF 1999

THE HON J J GABAY

EDUCATION - CULTURAL/EDUCATIONAL EVENTS

Will Government list the number of joint cultural and educational events that have taken place with the Spanish hinterland since May 1998?

ANSWER

THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE AND YOUTH

Since May 1998 there have been 21 events of an educational and cultural nature involving institutions, students, educators, professionals and artists on both sides of the border. In some cases these events have taken place locally and in other cases in Spain.

I have a complete list of all these events with full details of their nature and their purpose and I would be pleased to pass this information to the Opposition Member as it would take considerable time to have it read out in the House, if that is acceptable to the hon Member. I thank him for that and I would take this opportunity of actually inviting the hon Member when he seeks factual data statistical information he is always welcome to write to me before, and I am not saying this just simply as a time-saving device, that would enable Opposition Members of analysing the data before they come to the House and then be much more incisive and focus on the issues of policy behind the data rather than just take up raw data put here to the House.

The following are details of cross border cultural events held as from May 1998 to the present –

CULTURAL

Saturday 30 May

Recital at the Piazza, Gibraltar, organised by the Orquesta Juvenil del Conservatorio 'Manuel Carra' of Malaga as part of the 1998 Gibraltar Spring Festival.

Friday 3 July

Concert by Gibraltarians students of music (Claire Hawkins, Andrew Martin, Aaron Monteverde and Christian Santos) at the Casa de la Cultura, La Linea de la Concepcion organised by the Minister for Culture.

Saturday 4 July

Official opening of the new theatre 'Teatro – La Velada' in La Linea de la Concepcion attended by the Minister for Education and Culture and the Director of Culture and other local musicians. This was followed by a concert by the Orquesta Ciudad de Malaga.

5-22 October

Participation by Spanish artists in the 26<sup>th</sup> Gibraltar Open Art Exhibition. Four of the five main prizes and half of the highly commended entries were awarded to Spaniards. Participation of local artists in the Open Art Competition of San Roque.

### Saturday 28 November

Concert at the Cathedral of the Holy Trinity by La Banda de Liria, Valencia, organised by the Ministry of Culture.

### Monday 14 December

Meeting at the John Mackintosh Hall between the Director of Culture and Pilar Mansilla, Juan Sandubete and Manuel Ramirez, municipal representatives from Los Barrios.

An exhibition by Spanish sculptors Hector Carnero and Ricardo Davila at the John Mackintosh Hall from 27 July to 8 August 1998 was cancelled due to the intransigence of the Spanish frontier authorities in not allowing their sculptures to be brought into Gibraltar.

Minister for Education and Culture and Director of Culture invited to a concert by the Sinfonietta 'Arthur Rubinstein' at El Teatro La Velada on Saturday 8 August but were unable to attend.

## EDUCATIONAL

### 14 December 1998

Meeting between educators from Los Barrios with our own educational advisers to prepare programme of educational exchanges by pupils.

### 18 February 1999

Visit to Los Alcornocales by team of teachers led by our Senior Educational Adviser to prepare programme of exchanges by pupils.

### 30 April 1998

Visit by 50 pupils and teachers from Marques de Lucerna, Cordoba, to Westside and Bayside Schools.

### 28 May 1998

Biology Field Trip – Westside School – 38 pupils to El Picacho, Alcala de los gazules.

### 3 June 1998

RE Course – Bayside School – 47 (12 to 15 year olds) to Augustinian Convent, Medina Sidonia.

### 8 – 10 June 1998

Adventure Camp/Outdoor Activities – Bayside School – 31 (12 to 13 year olds) to Cortijo de la Jarandilla, Castellar.

### 9 June 1998

Spanish Department (Cultural) – Bayside School – 40 (Year 10) to Granada.



20 – 24 October 1998

Sports Tournament – Westside School – 10 (12 to 13 year olds) to Madrid.

27 – 28 November 1998

Field Work – Sacred Heart School – 37 (11 to 12 year olds) to La Jarandilla, San Roque.

9 – 11 December 1998

Adventure holiday organised in conjunction with DFL behaviour strategy – Bayside School – 23 (13 year olds) to La Jarandilla, San Roque.

5 – 7 February 1999

Sports (Cultural) – Gibraltar College of Further Education – 22 (17 to 20 year olds) to Granada.

May 1998

Following a Scout Regional Conference held in Algeciras a party of 200 Scouts visited Gibraltar as guests of the Gibraltar Association. The Bugle and Drum Corp of the 1<sup>st</sup>/4<sup>th</sup> MMHD Gibraltar Scout Group returned to Algeciras with the Spanish contingent and played for them as part of the closing ceremony of the regional conference.

May 1998

A party of 40 Cub Scouts from Gibraltar camped in the forest of Cujar Sierra, near Granada, with Cub Scouts of the Granada Region during the long weekend at the end of May 1998.

SUPPLEMENTARY TO QUESTION NO. 158 OF 1999

HON J J GABAY:

I thank the Minister for the list that he is going to provide me with. At the same time I am sure he will recall our previous difference of opinion as to what constitutes joint cultural and education events. Since the previous list was mainly really ordinary routine excursions and trips of very superficial cultural and educational value but, of course, extremely welcome on grounds of leisure activities. May I say that when I look at the list I will be trying to identify occasions where one sees what is usually considered meaningful educational exchange, that is joint research projects, exchange of teachers, swapping classes, sort of integrated activities and not simply the sort of trip or excursion that we debated last time. Secondly, on the previous occasion reference was made to the co-operation on educational matters with the Mancomunidad de Municipios and the Minister stated that the Working Commission had met eight times since April 1997. Can the Minister inform the House how many other meetings have taken place since and at what level and, hopefully, with what positive results?

HON DR B A LINARES:

I can tell the hon Member that we have gone well beyond the format of the Mancomunidad, I have to confess. We have now gone very much to the grass roots, to people involved, practitioners in the field both over the border and locally. We feel that the Mancomunidad Working Commission agreed that this would be the best and most

effective way of processing the philosophy and the thinking of co-operation. Referring to the first part of the supplementary question, I would say yes, I agree with the hon Member that there are different levels at which one can evaluate educational and cultural exchanges but I would say that as far as we are concerned, it is the interaction between peoples, especially young people, students and educators and professionals getting to know each other, co-operating sometimes in very simple activities like an exhibition or a competition but anyway, for the hon Member's information, that list he has got there I have actually excluded, I knew he would bring that up, all the purely leisure, all the trips to Mijas Aquapark and all that have been left out.

HON J J GABAY:

I will enjoy reading that list and perhaps with the same insistence as usually shown by the Chief Minister, I shall come back on that point. But let me take up one point. The hon Member said that we had gone down from the Mancomunidad level to the grass roots, on the previous occasion the hon Member mentioned El Calendario of events provided by the Department of Education in La Linea and he made the comment, which I quote "it has not found much response in our schools". I was wondering whether this is still the case?

HON DR B A LINARES:

Not entirely, there have been some responses, particularly in the field of music. The hon Member will see in that list that there have been a number of very exciting and interesting concerts, since El Conservatorio de Musica in La Linea came into existence there is a very close contact between the Musical Directors there with our own musical people here and there have been some very exciting encounters. There have been concerts here in Gibraltar and some of our young musical students have gone to the Conservatorio in La Linea and performed quite brilliantly.

HON J J GABAY:

Would the Minister not agree that we are simply skimming the surface or do we tend to elate ourselves with the idea of regional co-operation?

HON DR B A LINARES:

That is a very wide valued judgement to which I would not dare to trespass.

NO. 159 of 1999

THE HON J J GABAY

EDUCATION – CONSTRUCTION TRAINING CENTRE

Will Government state how many students have completed their training in the Construction Training Centre in the last two year course period, giving breakdown by trade and how many students have enrolled for the course which started in November 1998?

ANSWER

THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE AND YOUTH

Mr Speaker, 16 students will have completed their two-year training course by March this year. (seven actually completed the course in December 1998 and three others have completed the course earlier this month).

The breakdown by trades is as follows:-

5 Carpenters  
3 Painter/Decorators  
2 Plasterers  
4 Plumbers  
2 Bricklayers

Twenty students have enrolled for the course which started in November 1998.

SUPPLEMENTARY TO QUESTION NO.159 OF 1999

HON J J GABAY

What was the failure rate, if any, in the last batch of those students who completed the course?

HON DR B A LINARES:

I have not quite got the statistics for the failure rate. The total intake was 35, 16 have succeeded and completed. The others have not all failed the course but simply either left, because they find employment or in some cases they have actually been asked to leave for disciplinary reasons. If the hon Member, by failure, means how many have not completed the course, then it is 35 less 16, that is 19.

HON J J GABAY:

Would you not consider that to be quite a high rate of failure?

HON DR B A LINARES:

Not quite a very high failure because there have been other options recently developing and opening up opportunities for these students who have then diverted their career prospects from the industrial trade to, perhaps, in the field of tourism, or catering, or whatever. Certainly I can tell the hon Member that the failure is not due to any intrinsic deficiency in the courses that are being offered. They are young people who go into a particular career with enthusiasm and then they change their minds for a whole variety of factors that come into their lives.

HON J J BOSSANO:

Can the Minister confirm whether the people that have completed the course are now qualified to take up employment in the trades that he has listed?

HON DR B A LINARES:

They are not craftsmen, they are qualified, they have Vocational Qualifications at Levels 1 and 2. Many of them have now qualified to take on, and they have been indeed employed now by a number of construction firms as apprentices aiming at level 3 which would actually then be the qualification that compares with the traditional concept of a craftsman.

HON J J BOSSANO:

So the apprenticeship that they take up after their two years will take how long?

HON DR B A LINARES:

Normally one year, but it is very often open-ended if it is on-the-job training there is usually a certain flexibility in enabling the young man to master the different skills involved in whatever the trade is but normally it should be one year.

HON J J BOSSANO:

Given that the Vocational Qualifications that have been done under Government supervision in the Construction Training Centre, if there are private sector employers taking on these youngsters who come out after three years, what is the nature of the monitoring of the training that they get in the private sector that is carried out? Is it carried out by the Construction Training Centre?

HON DR B A LINARES:

There are a number of facets to that training, on the job, part of it is a release element which enables them to seek underpinning knowledge in the College of Further Education, no longer in the Centre because the Centre provides very practical training rather than the theoretical aspects that many employers will still want from their trainees and the supervision, in the Training Unit now, we have a Training Officer who has supervisory responsibility for all the training schemes and he is assisted by two Monitors whose job it is to be in the front line, actually going to the places of work ensuring that each trainee has an individualised programme of training and ensuring that there is someone in the firm who takes responsibility for them as the master craftsman with supervisory and monitoring ability of the programme.

HON J J NETTO:

If the hon Member will give way, I think the original question as posed by the Leader of the Opposition was to say how long should it take to be an NVQ Level 2 and how long should it take, approximately, to an NVQ Level 3? There are no specific dates on how much it should last but if we apply the UK situation, an NVQ Level 2 should be about two years and an NVQ Level 3 should be about three years. The problem with the Construction Training Centre, as the hon Member knows, when it was opened in January 1996 there were certain aspects of the Training Centre that were not available and actually created a delay towards the completion that we are now seeing here. The other part of the question that the Leader of the Opposition said was that what seems to be borne out now from experience in the private sector is that a person coming out on an NVQ Level 2 does not have the traditional skills that one assumes under the old apprenticeship scheme and hence the reason why the Department of Education and Training are now providing NVQ Level 3. It is just simply a bridge too big from the finishing of the NVQ Level 2 to NVQ Level 3 and hence the reasons why now they are actually moving on from the original NVQ Level 2, I believe there are quite a number of trainees who are now coming

under the GJBS in order to obtain the NVQ Level 3 in order to give them that further amount of skill which is demanded particularly in the private sector.

HON J J BOSSANO:

Is there then a system in place which places the people that come out with Level 2 with employers so that they can carry on to Level 3 or is it just a question of the individual having to fend for himself?

HON DR B A LINARES:

There is very much of a systematic approach. Precisely, as I said, the Training Unit is now taking responsibility for this and systematically following up, ensuring that all the trainees coming out of the Training Centre with their Level 2 qualification will find outlets into possibilities. There are 16 now in GJBS, there are 20 others in Cammell Laird, there are about nine others placed in particular firms, and in all these cases the Training Unit will keep tabs on their training programmes.

HON J J BOSSANO:

That seems to be more than the 16 that have completed. What I am asking is the people who completed the NVQ Level 2, for example, have the seven that finished in December all gone on to be employed by somebody who will give them the necessary additional training so that they finish up at Level 3 and therefore are able to compete for work as craftsmen, is that the case with all the seven in December?

HON DR B A LINARES:

I am pretty sure that most of them have now followed on their training in work placement. I cannot tell the hon Member all the seven because others may have actually chosen a different path. They may have decided to take a different type of job and not wish to go into a Level 3 qualification. There were 16 altogether who will qualify by the end of March, as I explained. I am pretty sure that GJBS is drawing on many of these 16.

HON J J BOSSANO:

It is very welcome that GJBS which is a Government-owned company should be setting the example but if there are 16 altogether, and there are 16 in GJBS, it does not leave a lot of surplus for the rest of the construction industry to have absorbed, it seems to me.

HON DR B A LINARES:

The hon Member is right. It is one of the areas that in the Training Advisory Council the representative of CATTa is actually working together with the Training Officer precisely to systemise the bridge between the private construction industry and the Construction Training Centre.

HON J J BOSSANO:

At the moment the bulk of those that are finishing this year will continue their training with GJBS, is that the position?

HON DR B A LINARES:

I am not sure about GJBS specifically but certainly the bulk will find opportunities for carrying on their training into Level 3 in work places and most of them in GJBS.

HON J L BALDACHINO:

In the United Kingdom, the NVQ is set up by the construction industry and when somebody finishes the NVQ 2, in UK, do construction companies only employ as craftsmen people who have NVQ 3 and not NVQ 2? Is the person accepted as having passed a craftsmanship?

HON DR B A LINARES:

The NVQ system in UK, I would say, is even more flexible than ours. It is very varied, it is very often addressed to the individual trainee and particularly whatever training and ability and potential that he demonstrates the NVQ system is very much intended to be able to draw on the individual potential of each trainee and my understanding and my knowledge of the NVQ system in Britain is that it is very, very flexible because the idea is to make sure that skills are developed by each individual in a realistic context.

HON J L BALDACHINO:

What I am asking is, in UK, if somebody finishes with an NVQ 2, is it acceptable as a craftsman or is it that the same condition of NVQ 3 applies or is it that it is a local condition put here by the construction industry, that is what I am asking.

HON DR B A LINARES:

The traditional craft qualification is an NVQ 3 in UK.

No.160 of 1999

THE HON J J GABAY

EDUCATION – UNIVERSITY GRADUATES

Can Government provide the latest statistical information on the last batch of University graduates who completed their studies in the academic year 97-98, stating how many have stayed abroad and how many have returned to work in Gibraltar?

ANSWER

THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE AND YOUTH

In January 116 letters were sent to students requesting official proof of having completed their studies together with questionnaires seeking information about their intentions.

A total of 34 questionnaires have been returned up to Friday 19 February 1999. Of these:

- seven intend to seek employment in Gibraltar, out of which two also intend to further their studies in the near future;
- 15 have already secured employment in Gibraltar and three of these wish to further their studies in the near future;
- one does not intend to return to Gibraltar;
- nine have already secured employment in the United Kingdom but two of these wish to further their studies in the near future and another two wish to return to Gibraltar to seek employment;
- two students have indicated that they wish to further their studies in the near future;
- three students have returned official proof of their qualifications but have failed to enclose the questionnaire.

The reason why we sent the questionnaire in January is because by the terms of the contract 115 days actually have to be given to each particular student after graduation to the time that the release of the contract can be effected. We are now in the process of gathering the information that the hon Member seeks.

SUPPLEMENTARY TO QUESTION NO.160/99

HON J J GABAY:

Yes, I think that this is a very useful exercise, gathering these statistics, particularly if we are able to complete more fully the ones we received last year and pursue the latest lot so that we can build this up through the years and maybe there are some interesting facts about trends and what is happening to the people that we educate, whether we are educating them for import or for export, for that matter. It could be a very interesting and useful exercise.

NO. 161 OF 1999

THE HON J J GABAY

EDUCATION – SCHOOL OF TOURISM

Can Government state how many students there are on the waiting list for the next intake at the School of Tourism and how many places will be offered?

ANSWER

THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE AND YOUTH

There is no waiting list for the next intake due to commence the course at the School of Tourism at the end of May this year. Applications will be invited around the end of April and we target up to 20 new trainees per intake.

SUPPLEMENTARY TO QUESTION NO. 161 OF 1999

HON J J GABAY:

If I remember the figure correctly, I think last time we had something like 36 applicants for the 20 places available, were they left on the waiting list or were they told to reapply on the next opportunity?

HON DR B A LINARES:

Many of them reapplied again for the next batch.

HON J J GABAY:

They are on the waiting list then?

HON DR B A LINARES:

In that sense they are yes, but we do not have an official waiting list, it is just that they are there, they have been rejected this time and of course they can apply again a second time. There is no formal waiting list.



NO. 162 OF 1999

THE HON J J GABAY

EDUCATION – SCHOOL OF TOURISM

Can Government state whether there have been any withdrawals from the first intake of students at the School of Tourism?

ANSWER

THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE AND YOUTH

Yes. Out of the original 20 in the first intake at the School of Tourism, eight trainees withdrew from the course and two found permanent jobs in their work placements.

SUPPLEMENTARY TO QUESTION NO.162 of 1999

HON J J GABAY:

So, in some ways it is a very unsatisfactory situation where we are left with only half of the intake in some exercise which of course has been rather costly and which we warned at the time might have some serious consequences. It was precisely with that in mind that I asked earlier on whether a waiting list was being built up.

HON CHIEF MINISTER:

If I could just interject here, the Government do not consider that it is too expensive simply because we have only trained 10 people. The fact of the matter is, that rather like the construction industry, this is experimental for the youngsters involved. There is no tradition in Gibraltar of young people training up for this line of work and it is inevitable, I would have thought, in the first intake that there would be a high rate of drop outs. We would be very happy indeed with our investment if eight trainees completed. If after two or three intakes we ended up with 30 people qualified in Gibraltar to move up from the lowest jobs in hotels right up to hotel management and reception work, I think that that would have been a very worthwhile achievement but, of course, we would be happier still if they were still 20 left. We would have done this for an intake of 10 originally. We think that that is worthwhile.

HON J J GABAY:

Is it perhaps that the students were not properly motivated and prepared for the courses that they were to take? On an educational ground would he not agree that 50 per cent withdrawal is unreasonable and surprising anywhere in the education field?

HON CHIEF MINISTER:

This is not the education field. This is the vocational training field and these students were not motivated or educated at all for this. The Government make available a training facility in Gibraltar and people ask to be allowed to undergo that training and the Government do not say "hang on, I am going to run you past a motivation test to see if you are properly motivated". This is a facility that is made available which people subscribe to and then decide to drop out of. If the question is whether the failure rate, the drop out rate, is higher or lower than it would be in equivalent facilities elsewhere, the answer is

that it is probably lower in other countries in which there is a tradition in this sort of work and therefore a more established culture of people working in this sort of business than there has been historically in Gibraltar. I would expect the drop out rate to fall with each intake that takes place.

HON J J GABAY:

I find that interpretation rather surprising. To begin with I was actually talking about the motivation of the pupil in respect of the quality of the set up to inspire them to pursue this sort of work as indeed the Government were doing in promoting this. Perhaps it has not been handled properly. I still think that 50 per cent of withdrawal is very surprising.

HON DR B A LINARES:

I cannot agree with that. I think the reason for the drop out, to put it that way, is based on factors which the Chief Minister has expressed. It is a question of an experimental approach by the students themselves. They want to try it out, it is a trade style and pattern of work very different from other patterns of work in other trades, shifts and the atmosphere and the style of work and therefore they try it out and some of them feel that it is not for them. They are experimenting. That really in our experience in the field, having interviewed and talked and counselled the trainees themselves, have discovered that in most cases it is due to that. In no way does it reflect the intrinsic lack of merit or the deficiencies of the course itself which is greatly appreciated.

HON J C PEREZ:

Can the hon Member perhaps state at what stage of the eight that dropped out, because two were in employment, at what stage in the course did that happen? The first week? The third week? Before or after the Treasure Hunt?

HON DR B A LINARES:

I have not got notice of that, I will find out for him.

HON J J NETTO:

As to the comments by the Leader of the Opposite that he was highly surprised of the drop out rate, I have to say that there is no surprise at all. The Vocational Cadet Training Scheme introduced by the previous GSLP Government in 1989 had the tremendous drop out rate as much as this one or even worse. So it is no surprise at all.

HON A J ISOLA:

Is Government in contact with the hotels who have been carrying on the on-the-job training for the School of Tourism, has there been contact with the hotels to see how many of the remaining 10, given the possibility of employing four, and if so, do Government know how many potential jobs there could be at the end of the course which is only two or three months away for those people when they finish this period of training.

HON DR B A LINARES:

There is very close monitoring of the trainees in their places of work and very close contact between our monitors and the industry and the people in the hotels actually implementing the scheme is carried out all the time. Then the hon Member went on to say about outcome and projections and I am afraid I have not got the figures but I do not know whether the Tourist Board has worked out some projections in that respect.

No.163 OF 1999

THE HON J J GABAY

EDUCATION – TRAINING AND DEVELOPMENT COURSES

Can Government state how much has been spent from the £811,000 provided for Training and Development Courses since the 31<sup>st</sup> August 1998 to the 31<sup>st</sup> January 1999?

ANSWER

THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE AND YOUTH

From the £811,000 estimated for Training and Development Courses , £445,376.80 were spent up to the 31<sup>st</sup> January 1999. Since then £58,406.35 have been spent up to last Friday 19<sup>th</sup> February. That gives a total of £503,783.15 and some more bills are expected to be paid before the end of the financial year.

SUPPLEMENTARY TO QUESTION NO.163 OF 1998

HON J J GABAY:

Can the Minister give us a breakdown as to how these £503,783 have been used?

HON DR B A LINARES:

That vote is intended for funding all the new training schemes which have been initiated by the Government over the last financial year. There is a very useful account of that which has been published but of course taken from our own documents in the Training Advisory Council in the latest report of the Chamber of Commerce, giving examples of new schemes like the School of Tourism, the Maritime initiative, University of Durham Business Management Courses, short courses under the auspices of the Chamber of Commerce, Civil Service Long Term Training Strategy, Fabrication and Welders Apprenticeships in Cammell Laired, the GJBS on-the-job Apprenticeship Scheme that we spoke about yesterday and, of course, schemes which are still in continuation. Vocational Training in our Lady of Europa Training Centre, placements of young people with learning disabilities in sheltered training, individualised programmes with separate firms. I can provide the hon Member with details of all the new schemes which have been initiated and of which, of course, we are rather proud.

HON J J GABAY:

I think I have misplaced the little note with regard to the previous question asked by the Hon Mr Baldachino as to how much was actually spent up to the 31<sup>st</sup> August 1998. I was wondering whether the Minister has this detail?

HON DR B A LINARES:

I have not got that detail but I can find out.

HON J J BOSSANO:

Can the Minister say, the payments are made to whom? To the people who are providing training for individuals that are placed with them?

HON DR B A LINARES:

Mostly to the trainees.

HON J J BOSSANO:

So this in fact is what, the payment that is made to vocational cadets?

HON DR B A LINARES:

No, the remnants of the vocational cadets scheme are still being paid from another vote in the Estimates and paid by the ETB if the hon Member refers to Appendix E in the Estimates, he will see that there is a separate vote for Vocational Cadets and then the £811,000 is for Training and Development Courses which actually fund all the trainees, wages and various other running costs of these schemes, also the fees to the training providers as well as the trainees.

HON J J BOSSANO:

In answer to a previous question we were told that the figures for the young people who were either employed directly by the ETB or placed through the Education Department, is this a third category which is not in those two others that were given in an answer to a previous question yesterday?

HON DR B A LINARES:

Yes, it is a separate category, skills development schemes that we have initiated over this financial year.

HON J J BOSSANO:

So the questions that have been answered on the number of Vocational Cadets and the payments do not include those in this Scheme?

HON DR B A LINARES:

No, it does not. The Vocational Cadets is divided between the remnants of the Vocational Cadets Scheme that was in existence before and also covers the trainees in the Construction Training Centre and I think also in Our Lady of Europa. Perhaps I was wrong in Our Lady of Europa Training Centre before, I think they are still covered by the vote on Vocational Cadets which is controlled by the ETB.

HON J J BOSSANO:

But the Minister in his list also mentioned GJBS. Is this in addition to the 16 that he mentioned in an earlier answer were in GJBS or are we talking about the same people being shown here?

HON DR B A LINARES:

The reference I made to the GJBS on the job training scheme up to NVQ Level 3 is also paid from this vote.

HON J J NETTO:

For the sake of clarity basically what we need to do is pass the information to Opposition Members distinguishing between the payment which has been made for Vocational Cadets in the employment service and some of which is also the second category of the Education Training Department to distinguish those two from the third category which is the one that he referred. That is what needs to be done and passed over to the hon Member for him to know what falls within the third category which is, I believe, the £800,000 under the Training subhead in Appendix E.

HON J J BOSSANO:

Can the Member say how many trainees benefited from the expenditure of £500,000 between the 1<sup>st</sup> September and the 31<sup>st</sup> January?

HON DR B A LINARES:

I can say that, Mr Speaker, but I would have to be given time to look it up.

HON J L BALDACHINO:

The courses run by the College of Further Education and now some of them are in Bleak House, those fall under that same amount of money, is that being paid from there?

HON DR B A LINARES:

Yes, Mr Speaker.

HON J L BALDACHINO:

And how many of those are new courses?

HON DR B A LINARES:

Quite a few, Mr Speaker. I mentioned some before. I can give the hon Member the whole list I mentioned before. Quite a number of new schemes have been initiated throughout this financial year.

HON J J BOSSANO:

I think the Minister will be able to provide a breakdown of what payments have been made, to whom and how many people are involved, is that correct?

HON DR B A LINARES:

Yes, Mr Speaker, that is correct and I apologise for not having the information available.

NO.164 OF 1999

THE HON J J GABAY

THEATRE ROYAL

Can Government report any progress on the possible refurbishment and use of the Theatre Royal?

ANSWER

THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE AND YOUTH

Yes, Mr Speaker. The Government have carried out a structural survey of the Theatre Royal and a detailed costing of its possible restoration and refurbishment. The Government are considering adopting the restoration and reopening of the Theatre Royal as a Millennium Project and to this effect we will be seeking a contribution from European funds and funds from other interested trusts and institutions.

SUPPLEMENTARY TO QUESTION NO.164 OF 1999

HON J J GABAY:

I would like to thank the Minister for that information which seems encouraging and I hope that every attempt will be made to press on this issue which is a long-standing one.

NO. 165 OF 1999

THE HON J C PEREZ

NYNEX/GIBTEL - MERGER

Having announced that the proposed merger between Gibraltar Nynex and Gibtel will now not proceed, does the Minister now envisage that both companies will be competing with each other for international traffic once the EU directive on liberalisation is introduced?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

The Minister has not announced that the proposed merger between Gibraltar Nynex and Gibtel will now not proceed.

SUPPLEMENTARY TO QUESTION NO. 165 OF 1999

HON J C PEREZ:

Has it been misinterpreted in the press because the last press report I heard was about a leaflet issued by Gibtel and GBC saying that the proposed merger which was supposed to have been signed last July was now not taking place. Is the Minister saying that there is a possibility that two companies should now merge?

HON LT-COL E M BRITTO:

I cannot at this moment recall the press report the hon Member is referring to but if it did say that the merger was not taking place then obviously I have been misquoted.

HON J C PEREZ:

Will the Minister state at what stage of the merger situation the matter is now given that there were expectations that by July last year there would be a possibility of signing agreements and that no such agreements were signed as a result of parties having gone cold on the matter?

HON LT-COL E M BRITTO:

If I recall there was a similar question on the Order Paper of a recent meeting of the House where we gave an indication on the lines of the one that the hon Member is seeking now but I have no difficulty in saying it again, that the merger has been put on hold at the request of Bell Atlantic. There is no definite date for the merger talks to resume but equally there is an indication that they may resume at a future date. The hon Member mentioned a leaflet that I distributed with Gibtel and he will see that is not quite correct either. [HON J C PEREZ: That is what GBC said.] Well, if it did then it was wrong. What I did was I wrote a personal letter to every single employee in Gibtel and in Gibraltar Nynex spelling out the position. It would be far too lengthy to read the letter but if the hon Member has not already had a copy of it and knowing his style I presume he already has, but if he has not I would be quite willing to give him a copy later on today. I will read the relevant paragraph, for the record, to be absolutely right and the relevant paragraph says, "Bell Atlantic have told the Government that their wish to avoid any restructuring activities of GNC at this time is driven by the facts and circumstances that they face. They have stated to the Government

that they see no reason why Bell Atlantic should be precluded from revisiting the merger at some point in the future once the current uncertainties they face become resolved. The Government remains supportive of discussions between the shareholders resuming at the earliest practicable opportunity”.

HON J C PEREZ:

I would appreciate a copy of the letter. It is obvious that if I had had a copy the question would have been rephrased in a different way. I was guiding myself by the report made in the press. Although there will be a delay in the implementation of some of those directives which affect primarily the competition of international carriers, at what stage will the Government consider whether the possibility of the merger taking place or not at all? There must be a point where the shareholders have already taken a decision of the future of their own companies and might have written it off completely or there must be a stage where Bell Atlantic or British Telecom or the Gibraltar Government will come to a point where they will say either, “It is not possible to proceed further” or “We will have to start to act now”. Can the Minister state, in his own opinion, what that point is in the future?

HON LT-COL E M BRITTO:

Obviously I cannot speak for the other shareholders but as far as the government are concerned, our wish would be to see the merger talks resuming. We are not applying particular pressure because the other party, Bell Atlantic, have indicated that they want the matter put on hold until they think they are in a position to resume.

HON J J BOSSANO:

Given that the position seems to be that the merger may not proceed as opposed to will not proceed, what is the answer to the second part of the question, as to whether both companies will be competing each other for international traffic?

HON CHIEF MINISTER:

The Government's preference is for a properly structured merger, let us be clear about that, we have been saying that for some time, that is our preference, we have been working to bring that about but, of course, there are three shareholders that would need to agree to that. One of them has asked for it to be put on hold and therefore we cannot proceed in those circumstances, but that is our preference. But we have made it equally clear to our fellow shareholders in both companies that if the merger does not proceed, the Government are determined to use our influence as a shareholder in both companies to ensure that commercial interests and therefore the employment prospects of the employees of both companies are fully protected in any future liberalised telecommunications market which the Government may have to implement in connection with the liberalisation directives. Our preference is merger but if the merger cannot proceed then the Government is certainly fully seized of the issues that that throws up in the context of the present structure of telecommunications, the share out of business between the two companies and we are determined that we will do the necessary to ensure that one does not abuse its position over the other at the expense, not just of the employment interest of the employees of the other, but indeed of the Government's interest as a shareholder of that other.



HON J J BOSSANO:

That is all very interesting but that is not the question. The question is does the Minister now envisage that both companies will be competing with each other for international traffic, what is the answer to that question?

HON CHIEF MINISTER:

Well, the answer to that question is that when the liberalisation of a market takes place the boards of directors of both companies will consider what they wish to do commercially and no doubt apply for the appropriate licences. The Government have an opportunity to influence those decisions at both board levels, not as Government, not as regulator, not as licensor but as shareholder and that is the first place where the Government will deploy and pursue our interests just as Bell Atlantic and BT pursue their interests on that level. In addition to that, although of course very clearly separated by a Chinese wall, what the Government are not allowed to do and will not do because it would be an illegality for which it could be pursued in the courts, is use our powers as a regulator and as a licensor to pursue our interests as a shareholder. But the Government are cognisant of both our rights, powers and interests separately in both those areas and will pursue, if we get an application from the board of, logically speaking, Nynex to take part in international traffic, that will require a decision of the board of directors and of the shareholders of Nynex which the Government are in a position to block as a commercial decision of Nynex if it considered it necessary in order to protect other shareholder interests of the Government.

HON J C PEREZ:

The Minister is aware, I presume, that a situation could arise where Government, as a shareholder of both companies, would be involved in investing in a duplication of infrastructure for the purposes of competition where the result of the liberalisation would instead of being like in the rest of the European Union lower international telephone charges could result in actually higher international telephone charges as a result of higher cost in infrastructure?

HON CHIEF MINISTER:

Well, hence the Government's preference for a merger. The Government's preference for a merger is not whimsical or capricious. The Government have a preference for a merger precisely for those and other reasons but principally that one.

HON J J BOSSANO:

Has there been any indication in fact that Bell Atlantic is looking at this possibility as an alternative to proceeding with the merger or not?

HON CHIEF MINISTER:

I believe that the position that Bell Atlantic is presently adopting is not driven primarily by a consideration of its commercial interests and position in the Gibraltar market. It is engaged in massive and very complicated, from a regulatory point of view, mergers and acquisitions in the USA, I think it is merging with something called GTE, one of these mega mergers, that raises issues of potential interest by European Union regulators as well as American regulators and Bell Atlantic does not wish to do anything by way of merger within Europe, which ours would be, such as might give European regulators, primarily the Commission, an opportunity to complicate what is a much more commercially significant merger. There is also the question of the diversion of management time and focus onto that much larger American merger so there are issues of not wanting to raise European scrutiny requirements, there are issues of management attention being diverted to the American merger, that is what they are telling us is the reason for this hence why it is only on hold and not off.

HON J J BOSSANO:

So the answer is that there has been no indication that they are looking at this as an alternative to the merger?

HON CHIEF MINISTER:

I cannot say what motivates Bell Atlantic in particular as a shareholder. Certainly I am aware that Gibraltar Nynex, as a company internally, without attributing the sentiment necessarily to one of its shareholders, as a company is confident that it could prosper commercially with or without a merger because of their dominance of the domestic network. The international link is, as the hon Member knows, relatively easy to procure on the wholesale market place. So certainly Nynex, as a company, is more confident than Gibtel, as a company, of its ability to compete successfully in a liberalised market place and I am sure that this thought is not completely absent from their minds but I do not believe that it is what is behind the fact that this merger is temporarily on hold.

NO.166 OF 1999

THE HON J C PEREZ

NYNEX/GIBTEL – COMPLAINTS

Can Government state what the latest position is with regard to the two complaints made to the European Commission by Gibraltar Nynex and Gibtel respectively?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

In January this year the Spanish Government has responded by letter to DGIV, the EU Department dealing with the complaints. A copy of this letter has not been made available to the Government, to Gibtel or to GNC. The Government nevertheless have some indication as to the content of this letter which I am willing to share with the hon Member in confidence.

SUPPLEMENTARY TO QUESTION NO.166 OF 1999

HON J C PEREZ:

The Minister will probably meet at his convenience after the House?

HON LT COL E M BRITTO:

Yes, indeed Mr Speaker. We will arrange a meeting and I will give him a briefing of what I have.

HON J J BOSSANO:

Can the Minister confirm that in fact the Commission has to give a reply to the two complainants at some stage, a formal reply, as a result of receiving a reply from Spain? Is that the procedure?

HON LT COL E M BRITTO:

Not necessarily. The position at the moment, as I understand it, is that the Commission is studying Spain's reply and will probably go back to Spain as the next step in the process.

HON J J BOSSANO:

But eventually there has to be a formal response from the Commission to the complaint?

HON CHIEF MINISTER:

To the complaint yes, but let us not lose sight of what this letter is in relation to. This letter is in relation to the application for interim relief and the position is that the official in DGIV dealing with this is trying to broker a solution to this matter acceptable to both the commercial complainants, the two companies, and acceptable politically to the Spanish Government and to the United Kingdom Government and indeed to the Gibraltar Government. It is in that context that the Commission speaks to one party and to the other, formulates proposals which it then puts to one party, we reply, then it gets put to the Spanish party, it replies. That is the reply that we are talking about and therefore the question is at what stage will the Commission form the view, which is the one that we would like it to form, that Spain's position in relation to the efforts being made are so demonstrably unhelpful and so obviously tainted by extraneous political considerations

that the DGIV will come down heavily on the side of the complainants rather than Spain. I would not like to be drawn too much. I am sure that when the Minister says that he is going to brief the hon Member in confidence I think he means in confidence, in a way that he can share with his colleagues on the other side and that will give him a better indication of the issues and how the matter is inching forward in a way which is potentially acceptable to Gibraltar but which is not at present as the correspondence now stands.

HON J C PEREZ:

Just to clarify, this case is about the Gibtel case only not the Nynex one? Is that the position? Or are both companies applying for relief?

HON CHIEF MINISTER:

I cannot answer from memory whether both companies have applied for interim relief. My understanding is that they might have but in any case I can tell the hon Member that that is certainly the approach of the Commission. They are seeking to broker a solution on both the numbering issue and the roving issue. Certainly the Government's position is, as I think I have said before, that we will not accept a compromise solution to one that does not adequately resolve the other. I would not want the hon Member to misinterpret my answer to a previous question when I said that Nynex were confident that they could prosper in a liberalised environment. I was simply recounting to the hon Member what Nynex's view is of its own prospects. He should not assume from that that Gibtel's position is not the same. Indeed, Gibtel also believes that they can prosper commercially in a liberalised market. The Government have its own views which may reflect the fact that our interests are slightly different to the company's but I just want, for the record, to make it clear that Gibtel's confidence did not reflect commensurate lack of confidence. They are both equally confident which seems a pretty strange state of affairs.

NO.167 OF 1999

THE HON J C PEREZ:

GBC - RELAUNCH

Can Government state what relaunch plans it agreed in principle with GBC last September and whether it is true that the Corporation is awaiting the green light from the Government to put these into effect?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Last September, the Government agreed principle to the Relaunch Plans submitted by GBC. Since then various meetings have been held with GBC Management to discuss in detail various aspects of the business plan. The discussions are at the final stages and Government expect them to reach a successful conclusion in the near future.

SUPPLEMENTARY TO QUESTION NO.167 OF 1999

HON J C PEREZ:

When is the Minister going to be in a position to state the details of that plan and the added cost to the Government as a result? Obviously if the Government are involved it is not involved in saying what GBC ought to show but it would be involved in implications of the cost year plan given that it is the provider of a heavy annual subsidy to the Corporation?

HON LT COL E M BRITTO:

The Government are concerned not just on the aspects of the cost year plan but also in the overall new picture being proposed by GBC. In answer to when I will be able to disclose those details, as soon as possible after the present contracts are concluded.

ORAL

NO.168 OF 1999

THE HON J C PEREZ

GBC - LICENCES

Have Government received representations from the Board of GBC for the annual TV licences to be increased and, if so, can it state its position on the matter?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Answered together with Question No.169 of 1999.

NO.169 OF 1999THE HON J C PEREZ

## GBC – LICENCED PREMISES

What was the number of premises licenced for a television receiver at the end of 1998?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

The number of premises licensed under the provisions of the Wireless Telegraphy Ordinance for operating a television receiver as at 31<sup>st</sup> December 1998 was 7,204. The Board of GBC has not made representations to the Government for an immediate increase in the cost of the annual television licence. As part of its Relaunch Plan the Board has proposed that the licence fee be reviewed in the year 2001/2002.

SUPPLEMENTARY TO QUESTIONS NO.168 & 169 OF 1999

HON J C PEREZ:

What is the position of the Government on that? They have a proposal that the licence should be increased in the year 2000/2001? Are the Government agreeable to it or is it against it?

HON LT COL E M BRITTO:

The easy answer would have been to say wait for 2001 but in principle the Government is not accepting that part of the plan.

HON CHIEF MINISTER:

Could I just add to that, the Government are not willing to agree to a plan today which deals in an automatic increase in television licences at any stage in the future. Which is not to say that in a completely different environment the Government may not at some stage in the future review the television licences but it has no plans to do that either. I would not want the hon Member to misinterpret my Colleagues answer to mean that the Government are committing itself never ever again to increase the television licences. We are certainly not willing to build in automatic increases in television licences for the benefit of GBC and in a way which we cannot be sure is justified by improvements in the service that GBC is giving to the people who are paying those licences.

HON J C PEREZ:

I can only presume that in their business plan they were expecting an increase in income in the year 2001 and 2002 and given that in principle and in practice that is now not going to happen through the increase in licences, the Government must be looking at footing that bill either within the context of the business plan that GBC is proposing or by further subsidising the Corporation?

HON CHIEF MINISTER:

The essence of the Government's position is that GBC should be looking to finance its new business plan through a more commercial approach to the raising of commercial revenue. Although Government wish GBC to continue to provide a broadcasting service

and it wishes to see it providing more local broadcasting, rather than less, we are not willing to make a bed which is financially so comfortable that it acts as a dis-incentive to GBC to adopt a more commercial approach to raising its own revenue. The position that the Government are adopting with GBC is designed to enable it to go forward but at the same time not to provide a feather bed which will in effect convert GBC into a Government Department with no notion of the need to make its own way in a commercial environment. Yes, the hon Member is right fundamentally when he says that to the extent that this does not work, to the extent that whatever we are going to do now to try and maximise the pressure on GBC to raise their own revenue commercially, to the extent that that fails, then obviously the Government will have to continue doing what governments have been doing for a long time now, which is to pick up the bill by subvention because the alternative is either large scale redundancies or, indeed, the discontinuation of something which I think successive governments have agreed cannot be allowed to happen.



NO.170 OF 1999

THE HON J C PEREZ

MOBILE TELEPHONES

What restrictions, if any, exist on the marketing in Gibraltar of Spanish based mobile telephones?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

No restrictions exist on the marketing in Gibraltar of Spanish based mobile telephones.

SUPPLEMENTARY TO QUESTION NO.170 OF 1999

HON J J BOSSANO:

Is it permissible to require any system of licences, or anything like that, for market mobile telephones?

HON CHIEF MINISTER:

The sentiment which I suspect underlies the hon Member's question on this is one that we have been considering of late. Our understanding is that the retailing in Gibraltar, which is what happens, not of telephones but of the chip is not in itself a licensable activity. The Government, in the context of the Gibtel dispute, the roaming dispute, do not discount the possibility at some stage in the future of albeit imposing some reciprocal impediment to the availability and use in Gibraltar of those chips. We do not consider that it is appropriate to do so at the moment when we are still recruiting the support of the European Commission to eliminate what we regard as an uncompetitive practice. I would not want the hon Member to run away with the idea that the Government are actively considering that for imminent implementation but certainly the Government do not discount the possibility that if the matter is not resolved satisfactorily for Gibraltar, that it is really commercially unsustainable to continue to allow the Spanish telephone operator to penetrate our market and preventing us from penetrating their market whilst giving them a free field in which to penetrate ours. Certainly, one of the ways that would be open to the Government to achieve that is in effect declaring Spanish telephone chips some sort of prohibited import or something of that sort. It would be terribly difficult to police. The possibility of walking up to people and saying "let me look inside your mobile telephone to see which chip is in the back of it"..... it is terribly difficult to police and that is one of the reasons why it is very much on the backburner as an idea.

NO.171 OF 1999THE HON J C PEREZ

## MOBILE TELEPHONES

What was the number of Gibtel mobile telephones in use at the end of 1996, 1997 and 1998?

ANSWERTHE MINISTER FOR GOVERNMENT SERVICES AND SPORT

The number of Gibtel mobile phones in use in Gibraltar as at the 31<sup>st</sup> December in the last three years has been as follows:-

31 Dec 1996	1,035
31 Dec 1997	1,620
31 Dec 1998	2,445

SUPPLEMENTARY TO QUESTION NO.171 OF 1999

HON J C PEREZ:

Certainly it gives the lie to those that did not want the introduction of the mobile telephones when I was in Government because they thought that it would not work.

HON LT COL E M BRITTO:

I take it that the hon Member is referring to commercial opinions within, presumably, Gibtel and not to any Government Member?

HON J C PEREZ:

Let me put it this way, there were those people that were trying to stop the Government at the time of introducing mobile telephony because they thought that even without the competition from Spain it was not a good business proposition. The figures tell a different story and I am glad that that is the case because I initiated the process and fought hard for the introduction of mobile telephony.

HON LT COL E M BRITTO:

I want to take the opportunity to give the hon Member a little bit of more information.

Apart from what my Colleague has already said, it is also the obvious position that this growth in mobile telephony within Gibtel would be even greater, I am sure the hon Member understands, if we had a roaming agreement. In the continuing absence of a roaming agreement and running in parallel with the complaints and legal solutions being sought in that direction, Gibtel is also exploring technical solutions to achieve roaming without needing a roaming agreement. I will not give any more details than that except to say that it is being explored.

NO.172 OF 1999

THE HON J C PEREZ

NO OF TELEPHONE STATIONS

What was the number of telephone stations and the number of exchange lines at the end of 1998?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

The number of telephone stations and the number of exchange lines at the end of 1998 was as follows:-

	<u>1998</u>
Exchange lines	20,380
Telephone Stations	27,178

NO.173 OF 1999

THE HON J C PEREZ

LOCAL TELEPHONE CALLS – BILLINGS

What was the total value of billings of local telephone calls in 1995, 1996, 1997 and 1998, with a breakdown for commercial and domestic users?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Answered together with Question No.174 of 1999

NO.174 OF 1999

THE HON J C PEREZ

INTERNATIONAL TELEPHONE CALLS – BILLINGS

What was the value of billings of international telephone calls in 1995, 1996, 1997 and 1998 for commercial and domestic users?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

The information requested is of a commercial nature and it is considered contrary to the Company's interests for it to be divulged publicly.

SUPPLEMENTARY TO QUESTION NOS.173 AND 174 OF 1999

HON J J BOSSANO:

Is this not information that will become public when the requirement of the publication of accounts under the Company's Directive of the EC..... we are talking about the turnover of the company?

HON CHIEF MINISTER:

There is a difference between the figure for the statement of turnover and the breakdown in that turnover between commercial and domestic users, for example. This information is given to us by the company and therefore we have got to respect the basis upon which the companies give it to us. I, for my part, see no reason why this information should not be more openly available and I am certain that as an interim measure and before we can double check the extent to which this answer is really the one that should be given to this question, I am sure the Hon Mr Britto will make the information available to the hon Member, initially on a confidential basis whilst we can see the extent to which it cannot be made available more openly.

NO.175 OF 1999

THE HON J C PEREZ

NON-PAYMENT OF TELEPHONE BILLS

Are Government aware that some telephone subscribers are being disconnected by Gibraltar Nynex for non-payment before a bill is received?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Subscribers whose telephone lines are disconnected for non-payment of accounts have previously been issued with three telephone bills and a reminder letter to this effect. Bills are issued at the beginning of the month and disconnections made around the middle of the month. Even if a customer has not received the current month's bill, he would have to be in arrears for two months and have previously received two bills and a reminder letter if he is being disconnected.

SUPPLEMENTARY TO QUESTION NO.175 OF 1999

HON J C PEREZ:

That might be what the practice ought to be but that is not the situation that one hears is occurring. We are talking about the same bill for which the person is to be disconnected for non-payment being received after the disconnection takes place. Since the Minister is going to meet with me, I will take proof of this for him. Could the Minister perhaps not ensure that given that the company has removed the Billing Office in Main Street and there are very many senior citizens that find it difficult now to go to Europort to pay their bills and they have no banking facilities and they are therefore not able to pay by cheque and by post, could they not ensure that the old practice of ringing people up and actually talking to them before any disconnection takes place, is reinstated in Gibraltar Nynex so that there is no repetition of this. I remember that initially although the letter threatening disconnection might have been sent the customer was told beforehand and told "look, we sent you a letter, have you received that letter?" If they confirmed that they received it or they did not confirm that they had received it, if within two days of that telephone conversation the money was not forthcoming then the disconnection took place but at least there was a contact with the customer before a disconnection took place. I am really worried about senior citizens who because of the difficulties they now encounter in getting to Europort to pay whereas before the water and electricity was in the same area they used to do all in the same area.

HON LT COL E M BRITTO:

The hon Member makes various points. Let me start with his last question, the Minister is equally concerned about those senior citizens and is monitoring the situation closely in respect of any possible difficulties of these senior citizens by the move of the Customer Consumer Centre down to Europort. Let me say that at the moment no serious problems have been identified but that where there have been problems identified the company has taken action directly in specific cases to alleviate those problems. Similarly, and I am not too sure of my ground here but my understanding is that in the case of senior citizens, special consideration is given to individual cases before disconnection is considered or actually made. Thirdly, the company is actively pursuing at this moment a

number of possibilities for providing collection facilities more centrally to accommodate people who may have difficulty in going down to Europort. I repeat that at the moment there is no indication of any serious problems of a large scale. The practice of the telephone call has been discussed more than once at management level, I understand, and certainly it has been discussed at Board level, but the preference of decision has been for the present system. I go back to what the hon Member said at the beginning of his question, that he has evidence of someone being disconnected. I would certainly welcome the information from him so that I can ask the company to look into the individual case but let me repeat what I said before, it is not possible unless there is a misinterpretation or a massive breakdown in the system, it is not possible for it to happen because take for example the month of February, for a person to be disconnected in February he has to be still in arrears on his December bill. If he has paid his December bill but is in arrears of his January bill, he is not disconnected. He is disconnected in the third month, for arrears in the third month. During the February disconnection exercise those still owing December were disconnected but those owing January or February were not. So even if they had not received the February bill and even if they had not received the January bill they would not have been disconnected unless they had not paid the December bill.

HON J C PEREZ:

I know how the system ought to work. I am telling the Minister that somewhere down the line it does not seem to be working the way it ought to be and added to that I think there have been recent delays in the postal services as a result of the backlog of Christmas and everything else, which could account for letters arriving late to the customer. Needless to say, I will try and get the evidence and when I meet the Minister I will put it to him. I would be obliged if the Minister would take back the suggestion of re-introducing the system of calling the customer. It is more work for the company but I think when we are trying to give the best service possible to customers, that they should try and contact the individual that is going to be disconnected by telephone before the disconnection takes place ought not to create a big hurdle in the workings of the company as such. If the Minister could take it back to the management for consideration, I would be obliged.

HON LT COL E M BRITTO:

I am willing to give the hon Member that undertaking. However, I will say that I have done that before in the past and I find value in the management's assessment of the current position unless it can be proved that there is wholesale problems being caused. I repeat, there is no evidence of that from the company's point of view. The present system, where everybody knows quite clearly what the situation is, has been found, in practice, to work. People know that if they are in arrears in the third month then they are cut off. If one starts making calls then what happens in fact is that the person says "no, I have not received the letter" and he enters into a discussion and then the disconnection does not take place and it does not take place and the next thing that happens is the arrears start building up again. Since this practice was put into place arrears have decreased considerably and only those people who are in arrears as far as I am concerned and on the evidence presented to me are being disconnected but I am quite prepared to take this suggestion back and to hear what the hon Member has to say in those particular cases and take that back as well.

HON DR J GARCIA:

Can I just say that I have also received several complaints on this situation. My hon Friend is right to suggest that we investigate the mechanism by which the bill gets from the company to the client or the consumer.

HON LT COL E M BRITTO:

Either Opposition Members opposite do not understand what I am saying or the customer is not explaining it properly to the hon Member or the hon Member, when it is explained to him, is not checking what he is being told. I have no doubt whatsoever that what he is being told is "I have been disconnected in February and my February bill has not arrived", I have no doubt that that can happen. What I am saying to the Opposition Members is that if that happens the client is not being disconnected because he has not paid his February bill, he is being disconnected because he has not paid his December bill, that is what I am saying. When one gets those complaints ask to see the bill and ask why it is that they are being disconnected. If I am wrong, and I am quite prepared to accept that I could be wrong, show me the evidence and I will take it up with the company, but I cannot do it on hearsay.

HON J J BOSSANO:

In the example that the Minister keeps on giving, presumably it is not impossible that the December bill might not have been received and the company thinks it has.

HON LT COL E M BRITTO:

Mr Speaker, that will imply that the mail is in delay by three months. I think, even allowing that in December it gets delayed and that there are delays in the postal service, I think to be asked to believe that three bills can have gone astray, and the warning letter? Remember in January, a person being disconnected in February, in January would have got a warning, would have got a letter saying "unless you pay by a certain date in February you will be disconnected". There would have to be so much delay for X bills and the letter going astray, but everything is possible, but I find it difficult.



NO.176 OF 1999

THE HON J C PEREZ

ELECTRICITY DEPARTMENT

Can Government confirm that it has engaged a consultant from UK to look at the salary structure of the Electricity Department, and, if so, can it say what the consultant will cost and what are the terms of reference of the consultancy?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

No, sir. Government have not engaged any consultants to look at the salary structure of the Electricity Department.

Government have, however, engaged the services of Manx Energy to carry out a comprehensive top-down strategy review of the functional activities of the Electricity Department in accordance with the following terms of reference:

1. investigate, study and make recommendations on the following aspects as they affect the Electricity department; organisation and function of sections; staffing levels and gradings; scope and volume of work; working practices; logistics resources.
2. allow staff grievances to be heard and, where appropriate, consideration given when implementing the recommendations resulting from the above.
3. to indicate the extent of possible savings that may arise from any changes which are proposed;
4. take into account any special circumstances which may arise from operating as a small island undertaking.

The fees to be paid to the consultants for the review are £33,750.

SUPPLEMENTARY TO QUESTION NO.176 OF 1999

HON J C PEREZ:

Was this agreed beforehand with the Trade Union or has it been a Government initiative without consultation with the Trade Union? And have the Terms of Reference been agreed with the Union as well?

HON LT COL E M BRITTO:

Yes, there was discussion and agreement with the Union and obviously through the Union with workforce and I would say that the idea of the consultancy was welcomed from all sides.

HON J C PEREZ:

Could the Minister state at what stage the situation is? When is this expected to be completed and when will the Government receive the recommendations of the Manx Energy Review, or whatever?

HON LT COL E M BRITTO:

At what stage we are at I think there have been two, maybe three, visits by the consultants so far. They are working down the salaries as it were. They have consulted with the management and at the last stage they were at middle management and now the next visit will be coming further down the workforce itself. As to when the reports are expected, I cannot remember exactly the date offhand. I think that we have asked for the report by not later than June this year and I think I am almost right in saying that. For the avoidance of doubt let me make it quite clear to the hon Member that when I say that there has been consultation with the Unions, that this has been on what was going to be done, on the Terms of Reference, et cetera. Let me be quite clear that what is being done here is that the Government have contracted people to provide a report to the Government on the situation in the Electricity Department for us to take the policy decision and management decisions following that. I was not implying that this was a joint consultation with the Union, it will end up being a Government report.

HON J C PEREZ:

I take it that the £33,750 is only the fees and that the extra cost of visits, air tickets, accommodation and so on, are ancillary to that figure? Or are they all covered in the same figure?

HON LT COL E M BRITTO:

Yes, Mr Speaker, the hon Member is right. There is an estimated cost of about £8,500 in travelling, accommodation and subsistence, but obviously I did not include it in the previous figure as it cannot be quantified until after the event rather than before.

HON J J BOSSANO:

The two or three visits that have taken place, are the people conducting this study technical people on the running of generating stations, or are they looking at the financial side of the operation as opposed to the technical side of producing electricity?

HON LT COL E M BRITTO:

Manx Energy is a consultancy firm, wholly owned by Manx Electricity Authority, in other words the Isle of Man. The people who have been coming are people from senior posts within the Manx Electricity Authority and are people with expertise right across the board. The reason why the Isle of Man was chosen by the Government is that they are obviously comparable in size, although obviously bigger and also they have had experience of a situation similar to the one that we have had in Gibraltar and that we thought their expertise would serve in that direction. The people coming so far have been two but others will be coming to address different areas. In answer to the hon Member's question, those who have come have not had expertise in all areas but others will be coming so that all areas can be covered once the report is completed.

HON J J BOSSANO:

Are the ones who have come, people with engineering backgrounds on the technical side? I presume that in Manx Energy there are people who look at these kind of things from a business plan point of view and the financing of the thing and there are people who look at the actual physical work of producing electricity.

HON CHIEF MINISTER:

The principal object of this exercise is not to point out to the Government what the cost to the Government is of running the electricity service, which we know, nor ways of reducing that. This is not a financially-driven exercise. This is a structural organisational and what I think the hon Member classified generally and under the umbrella "technical" as opposed to financial exercise. They have indicated that they wish to express views to us on the financial aspects as well but that is not why they were engaged. If they want to make gratuitous comment in that area as well, Government are not going to stop them doing so and we will see what they have to say but that is not the purpose for which they have been commissioned. They have been commissioned for the technical, structural, organisational, gradings, functional aspect of the matter rather than for the financial aspect of this matter which in any case are pretty self-evident.

NO.177 OF 1999

THE HON J C PEREZ

I & D Fund – Head 105 – Subhead 1.

How much of the vote allocated to Head 105, Subhead 1 of the Improvement and Development Fund, in this year's Estimates, had been spent by 31<sup>st</sup> December 1998?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

The sum of £63,060.93 had been spent by the 31<sup>st</sup> December 1998.

SUPPLEMENTARY TO QUESTION NO.177 OF 1999

HON J C PEREZ

Is this an indication of the work in progress, or is it that there are things that need to be aid for which have already been done but are still owed to other parties? Does the sum expended by the 31<sup>st</sup> of December, reflect the work that has been carried out on the project?

HON LT COL E M BRITTO:

Yes, Mr Speaker. The work, as the hon Member knows, is paid in stages. In fact, as at January this year a further payment amounting to another £124,455 had been made during January. The forecast total expenditure in this financial year is £199,200 by the end of this financial year. The hon Member will no doubt recollect that this is less than the forecast expenditure and this is because the project has slowed down because when the last visit that our engineers made to the UK to assess it, it was found not to be performing to the standards that we wanted and therefore they have had to basically change the software at no cost to the Government but it has implied a delay in the final completion of the project. Obviously, as the equipment is not ready, then we are not paying for it and we do not expect to be paying for it before the end of the financial year.

NO.178 OF 1999THE HON J C PEREZ

## SUPPLY OF PORTABLE WATER

What was the supply and billing of potable water, in cubic metres, during 1998?

ANSWERTHE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

During 1998 Lyonnaise des Eaux supplied a total of 1,114,282 cubic metres of water to its customers either directly using its own distribution system or indirectly via the MOD distribution system. During this same period 980,311 cubic metres were billed. This represents a network efficiency of 88 per cent.

This 12 per cent difference between the supply and billing figures represents water loss as a result of leakage or meter inefficiency.

The figure of 12 per cent loss is well below the current UK average of 20 per cent. Within the Lyonnaise des Eaux Group itself, the Gibraltar figure is the best reported and well below average group figures.

SUPPLEMENTARY TO QUESTION NO.178 OF 1999

HON J C PEREZ:

Mr Speaker 124,000 cubic meters is still a lot of water and perhaps the comparisons ought not to be the same given that water in Gibraltar is much more precious than would otherwise be the case in utilities in other places. Is the company intending to give more resources to the search for leakages?

HON LT COL E M BRITTO:

The company obviously is always conscious of improving its bottom line. It makes every effort to trace any amount of water that is being supplied and not billed, but I will refer the hon Member to a couple of points in my main answer. Firstly, that the loss is not only due to leakage but also to meter inefficiency. That is not lost water, that is water that is supplied but is not billed and that is because meters as they get older tend to read less efficiently. It is a proven fact that when people complain about the size of the water bill and they insist on a meter change, that when that happens usually the bill goes up.

HON J C PEREZ:

That is one for the Ombudsman.

HON LT COL E M BRITTO:

But in terms of this being a large figure, again I go back to the original answer. It is far better than the UK average and of all the Lyonnaise Group it is the best figure. However big it is we are doing better than anybody else. In fact, in Gibraltar we should give it more priority because it is more precious, from that point of view, yes, but the fact that it is Gibraltar and because it is a smaller territory, and because the total volume of supply is

less than comparable figure territories in UK which we are directly comparing to and yet performing better, because the turnover is smaller, the percentage is larger. If the volume of water supplied were to be bigger that percentage loss would be less because one does not lose water by the amount that one supplies but lose water from the pipe and therefore the pipe would leak because it is full all the time and if one supplies more or less, the amount of leakage would still be the same.

NO.179 of 1999

THE HON DR J J GARCIA

DTI APPLICATIONS FOR EU FUNDING

Can Government say since the 1<sup>st</sup> October 1998 how many companies have applied for EU funding and how many have been successful?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Since the 1<sup>st</sup> October 1998 a total of 14 companies have applied for EU funding. Five have been successful. Four have been approved by the Government and are awaiting endorsement. Five are under consideration.

NO.180 OF 1999THE HON DR J J GARCIA

## DTI – APPLICATIONS FOR EU FUNDING

Can Government advise how long it takes to process an application for EU funding from the moment the completed application is made to when the company is informed whether it has been successful or not?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

On average it has taken 17 weeks to process an application for EU funding from the completed application stage to a formal response being given.

SUPPLEMENTARY TO QUESTION NO.180 OF 1999

HON DR J J GARCIA

Are the Government aware of the complaints voiced by the Federation of Small Businesses and by members of the Chamber in general that it takes too long to process applications and that perhaps the procedure should be simplified or made easier and more accessible to businesses.

HON P C MONTEGRIFFO:

The Government are very aware of those representations and do their best to expedite applications but what we are talking about here is public funds, both with regard to Gibraltar Government monies when Gibraltar Government matching funds are requested and, of course, EU funds that are closely scrutinised by auditors when the programmes are subsequently revised. The time scale in Gibraltar does not compare badly with the time scales in the United Kingdom but we are conscious of the fact that we are keen to have the private sector access as many of these Funds as possible and we try to endeavour to keep the time scale to a minimum. It must be said that in some cases the complaints on delays have to do more with the stage prior to the application being completed and submitted, the original business plans may be defective and there is help required in that rather than the process of procedure involved in approval itself.

HON DR J J GARCIA:

Perhaps the Minister could elaborate on the actual procedure in terms of what happens before the application is made, once it is formalised and the various stages it has to go through.

HON P C MONTEGRIFFO:

The procedure is a five-stage procedure as from the point that the submission of the application is made. Before the application is made applicants have access to the Business Advisory Unit at the DTI and explain how long it is necessary to structure a business plan which would be necessary but once that happens there are five steps: Submission of the application, discussion and recommendation and what is known as JLAG that consist of Government officers and the so-called partners, decision then by the Government, formal endorsement by the Deputy Governor and the European Commission and then communication to the applicant.



HON J J BOSSANO:

How is the 17 week average arrived at?

HON P C MONTEGRIFFO:

It is arrived at by taking all the applications in question and dividing that by the number of applicants there have been. Of course, clearly, as with every average, some of the constituent elements that make up the average will be below and above the average, some will have taken longer, some will have taken less.

HON J J BOSSANO:

Can the Minister say which have been done quickest and which have been done longest?

HON P C MONTEGRIFFO:

I could not give the hon Member that information. What I can say is that we actually did initiate a small grant scheme for schemes under £3,000 which certainly is being processed more quickly because it was felt that particularly for small grants for computer equipment and that sort of thing, the more fully blown procedure was unnecessary and that is, generally, much quicker. But I could not, from the figures I have here, tell which was the quickest and which was the longest.

HON J J BOSSANO:

But presumably the Minister is able to obtain that information and provide it?

HON P C MONTEGRIFFO:

Absolutely, yes.

HON J J BOSSANO:

Will you do that?

HON P C MONTEGRIFFO:

In theory it is possible, yes.

HON A J ISOLA:

There is a feeling among the business community that the availability of funds seems very much more limited in Gibraltar than in other European countries. Obviously there are the subheads from which funds are available in Gibraltar, are Government satisfied that there are not other ways of accessing funds. It seems to me that in other EU states the business start ups, even businesses that are operating and require capital assistance have a whole series of funds which they can tap into and it seems that in Gibraltar we seem to be very restricted in what we can tap into. Are the Government reviewing this or are they satisfied that it is being done as it should?

HON P C MONTEGRIFFO:

It must be said that it was this Government that decided to make EU funds more freely available to the private sector than before. The last Government, with regard to the previous Programme, used the vast majority of these funds for public sector projects and it was this Government that said "look, we would really like to see the private sector engage these funds more substantively". There is no suggestion or evidence made to the Government that we are any slower with the application of these funds than anywhere else. But as far as eligibility is concerned, we do suffer from one problem which is that we are an Objective 2 area and comparisons tend to be made with Objective 1 areas in particular, for example, an area like Andalucia. That means that under Objective 1, eligibility guidelines are much broader than under Objective 2 and this is just one of the consequences of not meeting the degree of impoverishment, effectively, than an Objective 1 designation requires. Many of the Community schemes generally in certain areas, such as Financial Services, such as the Retail Trade which of course constitute big elements towards the economy, are just not allowed to benefit from these funds, it necessarily makes access to these funds by the private sector difficult to bring about. Those applications therefore tend to fall outside the usual type of training that this community has been used to which is really retail, wholesaling type of activities.

NO.181 OF 1999

THE HON J J GABAY

MOD PROPERTY

Can Government state whether the former army Married Quarters in Naval Hospital Road are still MOD property?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

If the property being referred to is the "E" Block, this is still an MOD property which they classify as freehold.

SUPPLEMENTARY TO QUESTION NO.181/99 OF 1999

HON J J GABAY

The main point with regard to this question was one of cleanliness. There is an accumulation of dirt, it seems to be used as a dumping ground, certainly behind the verandah that looks on to the main road and the back yard and I have received some complaints. I was wondering whether this can be referred to the appropriate Government Department so that something is done about it.

HON P C MONTEGRIFFO:

I am grateful for that advice. I can certainly take it up with the MOD directly as well in our regular contacts. Much more serious, of course, is the issue of freehold itself and the fact that transfers of this type are being held back because of the on-going disagreement in respect of the whole freehold issue.

HON K AZOPARDI:

I would only add to that, having responsibility for that particular Government Department, that I am quite happy to deal with the matter of accumulations subject to access being provided. If the question is that the accumulation is behind a particular railing which the MOD will not give us access to, that is a matter which is beyond my control. I hope the hon Member appreciates that.

HON J J GABAY:

Actually the building has been boarded up to prevent vandals from coming in, which is fine. But the neglect as it appears right round the front of it and in the back yard, if it is still in the hands of the MOD, the Minister just said, I think one should get on to the MOD to see to it. Thank you very much.

HON J J BOSSANO:

Can the Minister confirm in fact that the nuisances under the Public Health Ordinance which occur on MOD property is something that can be pursued by the Department? Presumably, the MOD is subject to being served with a Nuisance Notice, or is it that it does not apply to MOD property?

HON CHIEF MINISTER:

My understanding is that the MOD is not exempt from the application of the ordinary law of the land. I really, from memory, cannot give the hon Member reliable legal advice on that. Certainly, whether they are subject to the law or not, it would not be acceptable to the Government of Gibraltar if the MOD were the source of a nuisance of this sort and I believe that it would not be acceptable to the MOD either. I think it is really a question of bringing these facts to the attention of the MOD and I believe that they would remove the nuisance without the need to contemplate legal proceedings against them.

NO.182 OF 1999

THE HON J J GABAY

OLD NAVAL HOSPITAL – TENDERS

Can Government state how many tenders have been received for the redevelopment of the Old Naval Hospital?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The closing date for the submission of tenders is the 9<sup>th</sup> April 1999.

SUPPLEMENTARY TO QUESTION NO.182 OF 1999

HON J J GABAY:

Although I believe that I have asked this question before, to what extent will weight be given to the heritage aspect as opposed to the monetary aspect of the developers? If the Minister is to achieve the right blend, what guidelines have been given and what direction has been taken?

HON P C MONTEGRIFFO:

The hon Member is right, he has asked this question and we have sought to reassure him in the past. The guidelines have been included as part of the tender documentation. The Old Naval Hospital is a very important heritage building and any development on the site would have to take account of that and be totally in accordance with the importance of preserving that Heritage. The tenderers that we know have expressed an interest are extremely focused on that issue and I think understand that the Government will give that matter priority.

HON J J GABAY:

To what extent have these guidelines been the result of consultation with the Gibraltar Heritage Trust?

HON P C MONTEGRIFFO:

I cannot tell the hon Member whether the guidelines were drawn up in consultation with the Heritage Trust but the Heritage Trust certainly has been in contact with the Government with regard to this and other buildings and the tender guidelines, in general terms, obviously identify the importance of the preservation of the building, of the maintenance of the heritage and I have no reason to believe that the Heritage Trust is anything but entirely happy with that arrangement. That must be the case, in view of the fact that the tender documents are available to the public and I assume that the Heritage Trust would have made itself knowledgeable of all the conditions and would have raised any matter if they had any reservation or query.

NO.183 OF 1999

THE HON A J ISOLA

COMMERCIAL BANKS – TOTAL ASSETS

What was the level of total assets of Commercial Banks at the end of 1998, giving a breakdown of cash, balances due by other banks, loans and advances, investments and other assets?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker:

Total assets	£6,281,070,000
Cash	£5,463,000
Balances with and loans and Advances to Banks	£2,702,289,000
Loans and Advances	£1,107,771,000
Investments	£2,355,018,000
Other Assets	£110,528,000

NO.184 OF 1999

THE HON A J ISOLA

COMMERCIAL BANKS - LIABILITIES

What was the level of total liabilities of Commercial Banks at the end of 1998, giving a breakdown of total deposits, balances due to other banks and other liabilities?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Mr Speaker:

Total liabilities	£6,281,070,000
Total deposits	£2,667,420,000
Balances from Banks	£1,872,241
Other liabilities	£1,741,409,000

NO.185 OF 1999

THE HON A J ISOLA

GIBRALTAR BANKS – DEPOSITS

What was the level of deposits in Gibraltar Banks from (a) residents, and (b) non-residents, as at 31<sup>st</sup> January 1999?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

A breakdown of deposits between residents and non-residents is no longer required from the banks.

SUPPLEMENTARY TO QUESTION NO.185 OF 1999

HON J J BOSSANO:

When was the last time it was provided?

HON P C MONTEGRIFFO:

From memory, I think it would have been the end of 1997. This question was raised by the hon Member a couple of months' ago. I advised the House at that stage, that as a result of changes in regulation the Financial Services Commission no longer took results from banks on the basis of resident and non-resident deposits. I expressed the view at the time that the Government thought it was a statistically useful one and that we would see what we could do to try to obtain it. Because of the changes in the Commission, we have had a new Banking Supervisor, we have had a new Financial Services Commissioner, that agenda has not been taken up by them at this stage. It is not an issue, that is required any longer for regulatory purposes. It was the case before but it is a matter that we think is worth reactivating since statistics are worth having and it is one of the issues that I will take up with the new Banking Supervisor during the course of my deliberations with him.



NO.186 OF 1999

THE HON A J ISOLA

FSC – INSURANCE COMPANIES

How many Insurance Companies or Insurance Company Managers have applied to be licenced by the Financial Services Commission since the 31<sup>st</sup> January 1998?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Since 31<sup>st</sup> January 1998, six insurance companies and six insurance company managers have made an application to the Financial Services Commission for a licence.

SUPPLEMENTARY TO QUESTION NO.186 OF 1999

HON A J ISOLA:

Would the Minister know at this stage how many have been approved and how many have been rejected?

HON P C MONTEGRIFFO:

This information is always difficult to give accurately because it does not take into account applications that have been pending before the date of the question but which may have been granted during the year. I have available information with regard to applications that have been approved in that same period and those are, two insurance companies and three insurance company managers.

HON A J ISOLA:

Is the Minister aware if any of these have actually set up yet or are in the process of setting up?

HON P C MONTEGRIFFO:

If a licence has been granted, I assume that they will have set up, although the term "set up" is rather a vague expression. If by set up one means that they undertake business then that must be the case because a licence is not issued unless it is pursuant to a business plan which is then undertaken. Licences are not issued on a prospective basis. So they have all set up in the sense of commencing operations. Most of these will have been established under the wing of an existing company manager or insurance company that provides services for them. Then it is quite normal in a growing centre which initially will not attract a full bricks and mortar presence from these operators but will come in on a smaller scale and then see how the business develops.

HON A J ISOLA:

So as far as the Minister is aware, of the ones that have been approved, these are linked in with current operators? They are not newly set up, independently set up, or established?

HON P C MONTEGRIFFO:

What do you mean by newly set up or established? They are not, as far as I am aware, companies that have separate premises with separate staff but it is quite common for management firms of this type to set up with a service agreement with another operator to move their business and activities through that body. That does not detract from the value of these licences. It does not mean that international business has been put in Gibraltar with important names that are coming to establish a base in Gibraltar, although of course the Government's preference is that as many of those establish their own bricks and mortar presence.

HON A J ISOLA:

Are Government aware of any employment being created by the five new licenced companies?

HON P C MONTEGRIFFO:

I have not got the details with me but I have no doubt that it would have created employment because activity of this type requires employment. There has got to be people dedicated to the facility in Gibraltar and although those might be people already in Gibraltar I have no doubt that this would have generated employment at different levels. I can certainly make enquiries if the hon Member wishes, specifically on that matter but the recent survey of the financial services industry that we undertook did ask questions of that type and if my memory serves me correctly, it showed a growth in the capital insurance area although a slight retraction in the domestic insurance market provision.

NO.187 OF 1999

THE HON A J ISOLA

QUALIFYING COMPANIES

How many qualifying companies have been registered since the 1<sup>st</sup> October, 1997 to the 31<sup>st</sup> January 1999?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Thirty three companies were registered as qualifying companies for the period 1<sup>st</sup> October 1997 to 31<sup>st</sup> January 1999.

NO.188 OF 1999

THE HON A J ISOLA

## HIGH NET WORTH INDIVIDUALS

What changes are proposed by Government to the rules governing high net worth individuals?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

There has been an extensive review of the current rules. Many practitioners have informed the Government that the current rules require amendment in various matters. These views have been taken into account in preparation of the draft of the proposed new regulations.

Various changes are proposed. The draft contains the following principal modifications:-

1. Removing the 30 day minimum residency requirement. The rules are now silent on this point leaving it up to HNWI to ensure that tax residency is established for the purposes of an overseas tax jurisdiction (ie. much more flexibility).
2. The seven-month exclusive occupation of a property is to be removed. The exclusive occupation requirement is now throughout the year. It was not a practical rule, no obvious advantage, difficult to monitor and open to abuse.
3. It seeks to clarify the circumstances in which such an individual can do business or undertake a commercial activity from Gibraltar.
4. It includes a provision allowing the income of a spouse and children to be deemed to be that of the individual in question.
5. It clarifies the categories of income which are to be taken into account in determining assessable income.
6. The name of the individuals in question will change from the previous label of "High Net Worth Individual" to the less descriptive term of "Category 2 Qualifying Individual".

The new rules will help to substantially improve a programme for the retiree market which has enjoyed reasonable success in the past.

I am happy to make available to the hon Member a copy of the draft regulations as they currently stand.

SUPPLEMENTARY TO QUESTION NO.188 OF 1999

HON A J ISOLA:

On one of those categories, the question of the individual being able to do business, is the intention of the Government that HNWI's or Category 2 applicants will actually be able to carry out or transact business in Gibraltar?

HON P C MONTEGRIFFO:

This is a problem that faced us and which was a real difficulty. Many of these individuals, although they are retirees are actually fairly young and tend to be entrepreneurial and full of energy and therefore the lack of clarity in the rules as to whether they could undertake business activities was a dis-incentive to their accessing the scheme and indeed using Gibraltar more extensively as a base from which to do their business activities. The proposals will still disallow such individuals from undertaking business in Gibraltar. We will ring fence the domestic economy out of the area within which such an individual can operate. With regard to international business, with regard to directorships of exempt or qualifying companies for example, that are all required to do international business, the rule is made clear that he is able to undertake that activity. The effect of the previous rules was really to dissuade him using Gibraltar and actually seek to use other centres for business that had nothing to do with Gibraltar and which could more conveniently, if we are interested in centralising activity here, be undertaken from Gibraltar. In simple terms, an individual will be allowed to undertake international business but not business in Gibraltar, within the domestic economy.

NO.189 OF 1999

THE HON A J ISOLA

MINISTERIAL VISITS

What ministerial visits promoting Gibraltar's Finance Centre were carried out in 1997 and 1998?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The following trips took place during 1997 and 1998 for the purpose of promoting Gibraltar's Finance Centre. These are as follows:

1997

16 <sup>th</sup> -18 <sup>th</sup> February	Jersey
12 <sup>th</sup> -18 <sup>th</sup> April	South Africa
23 <sup>rd</sup> -26 <sup>th</sup> April	London - Captive Insurance
11 <sup>th</sup> -14 <sup>th</sup> June	Cologne Conference
18 <sup>th</sup> -23 <sup>rd</sup> June	London - Sinsler Conference

1998

20 <sup>th</sup> -21 <sup>st</sup> January	London - Willis Corroon
9 <sup>th</sup> -14 <sup>th</sup> March	Washington/New York
2 <sup>nd</sup> -5 <sup>th</sup> June	Luxembourg/London - Sinsler
27 <sup>th</sup> -29 <sup>th</sup> September	Brussels Conference

NO.190 OF 1999

THE HON A J ISOLA

MINISTERIAL VISITS

What ministerial visits promoting Gibraltar's Finance Centre are programmed or planned for 1999?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Several visits abroad have been planned for the current year. Of these, two have already taken place:

1. Royal Bank of Scotland - 3<sup>rd</sup>-5<sup>th</sup> February
2. Norwich Union - 10<sup>th</sup>-12<sup>th</sup> February

The other proposed visits abroad include the following:

1. Jersey
2. Portugal
3. Switzerland
4. UK Road Shows
5. Guildhall Conference

Insurance

Specifically on insurance the proposed visits comprise the following:

1. Willis Corroon - three-day Conference - Latin America - March
2. Captive Insurance - two-day Conference - Panama
3. Risk Management and Risk Financing in Europe - Koln - June

NO.191 OF 1999

THE HON A J ISOLA

LOWE BELL FIRST FINANCIAL

Have Government any plans for the contracting of a Financial Services Public Relations Company following the termination of the contract with Lowe Bell First Financial?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The contract with Lowe Bell has not been terminated. A new contract has been entered into from 1<sup>st</sup> August 1998 to 31<sup>st</sup> July 1999. The position will be reviewed again at that stage.

SUPPLEMENTARY TO QUESTION NO.191 OF 1999

HON A J ISOLA:

Mr Speaker, my recollection from the last question in the House on this matter was that the Government indicated that it would not be renewing the contract with Lowe Bell when it expired and they would be looking at other options. I am surprised to learn that it has actually been renewed. Has it been renewed, may I ask, on the same terms as it was previously?

HON P C MONTEGRIFFO:

Firstly dealing with the initial point, my recollection is that the Government indicated that the matter was under consideration, not that we had decided to terminate it, but Hansard will prove that position one way or the other. The contract has been extended on the same terms, except that it now includes various other aspects primarily the targetting of specific ventures which we wish Lowe Bell First Financial, a subsidiary of Lowe Bell, to help us. It is essentially a marketing public relations contract but there are specific events, for example, the Guildhall Conference that I mentioned a moment ago where we will be seeking their help in organising the arrangements for that.

HON A J ISOLA:

Has there been an increased cost, or is it the same cost as previously?

HON P C MONTEGRIFFO

The same cost.



NO.192 OF 1999

THE HON A J ISOLA

FINANCE CENTRE DEVELOPMENT DIRECTOR

What arrangements are in place, if any, for the appointment of a new Financial Services Managing Director when the position becomes vacant at the end of the contract of the current Director?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The contract with the current Finance Centre Development Director expires at the end of June this year. It is probable that advertisements for the next term will be published next month. The current incumbent has confirmed he is prepared to extend his term for a few months if this becomes necessary prior to appointing a successor.

SUPPLEMENTARY TO QUESTION NO.192 OF 1999

HON A J ISOLA:

Is the extension for a few months simply to help Government in finding a replacement?

HON P C MONTEGRIFFO:

Yes, that is the case. The position is one that is not going to be easy to fill. It is an important position and we have an assurance from the current post-holder that he will show flexibility if it takes us more than four months to find a suitable replacement

HON A J ISOLA:

Are Government considering the possibility of recruiting for it locally or from outside Gibraltar?

HON P C MONTEGRIFFO:

Government have no difficulty with a local recruit. The difficulty, is that the type of skills that we are talking about and the type of individual we are talking about, whilst they exist in Gibraltar, I have no doubt about that, would I think not easily be persuaded to move out from what is probably private practice into a public sector contract position. The advert will be made available to both people in Gibraltar and externally. Indeed, there would be great value, let me say, in having somebody locally not just for the obvious political benefit of securing a job for a resident but because it would provide stability and continuity which is something that we are keen to see in that post. We would like somebody there that would be able to develop his own career on a long-term basis in that position rather than on short-term contracts.

HON A J ISOLA:

Are Government considering the advertising of that position on the same terms and conditions as are held by the current holder of the post?

HON P C MONTEGRIFFO:

The terms will be personal to holder. This is a post where, depending on the circumstances of the individual, the Government will take a view on the appropriate package. It may be the case that a successor can be attracted at less cost to the Government and the Government obviously will do everything in its power to reduce the amount of expenditure on the public purse. But it is an important role. I think the industry over the last two years has come to benefit and appreciate the value of having a person of calibre in that position and the Government want to make sure that the momentum is not lost. As in the case of the original advertisement, remuneration will be a matter of negotiation with the individual in question.

NO.193 OF 1999

THE HON A J ISOLA

POWDERED DRINKS FACTORY

When does Government anticipate that the proposals made in early 1996 for the setting up of a powdered drinks factory will be proceeded with?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The proposals for the setting up of a powdered drinks factory have been the subject of extensive work over the last two years. Contractual arrangements have now been finalised. We are expecting that the operation will start up on the 15<sup>th</sup> March this year.

NO. 194 OF 1999THE HON J C PEREZ

## TELECOMMUNICATIONS ORDINANCE

When do Government envisage that the new legislation on telecommunications, implementing EU Directives on liberalisation, will come before the House?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

The Government hopes to bring the Telecommunications Ordinance to the House some time in April. The Bill will set up a Telecommunications National Regulatory Authority for Gibraltar and provide powers to the Minister to make regulations to transpose the relevant EU Directives on competition and harmonisation. Once the House passes the Bill, actual implementation of the directives will depend on a number of issues, for example, the acute shortage of numbers, which require a solution. Therefore, the Government cannot, at this stage, say when liberalisation will take place.

SUPPLEMENTARY TO QUESTION NO. 194 OF 1999

HON J C PEREZ:

Can the Minister state, although I have not given notice of this question, how much has been expended up to now in drawing up the legislation? Perhaps he has got an idea?

HON P C MONTEGRIFFO:

I can tell the hon Member it has been substantial. I can tell him, which might give the hon Member a feel for the work in question, that a total of 12 directives will be implemented by the Ordinance. They include competition directives in services; satellite cable TV networks; mobile and personal communications; full competition and licensing and another set of directives on what is called the Open Network Provision Directives; framework directives; lease lines, interconnection; an ONP amendment; voice telephony; and numbering. So there is a large number of directives that this Ordinance and the underlying regulations will seek to implement and the legal drafting exercise has been significant and is on-going and we hope and, indeed, pressurise the draftsmen to ensure that the document is ready for bringing to the House as soon as possible. Let me make the point as well that the House must focus on, that we are transposing the directives because we are required to do so but there is the real difficult issue of practical implementation on which the Government are simply not able to give assurances for the reasons that I have indicated.

HON J C PEREZ:

I understand that and there are other questions in the Order Paper that refer to those problems. I know certainly that some of the directives that are to be implemented by the Bill are already in force per se and they are being adhered to although the Bill has not been passed yet and there are others where there is going to be difficulty in implementation, as the hon Member has described. Is it still the intention of the Government, I presume, to do away with all the provisions on telephony and

telecommunications in the Public Utilities Ordinance and transpose those into the new legislation. Is it also the intention of the Government to transpose the GBC Ordinance or will that remain separate?

HON P C MONTEGRIFFO:

The Public Utilities Ordinance will have to change and it will be a consolidation. GBC is a different matter, it will not fall to be considered as part of this exercise although there may be implications in the longer term but it is not part of the exercise on which we are currently embarked.

HON CHIEF MINISTER:

Well, there is pending transposition, one EU directive which has amended the Broadcasting Directive that the hon Member transposed, in 1994 or in 1995; there is an amendment to that which has to be brought to the House soon but it is pretty inconsequential for us.

HON J C PEREZ:

Would the Minister commit himself, given that he expects the legislation to be ready in April and given the complicated nature of the legislation for laymen without technical background, to give us a good advance copy of the Bill before it is brought to the House so that we can work on it extensively and be able to make a good contribution when it comes to the House?

HON P C MONTEGRIFFO:

I do not think we have any problem with that but I should say that a lot of the technical matters will be dealt with in the regulations and I think that the Government would be happy to make available to the hon Member, as early as possible, even a draft of the regulations when we think they are really in the virtual final form if that would help the hon Member.

HON J J BOSSANO:

Are all these directives that are going to be implemented in the telecommunications field part of the 66 that Spain says are pending?

HON CHIEF MINISTER:

No, they are not even able to do that homework to their own advantage, they are not.

HON J J BOSSANO:

Can the Government confirm that this is, in fact, work that has been briefed out and what has been the cost to date?

HON CHIEF MINISTER:

The legislation is in the hands of the same private sector draftsman as they were placed by the Opposition Member before he left office. They are being done by a law firm in Gibraltar. It is very expensive but there is little alternative. The Government, although we have created an internal legislation drafting unit by the fact recruiting directly into the Government the draftsman that a particular law firm used to employ and then use to do

drafting for Government, we have now a much larger drafting capacity internally than used to be the case and therefore much more drafting is being done for much less cost to the taxpayer but this area was simply too complicated to transfer into the Legislation Support Unit without bogging it down and doing nothing else. I do not want to be held to this figure but I am quite happy to give the hon Member my over the top impression of the figure that is involved here. I believe that in respect of drafting on telecommunications directives we have already spent a figure of the order of £200,000.

HON J J BOSSANO:

Is this then the only part of the EEC directive transposition that is being done privately? Are all the rest being done by Government?

HON CHIEF MINISTER:

Again, I hope the hon Member will not hold me too strictly to the detail of this answer. I believe that to be the case. There may be one or two other small bits left over but the policy of the Government is that drafting is now done internally and this is the only area where it is still being done in the private sector.

QUESTION NO. 195 OF 1999THE HON J C PEREZ

## SATELLITE PROJECT – ELCO

Can Government state whether it has now finalised its contractual arrangements with ELCO for its satellite project?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

The satellite company ELCOR was renamed ACTEL (African Continental Telecommunications) in October 1997 after a merger with another company, AFRICOM. The Government signed Heads of Agreement with ELCOR and is now finalising supplemental Heads of Agreement with ACTEL to reflect the new company structure. The Government have sent ACTEL a draft building licence and lease for a site at Lathbury Barracks and is awaiting comments from the company. ACTEL have applied for a Teleport Facility Licence and, having met their "due diligence" requirements, are expected to be issued with a licence by the Wireless Officer. ACTEL have also applied for a licence under the UK's Outer Space Act, as extended to Gibraltar, and the assessment of the application is in its final stages.

I met with the Directors of ACTEL in New York on 6<sup>th</sup> October 1998 and was able to stress that the Government give a lot of importance to these satellite projects which are important for the diversification of the Gibraltar economy. I was able to progress the project and highlighted that the main areas of interest to the Government were processing all the necessary documentation, the provision by the company of clear time-scales for the project and the financing arrangements. ACTEL have informed the Government that they have obtained operating licences in several African countries.

NO.196 OF 1999

THE HON J C PEREZ

SATELLITE PROJECT – GE CAPITAL SATELLITES

Have all the contractual arrangements between GE Capital Satellites and the Government now been completed?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The Government are still to finalise the real estate documentation with GE Capital Satellites. This is expected to be completed during the second quarter of this year. The Government have signed Heads of Agreement with the company which has been granted a Teleport Facilities Licence and a licence under the Outer Space Act for the launch of its satellite during the first quarter of next year.

SUPPLEMENTARY TO QUESTION O.196 OF 1999

HON J C PEREZ:

The last time I raised this matter the Minister did confirm that the licensing arrangement had not been finalised yet. Have those been finalised now?

HON P C MONTEGRIFFO:

Yes, they have been finalised and GE Capital has effected payment of the first licence fee, both in respect of the telephone facility and in respect of the separate licence under the Outer Space Act.

HON J C PEREZ:

Can the Minister confirm, because this was something which had not been finalised by the time that we left office, whether we have followed the pattern of Hong Kong in the licensing regime for the transponders?

HON P C MONTEGRIFFO:

If what the hon Member is asking is how have we chosen to establish the cost of these licences, how we are going to regulate the national asset of frequencies, there have been various options considered and the Government selected the option of allocating certain fees to certain bands of frequencies. The fees are quite significant and they are public information. I can tell the hon Member that in the case of GE the fee is £90,000 a year. These are published fees in the regulations and are entirely transparent.

HON J C PEREZ:

Does the Minister perhaps recall whether there is a sliding scale where the fee increases per annum? If I recall, in the Hong Kong system of licensing there was a sliding scale, where there was an increase in licence fees per annum.



HON P C MONTEGRIFFO:

I could not confirm that. I do believe they may be indexed-linked but I would not be able to say that is gospel truth without having it checked.

HON J C PEREZ:

When the Minister talks about the real estate we are actually talking about the land site because I believe that this project was not taking over much of the building. They had to themselves direct the building, or are we talking about particular buildings?

HON P C MONTEGRIFFO:

We are talking about the Lathbury Barrack site where they will construct the satellite dishes themselves. GE have elected to actually also pay accommodation in town. They have already entered into a lease in a certain office block in town from which some of the staff will work. Essentially, what they will have at Lathbury Barracks will be the technical equipment and the dishes rather than a lot of the personnel who will be in town. Of course, some of the other projects are different in that respect.

NO.197 OF 1999

THE HON J C PEREZ

SATELLITE PROJECT – AFRO-ASIAN SATELLITE COMMUNICATIONS

Have Government had recent indications from Afro-Asian Satellite Communications Limited on whether they still intend to proceed with their project in Gibraltar?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Afro-Asian Satellite Communications Ltd (ASC) have informed the Government that they intend to proceed with their project in Gibraltar. ASC have had a restructure and last year appointed a new Chief Executive Officer, with wide experience in the satellite field, who has confirmed that the company remain committed to fulfilling their part of the terms of cooperation with Gibraltar, regarding real estate for the satellite control facility and gateway, as well as in providing local employment. ASC have told the Government that there will be movement on both counts in this year.

ASC have also informed the Government that they remain committed to maximum possible local employment from Gibraltar which they envisage to be carried out in phases, starting in the second half of this year and consistent with the schedule of work on the Satellite Control Facility at the gateway.

In June last year, ASC applied for and were granted a Teleport Facility Licence in Gibraltar and are paying an annual licence fee to the Government.

The Government are very conscious of the long time this project is taking in coming to fruition and is doing everything possible to ensure that tangible evidence of progress is achieved as quickly as possible.

SUPPLEMENTARY TO QUESTION NO.197 OF 1999

HON J C PEREZ:

Two things, if I may, one is without divulging any issue that might be confidential, the project still foresees that there would be two gateways linking the satellite system to the fixed earth network and that one of the gateways will be Gibraltar? The other thing is, are Afro-Asian Satellite Communications still allocated the land site that they initially identified or as a result that they have been late in coming forward with their proposals they will now have to look at other land sites within the area of Lathbury Barracks?

HON P C MONTEGRIFFO:

As far as the second issue is concerned, I will deal with that one first. There has been some change to the real estate arrangements. Originally ASC were going to construct a facility which would include the housing of staff at the site. Because the tender process the Government went through with regard to the remaining parts of Lathbury Barracks demonstrated the development of Lathbury Barracks the remaining part of it for touristic purposes was problematic in view of the satellite operations, the main retrenchment block in Lathbury Barracks became available. We have persuaded ASC to rent the entirety of that so we are expecting a significant commercial rent from ASC in that respect. That is not originally what was envisaged. The basic proposition is that there will be two gateways still. As I think I have mentioned before with regard to this project, there is a strong inclination to base more of the facilities through India itself. Bear in mind the consortium involves the Indian fixed carrier. There is strong political desire to give the project a strong Indian bias. Gibraltar gateway is really a backup gateway but still envisages a fair amount of activity and in employment terms we are quite confident this will be one of the bigger of the three projects.

HON J C PEREZ:

With respect to the Gateway, does the Minister know whether there are negotiations going on with Gibtel and Nynex?

HON P C MONTEGRIFFO:

Yes, Mr Speaker, very much so. Various of these projects require traffic routed out of Gibraltar and that requires discussions with the operators in Gibraltar and requires discussion of routes out of Gibraltar and fees and the alternative contingency plan in the event of current channels of traffic being interrupted or being compromised. This is a matter under discussion and we have an indication that they are satisfied with the discussions they have had.

HON J C PEREZ:

Mr Speaker, this is a question which might not be relevant because it affects all satellite projects, but could the Minister perhaps tell me if he knows, if not I will give him due notice of the question, whether the supplies of electricity to the projects, I remember that it was important at one stage that there were two distinct supplies going to the project because of the sensitivity of it, whether the two supplies are going to originate one from Waterport and one from the OESCO or whether the Ministry of Defence is providing a backup electricity to the projects?

HON P C MONTEGRIFFO:

I cannot help the hon Member on that degree of detail on the technicality. I can certainly enquire and I am happy to provide him with the information. I assume that some progress on that must have been made because in respect of a couple of the projects they do want to start on construction fairly soon. I can certainly enquire and pass on the information.

NO.198 OF 1999

THE HON J C PEREZ

I & D FUND – HEAD 106 SUBHEAD 6

Can Government state how much of the £1 million pounds allocated in this year's Estimates to the Improvement and Development Fund, Head 106 Subhead 6, have been spent by the 31<sup>st</sup> December 1998.

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The amount of funds allocated in this year's Estimates to the Improvement and Development Fund Head 106 Subhead 6, was £5,000 and not £1million. The expenditure as at 31<sup>st</sup> December 1998 was £4,805.81.

I can help the hon Member by saying that within Head 106 there is no estimate of £1million.

SUPPLEMENTARY TO QUESTION NO.198 OF 1999

HON J C PEREZ

I must have made a mistake on the Head, it might have been Head 104. I will redirect the question. I found it strange that the Minister was answering it because it was directed at the Minister for Transport.

NO.199 OF 1999

THE HON DR J J GARCIA

VALUE OF BUILDING MATERIALS

What was the value of building materials imported in the period April to September 1998 and the amount of import duty paid?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Questions 210 and 211 of 1999.

NO.200 OF 1999THE HON DR J J GARCIA

## IMPORT DUTY RESTRUCTURE

When do the Government intend to review the application and effect of its import duty restructure?

ANSWERTHE HON THE CHIEF MINISTER

The Government do not intend to review the application of the changes that have been introduced to import duty.

SUPPLEMENTARY TO QUESTION NO.200 OF 1999

HON DR J J GARCIA

Are the Government therefore satisfied that the import duty restructure has achieved what it was intended to do?

HON CHIEF MINISTER:

The Government are satisfied that the changes that have so far been introduced have had the effect that they were intended to have and/or an equally valuable benefit to trade and businesses that benefit from it in the present economic climate and the reason why the Government can take that view is that its import duties generally are very highly increased this year over last year and therefore we are not in a position where we have to look at what we have given away to see that it was worth giving away and is not clawing it back, because import duties generally are running much higher this year than they were last year. Therefore, whether or not they have had the desired effect, given they have been a help to business to the extent that they lower one item of cost to the businesses affected, the Government are willing to leave them in place regardless of review. However, the fact that we are not reviewing the existing changes does not mean that we are not considering other changes to other things that were not dealt with in the first review. I think I have explained in the House before, obviously the hon Member would not have been here to hear it, but other sectors of the economy, retail and wholesale, have invited the Government to do for them what we did for the motor trade, in other words, to have this split level of import duty to protect local businesses a little bit from people going off and sourcing their goods in Spain. The Government are considering that in relation to one or two particularly badly affected sectors. The Government are not at the moment looking at any further wholesale review or restructure of the import duties tariffs as such.

HON DR J J GARCIA:

I asked the question because as the Minister probably is aware there is a fair amount of criticism levelled at the import duty review that there was at the time and there still is particularly amongst members both of the Chamber of Commerce, the Federation of Small Businesses, in its annual report, in the sense that it is something which benefits some traders and not others and that there are many people who do not sell cameras, or do not sell the items that were lowered, and it has no effect at all in those cases. That was why the question was tabled whether Government intend to look at it again and see what can be done.

HON CHIEF MINISTER:

If I could just say that the majority of the criticism that has been levelled at the restructure has emanated from his own political party and from almost nowhere else. Certainly, the Chamber of Commerce has never said to the Government that they did not welcome what we did because it did not go far enough. The Federation of Small Businesses does not criticise what the Government do, it simply has expressed the wish that the Government should go further. There is a difference between criticising what the Government did, namely suggesting that it was of no value, on the one hand, and expressing the view that it ought to go further. By implication the suggestion that what we did should be extended is a recognition that so far as we went it has been of benefit. The other point that I would make is that this which the hon Member called a criticism, the import duty review only benefits certain traders dealing in certain goods and not others is not a criticism at all. That is exactly what the Government set out to do. We explained, at length, at the time that we did it, who we were trying to benefit and why. That this was not a scheme to generally lower import duties in Gibraltar. That this was a scheme aimed at trying to make more price competitive by reducing the incidence of import duty on them, certain items which the Government felt were in demand by tourists and that whilst that was our exercise, on to that we tagged on two special sectors that came to us to make particular representations, namely the supermarkets on the one hand in respect of detergents and soaps which is why they feature on the Hon Mr Isola's list this morning, and the motor trade and now basically the furniture and the white goods people have come to us and said "look, we are in the same sort of problem as the car trade because people go over there and buy their washing machines and their furniture, can you do the same to us?" and that is what I meant in answer to the previous question, that the Government were looking at but I do not regard it as a criticism of what we did. It is targetted at certain goods. It was intended to be targetted at certain goods because it was intended to benefit only those goods that the Government judged were relevant to tourism. The principal purpose of the review was to try and make Gibraltar's shopping centre more attractive to visiting tourists. It may be that the Government's judgement of what goods are relevant to tourism may be a matter of opinion. For example, I think we excluded shoes. I do not know who told the Government that tourists did not come to buy shoes. There is, I suppose, scope for discussion as to what the list is of goods that tourists seem to come to Gibraltar to buy or not. There might be some scope for discussion there but the principle was not to apply to everybody in the same way. It was to find a list of tourist relevant goods.

HON DR J J GARCIA:

Just a couple of points, first if I remember correctly the intention was to make these prices more competitive to the consumer and to the tourist as the hon Chief Minister has just said. The first question to ask would be whether that has actually happened and whether the Government have monitored that so he can measure the success of the measure or not. The second one would be, if we do not have the actual level of imports as the question my hon Friend Mr Isola asked, how would one judge if the measure has been successful or not if one does not know what the level of import has been?

HON CHIEF MINISTER:

To answer the first part first, it is almost impossible for the Government to monitor the extent to which the objective for which it did this is actually being met. The Government did this in order to make shops in Gibraltar more competitive. If instead of making their prices more competitive by putting that duty reduction, deducting it from the price of the goods, the shopkeepers prefer to increase their profit margin by that amount, on the existing volume of trade that they have, the Government have no way of going round every shop or even any shops in Gibraltar and monitoring the extent to which prices after the import duty fall have been lowered to reflect the import duty fall. I am told that on some products this is clearly being done but I am told, on a hearsay basis, by people who tell me

in the street, I would not rely on that information, I am equally clear in my mind that in many goods I am sure it has not been done. But that is a matter for the trade. The Government does this in order to make a particular sector of retail trade more competitive with our neighbour and if businessmen want to use that aid for some other purpose which perhaps increases their profit margins on existing volume that does not help them increase the volume of sales, that is a matter of judgement for them. But certainly the Government did not do it for the second reason. The Government did it for the first. We would never have lowered duty simply to increase the profit margins of existing businesses. The idea of lowering import duty was so that it would be passed on to the prices so that it would make Gibraltar more attractive as a shopping centre and therefore attract more shoppers to Gibraltar, not just for the benefit of the retail outlets themselves, but for all the other things that the extra number of shoppers would do when they came to Gibraltar, like restaurants and things of that sort. On the statistics that the hon Member referred, it is the same answer. On motor vehicles, for example, we are able to tell simply by the amount of revenue, which is an easy item, motor vehicles is a category that although..... we halved import duty so that to keep the same level of revenue, one would have to double volume. We have not quite kept the same level of import duty so volume of sales have not quite doubled but we are a fair amount of the way there. There the trade was right, the effect of lowering import duty has seen a very significant increase in volume of sales because they have passed those prices on to the purchaser and therefore more people are now willing to buy cars. The net loss revenue to the Government, notwithstanding that we have lowered import duty by half on motor cars, is much less than half. I think we are down 20 per cent, from memory. Lowering of import duty on motor cars has had a significant boost on sales, but I could not be able to tell him that for every other item, for the same reason that he himself identified, that we have not got the detailed statistics.

HON A J ISOLA:

Bearing in mind what he has just said which is in effect that some businesses may have chosen to simply increase their profit margin instead of increasing their competitive nature of the product, by reducing the duty, does that not give credibility to the principle my Colleague was mentioning before of other people who have not had an opportunity, there are other businesses who have not had an opportunity to increase their profit margins by virtue of the import duty restructure. Is that not the point really in those cases?

HON CHIEF MINISTER:

Yes, it is always the Government's policy as he knows from the fact that we increased personal allowances on income tax every year, it is the Government's policy not to tax more highly than is necessary. Once the Government are satisfied that the increase in import duties generally is sustainable, that it is sustainable in terms of quality of income increase in import duty, it may well be that the Government will take the view "we are now raising more money from import duty than we need and therefore we should lower the rate of import duty for everybody", but it is something that the Government would have to think long and hard about because a lot of the Government's import duty comes from items the sustainability and reliability of which cannot be guaranteed and once one has given away the import duty yield from stable commodities, if I could call them that, one could very quickly find oneself with a hole in ones revenue. I do not say that there will not be a time when the Government can look generally at the import duty tariffs across the board, regardless of its tourism policies. I do not believe that we are at that position yet, notwithstanding that this year's import duty yield is much higher than last year, significantly higher than last year, I do not think one can make decisions of the sort that the hon Member is suggesting on the basis of 12 months figures.



HON J J BOSSANO:

Was it not the intention of the Government to monitor the effect on volumes of sales of the reductions of import duty? And was that not indicated at the time?

HON CHIEF MINISTER:

I do not know if it was indicated and I do not know it was the intention. I can certainly tell him that it has not been done. I suppose that it can be done in due course when we get the appropriate statistics. I suppose it would be interesting to see to what extent there has been a rise and fall but of course there are so many other factors that affect rising and falling volumes of sales - the exchange rate, the frontier regime. The fact that there may have been a rise or a fall in the demand for commodities which have been subject to import duty reductions is not necessarily a reflection of the import duty reduction or of its effectiveness. There is an import duty reduction and goods may indeed be more competitive but if, for example, now, because we have got the sort of the problems that we have at the border, people are not coming, or the exchange rate is moving in the wrong direction, basically everything that is gained in import duty reductions is lost because the value of the pound has soared by a similar amount against the peseta.

HON J J BOSSANO:

It is true, Mr Speaker, that all those things can have an effect, but of course that applies equally to cars where he says because he is able to obtain the information, presumably if the pounds goes up it goes up for cars or for anything else in the price that we pay for these things in Gibraltar, not that many people might come in and buy a car but then we do not even know, based on the information we are getting now, how scientific was the original choice of items?

HON CHIEF MINISTER:

There was not a great deal of science in the choice of the items. Drawing up a list of what one thinks are the goods that tourists come into Gibraltar to buy is a layman's job, not an economist's job. Most people tend to know just by asking which are the sorts of goods which tourists come into Gibraltar to buy. But how much revenue the Government obtained from that source and what the cost would be of removing or halving as happened in some cases, the import duty, was the subject of a very detailed study because each of the items which the Government were going to consider putting on that list of goods that would benefit was subject to a code by code study by the auditors over several months. So the sort of information that the hon Member was asking for this morning was done for that list over many, many weeks by the firm of accountants from whom we commissioned that report, on the basis of raw data that was provided to them by the Customs Department.

HON J J BOSSANO:

And there was no attempt to continue to monitor those specific things which have already been identified for which there is a code?

HON CHIEF MINISTER:

The Government, although it would be interested in knowing that, is not particularly concerned about whether it has had the desired effect or not because this is not revenue that we have given away, that we might regret having given away, because in effect it has been replaced by rising duties elsewhere. But that does not mean that it would not be interesting, all of the Member's questions suggest a preoccupation with monitoring the effectiveness of the review and the Government do not have the same degree of preoccupation to monitor the scheme to see to what extent the Government's objectives have been achieved.

HON J J BOSSANO:

Surely, as a matter of economic policy, if the purpose of having as an instrument of economic policy a variable rate of import duty on the premise that it can generate activity perhaps the Chief Minister will remember that when he announced it at the dinner of the Chamber of Commerce he actually went as far as to say that unless the measures which he now gives so little importance resulted in price drops, and were not absorbed by the private industry, and resulted in economic activity and in jobs for the Gibraltarians, it would be a waste of time. Perhaps he can recall having used those words in the annual dinner of the Chamber. It seems to me that if the measure is either a waste of time or a success depending on certain potential results, they will want to know what the results are.

HON CHIEF MINISTER:

It would be a waste of time in achieving the purposes for which the Government did it. It would be a waste of time in the objective of making Gibraltar's shopping centre more competitive and therefore hopefully attracting more shoppers. But it is not a waste of time in so far as even if it did not achieve that it would still be of a profit and loss account value to the businesses affected. The point that the Hon Mr Isola is now making is that if were it to be the case that the value of this is only for benefit to the profit and loss account in terms of increased margins, it is fair that that advantage is delivered only to that sector of trade and not to every sector of trade. The Government have not done this in order to monitor it and withdraw it if it was not having the desired effect. That might have been a conclusion to which the Government could have come if this was revenue that the Government were giving away which it could not afford to give away and then say "I am prepared to give it away if it is being effective but I am not prepared to give it away if it is not being effective". The fact of the matter is that as the general retail climate has not improved dramatically, as the Government have replaced that revenue with other revenue, there has been no real requirement on the Government's part to consider taking away what it has already given to a sector of taxpayers whether it has been effective in achieving the objective of making the shopping centre more competitive or not.

HON J J BOSSANO:

But is it not reasonable to expect that if the new initiative is taken in order to achieve certain results, one should monitor the effectiveness of that instrument in order to know whether it is something that is worth doing, given that the intention was not simply to make the businesses more profitable. Since the Chief Minister keeps on repeating that it is being replaced by other revenue, without going into the other revenue, is it not the case that the whole of the other revenue to which he keeps on referring, is not more than the whole, that is to say, if we take the import duty minus one particular commodity which we will not mention, the balance is less than it was before excluding that one particular commodity. I suggest to the Chief Minister he gets the Statistics Department to do that little subtraction sum for him.

HON CHIEF MINISTER:

That is not something that the Statistics Department would have to do because as he knows I get the information monthly from which I can do the subtraction myself. I do not believe that that is quite the situation but certainly there is one commodity that is a significant contributor to increases of revenue. There are others, for example, it is common knowledge that petroleum is falling. The volume of sales in petrol stations is falling and therefore other things must be rising and remember also that we increased the duty on that particular commodity, the one that we are obliquely referring to by allusion. There will be an increase in revenue even from existing volumes regardless of an increase in volume. Mr Speaker, I think we should round this debate up by saying "look, it might be of interest to see to what extent import duty reductions on soaps, or on perfumes, has

had on.....” we can look to see whether imports of perfumes are up or down since we have lowered the duty. The only point that I would make again to them is that there are so many other variables. Imports could have fallen notwithstanding the lowering of duty and indeed they might have risen even if we had not lowered the duty and therefore simply measuring the volume of imports since we introduced the duty cuts and comparing them to the volume of imports before we introduced the duty cuts, would actually not answer the questions that the hon Member is opposing which is “have they been effective for the intended purpose?”.

HON J J BOSSANO:

One final question, has in fact the Government considered getting the Statistics Office to look at some of these particular commodities in the context of the Index of Retail Prices? These commodities must be reflected in the shopping basket so therefore whilst not having to send somebody down to a shop to see if there has been a change in prices, if over the relevant period the cut in import duty was reflected in cuts in prices given that, of course, not every other variable is served. I accept the argument that in order to have a 100 per cent accurate exercise one would need to have two still pictures of the economy with nothing else changing except the import duty and that is impossible except in a laboratory situation but given that that is how one measures things in the real world, would it not be possible to take an example of a few of these things and check them at two dates to see whether there is a reflection, for example, if the other items in the basket are moving in a particular direction, up or down, one would expect that the import duty one should show a difference if it is being reflected in prices without needing to go down to every shop.

HON CHIEF MINISTER:

I agree that it is both possible and indeed it would be interesting but, frankly, I am not inclined to further burden the Statistics Department until I am satisfied that they can more reliably deal with the work that they already have.

ORAL

NO.201 OF 1999

THE HON DR J J GARCIA

IMPORTS – MOTOR VEHICLES

What was the value and the number of motor vehicles imported by licensed dealers in the period April to September 1998?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question No.202 of 1999.

NO.202 OF 1999

THE HON DR J J GARCIA

IMPORTS – MOTOR VEHICLES

What was the value and the number of motor vehicles imported by individuals in the period April to September 1998?

ANSWER

THE HON THE CHIEF MINISTER

The value and number of motor vehicles imported by licenced dealers, including goods vehicles and motor cycles, were £24,727,000 and 5,773 respectively.

The number and the value of motor vehicles imported by individuals during this period were 79 and £340,576 respectively.

SUPPLEMENTARY TO QUESTIONS NOS.201 AND 202 OF 1999

HON J J BOSSANO:

Did I understand correctly, Mr Speaker, that the Government have said that motor cycles are included in the 5,773 vehicles?

HON CHIEF MINISTER:

Yes. The figure of 5,773 includes goods vehicles and motor cycles.

HON J J BOSSANO:

Am I correct in thinking that in fact the motor cycles were not included in the package on import duty, is that not the case?

HON CHIEF MINISTER:

Yes, that is the case. It is one of the items that the Government are now considering. It is not included in the original package.

HON J J BOSSANO:

Can the Government provide what is the figure for motor cycles in the 5,773? Because obviously since they were not included in the measure they could not have changed because of the measure which has nothing to do with it.

HON CHIEF MINISTER:

Yes, of course, the question does not identify the purpose for which the information is required. It is not our job to second guess why the hon Members want the information, but certainly I will be happy to provide that information quickly to the hon Member.

NO.203 OF 1999

THE HON A J ISOLA

LOCAL TAX STRUCTURES

Have Government received any recommendations from the Committee of local experts constituted for the purpose of reviewing the local tax structures?

ANSWER

THE HON THE CHIEF MINISTER

Government have not received any recommendations for implementation as yet.

SUPPLEMENTARY TO QUESTION NO.203 OF 1999

HON A J ISOLA:

Do Government have any idea as to when these recommendations, if any, will be forthcoming?

HON CHIEF MINISTER:

No, Mr Speaker and I think it would be wrong for the hon Member to think that they are imminent or to keep on asking at every meeting of the House when we think we might get them. To explain that, I would just like to describe a little bit of the process so that the hon Member can put it into context with dates. There is this group, who meet, toss about ideas, and they discuss them. Some of those ideas have been discussed with the Government to see to what extent they are politically viable or not politically viable. That is the stage at which we are. Earlier this week, we have had a meeting with the Committee and they have expressed the view that they would like the Government to commission the creation of economic models for the whole economy and for the individual sectors of it so that the effect of the ideas that they are suggesting can be measured in their application. They say that one of the problems they have, not unlike the Opposition Members, is that they have not got some of the information that they think they need to have in order to work out the effect of their ideas on Government revenue which in turn would determine whether they are willing to recommend them to the Government or not. So the Government have now agreed to the commissioning of the creation of economic models. The last economic model for Gibraltar was written in 1983, I think it was. There has been a massive change in the structure of the economy since then, as the hon Member knows and therefore the stage that we are at now is that whilst the brainstorming by the local Tax Reform Committee will continue, in parallel there will be the creation by economic academics in the United Kingdom. I think it is a Dr. Fletcher, but do not hold me to that, to create these economic models so that the impact on Government revenues and the benefit to the economy of whatever recommendations they make in due course to the Government can be run through these models and therefore we would all know the effect of what we were planning to do. I am told that that will take about six months plus so I think we are possibly a year and given the proximity from that date, a year now there are elections, in practice probably therefore more than a year away from having a set of proposals which have been made to the Government, tested through an economic model that is still to be created, considered by the Government for political and economic viability, draft legislation perhaps written and actually implemented, I think we are quite a

long time away. Let us not forget what the driving factor here is. the driving factor is making Gibraltar's tax regime compatible as near as possible, the EU tax code and the OECD equivalent, the OECD report on harmful tax measures. We are not under intense pressure there because even those codes, the OECD Report is on the basis of, we will stand a couple of years talking to all those terrible jurisdictions. The tax code version, the European Union version, is on the basis of two-year stand still and roll back agreement, or two year stand stills. We have got a year and a half. If we had signed up to the tax code today, which we have not, and we are doing this as an alternative, we would not be under pressure in the next 18 months to be doing anything to dismantle any regime that we have got at the moment. I hope the hon Member finds that general description helpful.

HON J J BOSSANO:

Mr Speaker, if you will allow me, can I just ask the Government to take a second look at the question we have just dealt with on the imports of motor vehicles and check the accuracy of the information. Given that in answer to Question No.133 of 1998, which was asked by me and I asked for the number and the value of motor vehicles imported since September, I was told 999 and just under £11 million, it seems to me that the average value per vehicle of £11 million for a 1000 cars, as opposed to £24 million for 5,773, means that either there has been a catastrophic collapse in car prices or we are not talking here of the same commodity notwithstanding that in both cases the question was about motor vehicles. Could he check that?

HON CHIEF MINISTER:

I will certainly check, or the other possibility is that whereas motor vehicles in this question includes motor cycles which are high in number and low in value, perhaps when the people put together the answer to the question to which he is referring, it did not include motor cycles. Certainly I will check that. Yes, it sounds as if that is the explanation, that the answer to 133 related only to motor cars as opposed to motor vehicles, but given that I have understood the hon Member to say that Question 133 also refers to motor vehicles, one would expect consistency in how Customs define motor vehicles.

HON J J BOSSANO:

The question was the number and value of motor vehicles imported by licenced dealers and the answer was the number of vehicles imported was 999 with a value of £10,968,000. We are talking about a thousand vehicles at an average of £11,000.

HON CHIEF MINISTER:

I will have that checked.

NO.204 OF 1999

THE HON A J ISOLA

IMPORTS

What was the value of goods imported overland, other than petroleum products, in 1995, 1996, 1997 and 1998?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question 205 of 1999.



NO.205 OF 1999THE HON A J ISOLA

## IMPORTS

What was the value of goods imported by sea, other than petroleum products, in 1995, 1996, 1997 and 1998?

ANSWERTHE HON THE CHIEF MINISTER

Import figures for 1998 are not yet available. The figures in respect of 1995, 1996 and 1997 are as follows:-

(£million)

	<u>1995</u>	<u>1996</u>	<u>1997</u>
Land	155.1	172.2	158.0
Sea	65.1	51.3	32.1
TOTAL	220.2	223.5	190.1

SUPPLEMENTARY TO QUESTION NOS.204 AND 205 OF 1999

HON J J BOSSANO:

What this shows in fact is quite a dramatic drop in imports by sea which have gone down by half over a period of 24 months. Is that.....?

HON CHIEF MINISTER:

Mr Speaker, this is a very worrying trend which the Government are presently seized of and trying to consider ways of remedying. There is no doubt that container traffic to Gibraltar that used to come by the regular container lines that used to service the Port of Gibraltar, are now going to Algeciras where they are then transported into Gibraltar overland. This information has been brought to us by the Road Transport Contractors and the Road Hauliers. Their grievance is that they are not getting the work. At least if the stuff was coming to Algeciras but was being brought into Gibraltar by Gibraltar road hauliers, at least somebody in Gibraltar would be getting the benefit in effect and business would be shifted from Gibraltar's maritime economy to Gibraltar's road hauliers. But it is not. What is happening is that it is being unstuffed in Spain and is being delivered into Gibraltar by Spanish wholesale distributor vehicles so that the Gibraltar haulage trade is missing out on this business altogether. The Minister for Trade and Industry and the Minister for Tourism and Transport have had meetings in the last 10 days with the road transport industry and the Government are urgently seeking ways in which the effect of that can be remedied. To boot, when Gibraltar hauliers go to the Port of Algeciras to try and bring some of these containers in, they get told that they have not got the right bit of paper to go into the Port of Algeciras and if they do, the hook on the lorry is too big or too small, or too rusty or not painted in the right colour, or whatever and in effect there are these protective practices going on which in effect delivers the road haulage business appertaining to Gibraltar cargo to the Spanish road haulage industry at the expense of the Gibraltar road haulage industry. My understanding is that it is just a straightforward

matter of economics. The cost of bringing a container to Gibraltar by sea via Algeciras is less than the cost of bringing a container to Gibraltar on one of the ships that services the Port of Gibraltar directly. It is a worrying trend and the Government have been addressing it specifically for the last two or three weeks since we have become specifically aware of it.

HON J J BOSSANO:

In fact, since these figures are up to December 1997, if the Government have become aware of it in the last three or four weeks in 1999, does it mean that the indications from the persons that have been making representations are that the trend has in fact continued in 1998 and will be reflected when the figures will be available?

HON CHIEF MINISTER:

I think there is every possibility that that is the case. This business of it being lost to Spanish hauliers at the expense of Gibraltar hauliers is certainly on the increase. Even if there is no decline in volume, what volume there is is increasingly being lost by the Gibraltar road haulage trade to the Spanish road haulage trade.

HON J J BOSSANO:

The Chief Minister said in reply just now that the goods that come by land is recorded as land cargo, but that does not mean in fact that the goods are shown in the Abstract of Statistics as imports from Spain, does it? The imports must still be from the country of origin, I take it?

HON CHIEF MINISTER:

Indeed that is so. Algeciras is just a transient point in the importation route.

HON J J BOSSANO:

But is it not the case that in addition to that then what the breakdown of the imports for 1997 show is in fact Spanish originating goods obtaining a much bigger share of the Gibraltar market, is that not the case?

HON CHIEF MINISTER:

I do not think these figures show that because of course land means overland. It includes containers pulled on the back of lorries that have come all the way from England, that would be land. I do not know whether the trend that the hon Member is alluding to is happening or not. In other words, to what extent has Spain become an increasingly larger exporter to Gibraltar? It may be happening but I do not think it is revealed by these figures.

HON J J BOSSANO:

No I accept that it is not but in the previous answer that he has just given me, that the origin of the cargo is where the container is loaded and not where it is unloaded from the ship, but is it not the case that the Abstract of Statistics that have just been published by the Government show that for 1997 although the value of imports overland went down, the value of imports from Spain went up so that in fact Spain took a bigger share of a smaller market.

HON CHIEF MINISTER:

That may be possible. I do not share the hon Gentleman's insatiable appetite to number crunch and therefore I cannot say that I have analysed those Abstracts to that degree of detail yet. But if he says that that is what the Abstract shows, then it must be the case and I take him at his word. There is a natural tendency to increasingly source goods from the nearest and cheapest source which for Gibraltar has to be Spain.

HON J J BOSSANO:

In 1997, I do not know what the position is yet for 1998, but in 1997 there seems to have been an abnormal situation in that goods from Spain were replacing goods from elsewhere because in the past Spain's contribution to Gibraltar imports have been increasing at the same time as, for example, UK's was increasing but in fact in 1997 what was unusual was that UK exported £30 million less and Spain exported £7 million more. If that, which happened in 1997, which is clearly a response to market forces has continued, the very recent peculiar statement from the Minister for Foreign Affairs that he is going to discourage people exporting to us, as if it was something that would be bad for us instead of bad for them, must be something that these figures are relevant to, analysing that it would be something we need to take into account if we become increasingly dependent on our source of supply which is capable of being shut off.

HON CHIEF MINISTER:

Yes, indeed. I can also say to the hon Member that I intend to put together a dossier to refute this suggestion that Gibraltar is parasitical on Spain and indeed that would be an important statistic to include in it, not just Gibraltarian expenditure in Spain but the consumption in Gibraltar of goods imported and sourced in Spain, amongst many other contributions which Gibraltar makes to the economy of Spain in general and the Campo in particular but certainly I will include that if the hon Member is correct in saying that there is actually an increase in trend.

NO.206 OF 1999THE HON A J ISOLA

## IMPORTS

Can Government state what was the value of goods imported in Gibraltar excluding petroleum products and tobacco products in each month for the years 1996, 1997 and 1998?

ANSWERTHE HON THE CHIEF MINISTER

As I have said on numerous occasions in the past it is not in the public interest of Gibraltar to put into the public domain information as to the extent of tobacco imports into Gibraltar. This was also the view of the Opposition Members when in Government. Questions that I have just answered give the total value of all imports and the total value of all imports excluding petroleum products.

SUPPLEMENTARY TO QUESTION NO.206 OF 1999

HON J J BOSSANO:

Is it not the case that in fact if imports other than petroleum products have gone down, and the imports of tobacco products have not gone down in the relevant periods, then it must mean that the drop of other goods being imported into Gibraltar must have dropped even more dramatically than would be reflected by the overall figure? If the Chief Minister is not willing to provide the information to the House will he provide it on a confidential basis?

HON CHIEF MINISTER:

The Government are presently considering whether and, if so, on what terms it ought to be willing to provide this information on a confidential basis and to which parties. Obviously, we are not comfortable withholding this information. Hon Members know that our policy and philosophy is to give whatever information is available and asked for. We are clear that it is not in Gibraltar's interests for this information either to be published or to be given to people upon whom we cannot rely to treat it at all times with the confidentiality and that is the exercise that we are now mulling around. We have, as I said this morning, no domestic political purpose for not wishing to share this information with everybody in this House. My nervousness would be that once we give the information away we cease to be custodian of its security and therefore can no longer control the circumstances in which it might get leaked. If the hon Members will just give us a while longer to contemplate that and perhaps we can even discuss it between ourselves. I say that in the context of the fact that we are under extreme pressure from the Chamber of Commerce and have been for quite some time to give this information to them and we keep on basically saying this.

HON J J BOSSANO:

Can I point out, Mr Speaker, that the question is not seeking information of particular products but given the fact that if we look at the answer given to the previous question which was that imports, excluding petroleum, were £220 million in 1995, £223 million in

1996 and £191 million in 1997, if in fact the movement of this particular commodity is included in each of those three figures, what I am suggesting is that the figure without that commodity might well show a very dramatic drop, even more than the drop that is reflected here.

HON CHIEF MINISTER:

I understand that it is perfectly legitimate for the hon Members to have access to statistics which allow them to gauge the extent to which economically relevant goods, the importation of economically relevant goods, is rising or falling. There is no issue between us on that. The only reason why we have not answered this question is that by extrapolation it allows the sensitive information to be computed.

NO.207 OF 1999

THE HON A J ISOLA

IMPORTS AND EXPORTS

What was the value of imports and exports excluding petroleum products in 1998?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question No.208 of 1999.

NO.208 OF 1999THE HON A J ISOLA

## IMPORTS AND EXPORTS

What was the value of imports and exports of petroleum products for 1998?

ANSWERTHE HON THE CHIEF MINISTER

The hon Members are in serious danger of rendering the Government concept of annual surveys as annual statistics. I regret to inform the hon Member that import and export statistics for 1998 are currently being compiled and are not yet available. I suppose it is just worth mentioning that it was the Opposition Members who ceased to publish the Import and Exports Statistics Survey which used to be published, like the Tourism Survey, the Hotel Occupancy Survey and the Employment Survey and that it was they when in Government who made the decision, I do not think I was around at the time, so I do not know why, to discontinue the publication of this. At least, so I am told. So, it does not mean that we are not willing to publish it but it means that the information is not available right now but as soon as it is available I will have it passed on to the hon Member.

SUPPLEMENTARY TO QUESTION NOS.207 AND 208 OF 1999

HON J J BOSSANO

Are we to assume that this answer is also originating in the Statistics Department?

HON CHIEF MINISTER:

Mr Speaker, it is only February. I am told that this information even when it was published would not have been available in February 1999 in respect of the period ending December 1998.

HON J J BOSSANO:

This is not a breakdown by months by the 89 categories or by individual items. Surely, the computer that we have got in the Customs is capable at a push of a button of giving the total value for the whole year?

HON CHIEF MINISTER:

In fact it is not, because it is a financial year, not a calendar year.

HON J J BOSSANO:

If the Chief Minister will care to look at his previous answers, let him check his facts and he will find that he told us before that we were causing enormous disruption to the Customs Department by asking for question on the basis of financial years.

HON CHIEF MINISTER:

Then I have got it the wrong way round.

HON J J BOSSANO:

And this is why we switched to calendar years because we accepted the point that the purpose was to obtain the information and not to disrupt the Department.

HON CHIEF MINISTER:

In that case, my alternative answer is that now he understands why they want to bog down the Statistics office with the economic exercise that he recommended to me four questions ago.

HON J J BOSSANO:

Having accepted the answer he gave me four questions ago, what I am not accepting is the answer that he has just given me which is that the Government do not know, within the machinery of the Government, what was the total value of petroleum products. I assume that if we rang up the importer of the petroleum products we would get the answer in five minutes but I have no doubt that the Customs Department that has collected import duty between January and December 1998 on petroleum products must know what is the value of the goods on which they charge duty. Otherwise, how have they charged it? It is impossible for that information not to be available. We are not asking for a breakdown it is the total figure and in fact it is in the way that it is published. This is information that gets published as two lines only.

HON CHIEF MINISTER:

What the hon Member is saying may be true of imports. It is not necessarily true of exports. I do not believe that there is somebody sitting in the Statistics Office with a file by the side of his table that contains this information and when the question gets sent down to the Statistics Office, jots down "Not available", when in fact it is. I do not know whether the hon Member suspects that we have information which we do not give because we do not want to give and simply say that it is not available. I assure him that that is not the case. I am not the keeper of the Government statistics. When the hon Members ask all these statistically based questions, these questions go to the relevant Department and this is the answer that the relevant Department gives us. I do not know whether they have available to them the value of imports and exports of petroleum products for 1998. What I can tell the hon Member is that they tell me that they have not got it. Therefore, that is the information that I can bring to the House. It is true that yesterday he gave me an instance of such an answer which sounded to me to be logical. I pursued it and it transpired that the information was available and that indeed I spotted one such occasion myself when the questions were in draft form. I said "how can this not be available?" and when I sent it back to them it transpired that it was available, I think it is one of the questions that has not yet come up on this order paper. Whether it is that they know the value of imports but not the value of exports, which is what the question asked, I do not know but if the hon Member is suspicious as to whether this information is actually available or not, notwithstanding the answer I undertake to check it again, to put the hon Member's views to the Customs Department and get them to confirm their answer and why is it not available in the context of the point that the hon Member has made.

HON J J BOSSANO:

I was just asking in fact to mention that he relays the point that we are making. We are not saying that somebody in the Statistics Office is hiding this, the question is not addressed to the Statistics Office or indeed to the Chief Minister, it is addressed to the Government and the Government do have that information. The fact is whether the Statistics Department has it or not is not a matter which we are disputing. It is certainly information that is available within the Customs Department, that can be produced at an instant's notice from the Customs Department because the previous arguments were not about the Statistics Office. When we asked for information on financial years, the answer we got was not the Statistics Office that had a problem in calculating it, the answer we got was the way the Customs compiled these statistics is by calendar years and they had to go into two different years which creates unnecessary work, so we switched to calendar years. I can



tell the Chief Minister that it is information that has been provided at around this time before in respect of 1997 and there was no previous problem. It may well be that because the request was directed to the Statistics as opposed to the Customs, the Customs may have produced the answer for the question which we put around this time in 1998 about the 1997 figures.

HON CHIEF MINISTER:

I will check and certainly I accept what the hon Member says about imports, but whether that information might also be available to Customs about exports I do not know because I do not know to what extent Customs monitors volumes as opposed to dutiable volume. Certainly, in so far as imports are concerned I entirely take the point of the hon Member which is that we must know on what we have collected duty unless these things are done by some arrangement with the trade in arrears and perhaps they have not yet got to the December duty. I do not know, that might be an explanation but I certainly agree to look into the matter further and come back to the hon Member about it.

NO.209 OF 1999

THE HON A J ISOLA

IMPORTS

Can Government now say what is the correct figure for the value of imports of photographic equipment imported in the six months ending 31<sup>st</sup> March 1998 given as £4,504,526 in answer to Question No.256 of 1998?

ANSWER

THE HON THE CHIEF MINISTER

The value of imports of photographic equipment in the six months ending 31<sup>st</sup> March 1998 was £500,871. The duty for this same period was £2,633.53.

There is apparently, a difference between what Customs understand by imports and what the Statistics Office understand by imports. One of them considers that it is what enters into the local market for home use and the other considers it to be everything that enters the territory and hence the cock up.

SUPPLEMENTARY TO QUESTION NO.209 OF 1998

HON J J BOSSANO:

The figure therefore then of £4.5 million the last time means what? That there was something of the order of £4 million of re-exports? Is that the implication of that answer?

HON CHIEF MINISTER:

It may be the implication of the answer because this is the explanation that was given to me but it was not given to me in the context of "that is the figure of £4million". No doubt we will debate this further again when we come to the question from the Leader of the Opposition in the Order Paper about the discrepancy in total import duty as between the answer given in the House and the answer given in the Abstract of Statistics. That was the umbrella explanation for the fact that some times, depending on whether one seeks the information from Customs or whether one seeks it from the Statistics Office, they come up with different answers. Apparently Customs give the raw value of everything that comes in and then the Statistics office analyses it and strips out exports and it then includes in imports what has come in for the home market. Whether that is applicable to the £4 million figure or whether that figure was not arithmetically erroneous, I will have to check. If he is interested in that I can ask that or does he want to know whether we exported £4million worth, because £500,000 is the imports as per this answer now.

HON J J BOSSANO:

Can the Government confirm in the light of that explanation that if that is the case what we would be saying would be that the figure provided by Customs would be the £4.5 million. because that would be everything coming into the territory but not necessarily going into the shops and that the figure of £5 million would be what the Statistics then consider to be Gibraltar imports because they enter into the domestic economy, that would be the case?

HON CHIEF MINISTER:

£500,000 not £5 million.

HON A J ISOLA:

I can see the possible difference in the way the figures are arrived at in respect of the value, one being the Statistician the other one being the Customs, but how can the duty figure vary? Has that got any relation at all to the exports?

HON CHIEF MINISTER:

I have not got the original answer to question 256/98, in front of me, what was the figure that we gave?

HON A J ISOLA:

£1,674 as the duty.

HON CHIEF MINISTER:

As opposed to £2,663 now? I do not know whether that extra £1,000 of import duty comes from in the context of this explanation. I do not know if the hon Member is interested in the breakdown but of the £500,000 only £453,685 is actually cameras, then there are five or six items of film and paper and plates and photographic chemicals which form the category, maybe that is the explanation.

HON A J ISOLA:

All of which are subject to the lower rate of import duty?

HON CHIEF MINISTER

Yes.

NO.210 OF 1999

THE HON A J ISOLA

VALUE AND VOLUME OF IMPORTS

Can Government state what was the value and volume of imports of soaps, perfumes, clocks, watches, photographic equipment, detergents, household cleaning materials, nappies and clothing in the year 1998 broken down monthly and the revenue yield in these products in respect of each product?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Questions 199 and 211 of 1999.

NO.211 OF 1999THE HON A J ISOLA

## IMPORTS

Can Government state what was the value and volume of imports of soaps, perfumes, clocks, watches, photographic equipment, detergents, household cleaning materials, nappies and clothing in the year 1997 broken down monthly and the revenue yield in these products in respect of each period?

ANSWERTHE HON THE CHIEF MINISTER

As the hon Member may know, trade statistics are compiled from the data that is programmed into the Customs computer system known as ASYCUDA. This system was introduced in 1993 by the previous administration at substantial cost.

Unfortunately, the ASYCUDA system is programmed in such a way that the data base can only be queried for individual commodities and for aggregated totals of what are called "Chapters". None of the commodities referred to in the hon Member's questions are either classified as individual commodities or as whole "Chapters" in the Customs Tariff.

This means, that the only way in which the information sought can be produced is to query each individual commodity spread out through the 89 Chapters and re-classify in a way which would match the specific items to which the hon Member is referring in his questions.

The Government are concerned that the ASYCUDA system should have been introduced in 1993 in such deficient form and now that we have been alerted to it, steps will be taken to see whether changes can be introduced to either the programming, classification or processing to produce more timely, reliable and useful data by way of statistical information and analysis.

SUPPLEMENTARY TO QUESTION NOS.199, 210 AND 211 OF 1999

HON A J ISOLA:

Is the Chief Minister aware that I asked an identical question to this one in April 1998 in relation to the Financial Year of 1996/97 in respect of these same products and he gave me the values in respect of each individual item, together with the duty payable to the last pound in respect of each of these items. What I have done in this question is ask for different periods. Certainly, Questions 210 and 211, I do not understand what the difference is? Is it because it is the Financial year or Calendar Year?

HON CHIEF MINISTER:

I am not saying that the information is not possible to obtain but the hon Members know what the rules are and that is that when information can only be obtained by disproportionate administrative effort and cost, it is not given. The last time that the information was provided to the hon Member it was provided in respect of a slightly shorter list and it was produced at great cost of manpower. Has the hon Member followed the answer? Take, for example, soaps. The computer does not allow the Customs to say how much has been imported in soaps because things that fall under the heading "Soaps" in your language and mine appear in any number of Chapters under the ASYCUDA system and it would therefore be necessary for each item on this list to manually read every item which is included in that Chapter, see whether linguistically in your language and mine it would be deemed to be a soap and add it up. It requires enormous manual work on these records. When I discovered this I expressed surprise that once the information is available, that the raw data is available in the computer, that it cannot be retrieved in this or any other form in which it is sought to be retrieved and reported on. But I am told that that is the nature of the ASYCUDA system, that it is not a system designed for reporting statistics but to manage the collection of import duty and I have given instructions to see to what extent the software can be rewritten to enable it to serve not just the import duty objective but, indeed, a financial management reporting objective as well. But at the moment it is just not possible.

HON DR J J GARCIA:

Can the Chief Minister explain whether the position is the same relating to building materials?

HON CHIEF MINISTER:

Indeed it is. The position is the same. To work out the duty paid and the value of building materials is possible but it requires somebody to sit and analyse all of the 89 Chapters to see whether it contains building materials because not all building materials are contained in one Chapter called "Building Materials". Things that I would consider to be building materials are scattered all over the 89 Chapters and then of course there is the point which is an additional point which is that the computer then only gives, even in respect of the Chapters that it is classified in, it only gives one a total for the year. The computer will not give one the figure broken down monthly, for example, which is one of the things that the Hon Mr Isola asked for. There would be no way of doing that through the computer. Again one would have to go through the manual records and do it manually. The computer only reports annually in respect of totals and gives no financial breakdown either in terms of annual sub-totals or, indeed, of monthly totals.

HON J L BALDACHINO:

Is it not correct that each item, for example, has a code? Could it not be that it can be retrieved from the computer that way?

HON CHIEF MINISTER:

Each item has a code but the codes attaching to items that I would consider to be building materials are scattered all over the Chapters. They are not all in the same Chapter and one cannot say to the computer, at least not as it is presently programmed, you cannot say "Tally up for me all the codes that have been attributed to things that the Hon Mr Baldachino and the Hon Mr Caruana regard as building materials". The system just does not permit it and, of course, this is the system that has always been in place and I suppose that the hon Members may never have found themselves in this position because we may never have asked for the information in this form. But it is exactly the same lack of usefulness as has been inherent in this system since 1993.

HON J J BOSSANO:

Can the Government explain how it is that they were not aware of the difficulty when they have answered similar questions in the past. Can I remind the Chief Minister that his argument previously was that because the computer worked on a calendar year, we were making it very difficult for him to answer questions in financial years and that is why we have now switched to calendar years and now we are given a different argument from the one we were given the last time. How come the Department has never brought to the attention of the Government this difficulty before and they have provided the information?

HON CHIEF MINISTER:

Because last time that the hon Member asked a question, the Department actually put in the leg work and did it, but the Department cannot do that every time we have a meeting of the House. Every time we have a meeting of the House the hon Members ask for these lists, the fact that it has been done once demonstrates what we knew before that it is possible if one is prepared to dedicate enough man hours to the task. It is possible to produce the information. What we are saying is that it is just not reasonable to expect the administration to invest the necessary man hour resources every time the question is asked. The hon Members may think that they are asking a question because they think the information is readily available and it might be that if the hon Member's understand as hopefully they now do that the information is not readily available they may say "well, in those circumstances I will not ask the question" because I am sure it is not their intention in asking this question to paralyse the Customs for a day or two, or three, whilst everybody beavers away at work. I am sure he has asked the question because he thinks it is readily available. If it were readily available the Government would happily give it. I am told, and of course I do not understand the ASYCUDA system, by the Collector of Customs and his Deputy that in fact this requires a massive deployment of man hours to produce the information because the computer does not report it. This is the basis upon which I am explaining the position in the House.

HON J J BOSSANO:

I am sure the Government will have noticed that these questions are the result of identifying the import duty structure so that we can monitor the effect which the Government itself is supposed to be monitoring. How are the Government monitoring the effect of the import duty if it is not seeking from the Customs Department what is happening to the goods on which duty has been changed? For example, if there was no duty in building materials and there was a particular period for which there was a big increase in building materials which the Chief Minister attributed to a boom in building, is it that the Government are not aware whether the boom is now over or continues because they only became aware that there was a boom because we put the question?

HON CHIEF MINISTER:

There is a question on the Order Paper from Dr Garcia about the review of the import duty structure. The Government get import duty statistics broken down into very broad categories. I get exactly the same statistics as the hon Member used to get on a monthly basis from the Collector of Customs office and therefore he knows the nature of the statistics that are available to me in this respect. Building materials, again this is not language that is relevant to the Customs computer, many things that he and I would regard as building materials always have paid import duty. There is as hon Member's know a classification, things that used to be put into houses before, bathrooms for example, have always paid import duty. It depends on the form in which they come and what happens to them. The Government, and I do not want to preempt the hon Dr Garcia's question, do not keep track of what is happening to import duties on building materials on a monthly basis. What we take into account is whether Government revenues from import duty is holding up or is not holding up or is rising or falling. We do not have under review each item of the import duty restructure that was implemented to

see how it is going. We know, for example, how it is going in motor vehicles, not just because it is visible from the figures at a glance but because indeed the Motor Vehicle Traders Association have reported to us what the effect of that has been on their volumes. The answer to the hon Gentleman is that the Government have available to it information on Chapters, most of which might contain building materials. For example, if Chapter 86, and I am sure it is not, but if Chapter 86 comprises of items each with their own code as the Hon Mr Baldachino says, which are predominantly building materials that gives us an indication of what is happening in terms of revenue on building materials. But it does not allow us to answer what is our total revenue from building materials because there might be revenue from building materials in other Chapters as well in which building materials is not the predominant gist of the list.

HON J J BOSSANO:

When we asked the question originally in respect of building materials, I think it was in fact specifically identifying those building materials which would now start paying duty and which had not previously paid duty. I believe that was the way the question was put and when I was away it was answered.

HON CHIEF MINISTER:

We are both testing our memories. He may be right. It is not my recollection. I do not think that is how it happened. It think the question was just for building materials, but still, the matter can be clarified by referring back to the question. I have already indicated to the hon Members that the last time questions of this nature were asked, for example in respect of photographic equipment, which was that question where we got the figure wrong, about the volume of photographic equipment imported, we have already said that the necessary manual effort was invested at that time and I am sure that that extends to that question as well. The distinction that I am asking the hon Members to take on board in good faith is that the amount of work involved in putting this information together is disproportionate to the value of the information to the Opposition Members. I believe there are other ways of testing the success or failure just by asking for global import duty figures, broken down into the categories in which I get them.

HON A J ISOLA:

May I just ask, would it be possible for the Chief Minister to let us have those figures and the Chapters in respect of the years 1997/98 which would then enable us to, perhaps not with the same accuracy, but at least to have an indicator of what is actually happening in respect of all the products in the so called Chapters.

HON CHIEF MINISTER:

The Government have no objection to giving the hon Member a complete print-out of the ASYCUDA position at any month. That can be done. If the hon Members were to say "can we have the ASYCUDA system as at the end of April?", they can, I understand it is this thick, and perhaps the hon Members may wish to take it home at the weekend and use it to pop up tables with missing legs, but it is a terribly unreadable document. There is only one caveat to our willingness, in principle, to give that information to the hon Members and that is that it contains information about which we will debate this afternoon in the context of another question on the Order Paper. It would contain information which both parties when in Government had adopted about tobacco which ought not to get into the public domain, not because we will mind the use to which they will put it but because we will all mind the use to which others will put it and that is the basis upon which we resisted giving this information, for example, to the Chamber of Commerce who have been asking precisely the Government to give them the sort of comprehensive information which



the hon Member is not asking for. Our reluctance is not based on any reluctance on our part to share this information but rather to the use to which others will put it.

NO. 212 OF 1999

THE HON A J ISOLA

IMPORTS AND EXPORTS 1997

When did Government discover that the information given in the House for the value of imports excluding petroleum products for 1997 in answer to Question No. 253 of April 1998 was incorrect?

ANSWER

THE HON THE CHIEF MINISTER

The Government discovered that the figure of £339.6 million for the value of imports in 1997 given in answer to Question No. 253 of April 1998 was incorrect following the Press Release which was issued by the Opposition on the 29<sup>th</sup> January 1999. The Statistics Office was asked to explain the reasons for the discrepancy between that figure and the figure published in the 1997 Abstract of Statistics of £216.8 million. I now have the explanation of the difference between the two figures.

The hon Member will have noted that there is a footnote to Table 39 of the Abstract of Statistics stating that the yearly import figures from 1994 to date have been adjusted to exclude banknotes, stamps and other items. These items had previously been included by reference to their face value rather than the cost of production and were therefore distorting the true value of imports. The adjustment to the 1997 imports figure in respect of banknotes et cetera was a deduction of around £77.9 million which gives a corrected total imports figure of £293.7 million. However, this still leaves a difference with the figure originally given in April 1998 amounting to £45.9 million. This difference of £45.9 million represents an error.

I am informed by the Statistics Office that the source of this error has been traced to a series of incorrect computer entries which showed the value of certain consignments in pounds sterling when these were in fact goods valued in pesetas. The figures were corrected when the Abstract of Statistics was produced last month but the Statistics Office overlooked the fact that the figure originally made public in this House in April 1998 was different and needed to be corrected for the record. I do so now.

The correct figures for the value of imports, excluding petroleum products, should now read:

1996	-	£317.7 million (unadjusted for banknotes, et cetera) £276.6 million (adjusted)
1997	-	£293.7 million (unadjusted for banknotes, et cetera) £216.8 million (adjusted)

The hon Members will now begin to understand the sense of irritation which I presently harbour with the performance of the Statistics Office.

## SUPPLEMENTARY TO QUESTION NO.212 OF 1999

HON J J BOSSANO:

The figures in fact show now that there was a huge drop in the value of imports in 1997 compared to 1996, whereas before it had shown an increase, have the Government any idea what caused a drop of the order of £60 million in a period of one year?

HON CHIEF MINISTER:

Yes, Mr Speaker. This is not explained by the recession and the small businesses having a rough time and the collapse of the economy which was the general thrust of the Press Release issued by the Opposition on the 29<sup>th</sup> January 1999. Hon Members, whom I am sure are much more concerned by the interests of Gibraltar than by scoring political points against the Government, I am sure will be relieved to hear that. It is actually accounted for in the following way: food imports fell by £13 million which in part may reflect the appreciation of the pound against the peseta; imports of gold fell from £38 million in 1996 to £14 million in 1997, a drop of £24 million probably the effect of a change in duty; the only other significant fall relates to the one-off importation, no one has been able to tell me what this importation was for, but there was in 1996 a one-off importation of a large consignment of men's clothing amounting to £7.5 million which was not repeated in 1997. This was one importation one consignment and that is the analysis of the £60 million drop which I think the hon Member will agree, except perhaps in relation to the food, does not reflect a collapse of sustainable retail activity in Gibraltar.

HON J J BOSSANO:

Can the Government say that in the light of the explanation that they have been given the conclusion that they have come to is that the import figures for 1997 as compared to 1996 do not support the argument that was being put in 1997 that the retail trade was suffering because of the high cost of the pound and the fact that they were selling less because if they are selling less we must be importing less, if the explanation why we are importing less is because we do not have £7.5 million of the one-off clothing sale and we are not importing gold because the Government decided to stop the business, then does that mean that the rest of the commodities were not, in fact, being imported in less quantities and therefore it is not true that the sales were down in 1997?

HON CHIEF MINISTER:

These are global figures. This is value of imports, this is not import duty and there is a fall between 1996 and 1997 of that £60 million and that is how it is explained and therefore it follows, I have not added the £13 million, the £24 million and the £7.5 million to see whether they amount to nearly £60 million, they do not and that is the picture and therefore there is not a fall in the volume of imports and that would tend to be borne out by the fact that Government takings from import duty generally do not reflect this fall in volume of imports even though we have not analysed that figure on a sector by sector and commodity by commodity basis, one would expect that if there was a general decline in trade said to be reflected by a general decline in import volumes, that that would be reflected in falling import duty revenues to the Government and that has not been true in any of these years.

HON J J BOSSANO:

Would the Government not agree that if the argument that is being put is that expenditure by Gibraltarians was switching into the hinterland as opposed to goods being bought here then to the extent that they are dutiable goods the same quantity of goods would be imported, declared and pay duty. There are two elements, one is whether people are buying less here because they are buying the same things elsewhere or whether they are buying less, period. The argument the Chief Minister has used surely only applies if they are buying less and that is it but if they buy furniture across the road, for example, they declare the furniture, the furniture import would still show, presumably personal imports are included in the figure of imports are they not?

HON CHIEF MINISTER:

Yes they are but the incidence of leakage from personal import is, of course, much higher than the incidence of leakage from imports by the trade. The other point that needs to be borne in mind is, of course, these are global figures and they are in effect net. It may be that within a static import value statistic of £293 million that that hides the fact that some sectors may be up and other sectors may be down and that those sectors that are down, that complain and say that trade is terrible but there are other sectors that are up and that is not revealed in these figures which are global. The figure suggests that overall the value of imports has remained more or less static save for that £60 million which is explained in those ways. The £30 million of food, of course, would not feature in my import duty statistics because food is duty free.

MR SPEAKER:

We will have one more question and one more answer.

HON J J BOSSANO:

Can the Government confirm that what we are being told then is that, in fact, they can account because I think the Chief Minister used the £293 million figure when he was really intending to use the £216 million because that is the figure after he has removed the banknotes and the stamps. So it is £216 million and not £293 million?

HON CHIEF MINISTER:

The correct figures that we should now be comparing is £276.6 million and £216.8 million, those are the adjusted figures; adjusted both in respect of banknotes and the error and that is the £60 million that I have sought to explain by these three items that I have given him details of.

HON J J BOSSANO:

So therefore what we are being told, it is just that the Chief Minister quoted £293 million when he answered previously. So what we are being told is that there is an explanation for £44 million of the £60 million and that the drop in imports was £16 million which, of course, is something of the order of 6 per cent of the figure of £276 million?

HON CHIEF MINISTER:

I make it £44.5 million in the three items.

HON J J BOSSANO:

So what I am saying is that imports went down by £16 million in that year, out of the £60 million?

HON CHIEF MINISTER:

Yes, that is right, £60 million minus £44 million, absolutely.

NO. 213 OF 1999THE HON A J ISOLA

## COMPANIES - WINDING UP PETITIONS

Can Government state in respect of how many companies winding up proceedings have been initiated on account of non-payment of debts to Government in each month since 1<sup>st</sup> October 1998?

ANSWERTHE HON THE CHIEF MINISTER

Since 1<sup>st</sup> October 1998 winding up petitions, that is, petitions for winding up filed in the Supreme Court, on account of non-payment of debts to Government totalled 32. Of these, companies actually wound up totalled 16. The breakdown by month is as follows:

<u>Month</u>	<u>Petition for winding up filed</u>	<u>Company in liquidation</u>
October 1998	12	8
November 1998	4	0
December 1998	11	8
January 1999	3	0
February 1999	2	0

SUPPLEMENTARY TO QUESTION NO. 213 OF 1999

HON A J ISOLA:

Does the Chief Minister have the figure there in respect of statutory demands which is really where I was last time, in Question No. 252 of 1998 and I was hoping I would get a similar response here. The indication I had last time was that in that period there were 270 statutory demands, I was wondering what that number is, has he the information available?

HON CHIEF MINISTER:

I can obviously procure the information for him. I do not have a note of it here but obviously there would be many more statutory demands than filing up petitions and I will have the information sent to him. Did I include it in my answer last time I answered the question?

HON A J ISOLA:

Yes.

HON CHIEF MINISTER:

It has not been included in this answer, I will get it for him.

HON A J ISOLA:

I am obliged.

NO. 214 OF 1999THE HON J J GABAY

## TERRITORIAL WATERS - ILLEGAL FISHING

Can Government list the number of occasions, giving dates and number of vessels, on which Spanish fishing boats have illegally operated in Gibraltar waters as from the 1<sup>st</sup> September 1997 onwards?

ANSWERTHE HON THE CHIEF MINISTER

The Government cannot know of all the occasions on which Spanish fishing boats have broken laws of Gibraltar. However, we have details from the Royal Gibraltar Police of recorded incursions by Spanish fishing boats into Gibraltar waters. This does not necessarily mean that they fished in breach of the law, or at all. These figures were provided in answer to Question No. 554 of 1998 in respect of the period 14<sup>th</sup> April 1998 to 26<sup>th</sup> July 1998, both inclusive.

I will now hand to the hon Member a list giving the same details in respect of the remainder of the period covered by his question.

<u>DATE</u>	<u>NO. OF VESSELS</u>	<u>DATE</u>	<u>NO. OF VESSELS</u>
24.09.97	3	16.10.97	1
24.10.97	1	12.11.97	1
14.11.97	2	20.11.97	2
21.11.97	2	23.11.97	1
28.11.97	1	19.12.97	1
21.12.97	6	23.12.97	2
30.12.97	3	07.01.98	5
08.01.98	1	13.01.98	2
15.01.98	6	16.01.98	1
18.01.98	3	21.01.98	1
23.01.98	1	24.01.98	1
26.01.98	1	27.01.98	2
29.01.98	6	01.02.98	2
05.02.98	2	06.02.98	5
16.02.98	2	18.02.98	1
23.02.98	2	24.02.98	1
04.03.98	1	07.03.98	3
09.03.98	2	10.03.98	10
12.03.98	3	13.03.98	1
19.03.98	5	23.03.98	5
24.03.98	7	26.03.98	3
30.03.98	5	27.07.98	1
29.07.98	3	04.08.98	1
08.08.98	1	10.08.98	4
12.08.98	1	13.08.98	1
17.08.98	1	20.08.98	9
21.08.98	1	22.08.98	2
23.08.98	3	24.08.98	1

25.08.98	3	26.08.98	2
27.08.98	3	28.08.98	1
30.08.98	3	31.08.98	1
01.09.98	1	07.09.98	1
14.09.98	13	15.09.98	1
16.09.98	12	17.09.98	4
18.09.98	10	21.09.98	6
22.09.98	2	29.09.98	1
01.10.98	6	02.10.98	2
03.10.98	2	05.10.98	1
06.10.98	3	07.10.98	9
08.10.98	2	09.10.98	1
12.10.98	10	13.10.98	4
15.10.98	8	16.10.98	3
17.10.98	25	20.10.98	4
21.10.98	1	22.10.98	3
23.10.98	4	27.10.98	1
28.10.98	1	29.10.98	1
30.10.98	1	01.11.98	1
03.11.98	1	05.11.98	1
09.11.98	2	11.11.98	1
12.11.98	1	13.11.98	6
14.11.98	1	18.11.98	1
19.11.98	11	20.11.98	10
21.11.98	6	22.11.98	4
24.11.98	3	25.11.98	3
26.11.98	4	27.11.98	3
30.11.98	1	01.12.98	2
02.12.98	2	04.12.98	16
07.12.98	2	08.12.98	3
09.12.98	3	11.12.98	18
13.12.98	1	14.12.98	13
15.12.98	12	16.12.98	9
17.12.98	14	18.12.98	9
19.12.98	6	20.12.98	8
21.12.98	12	22.12.98	5
28.12.98	2	29.12.98	9
03.01.99	1	07.01.99	3
08.01.99	5	09.01.99	1
13.01.99	1	14.01.99	6
20.01.99	1	21.01.99	1
24.01.99	1	25.01.99	2
26.01.99	5	27.01.99	1
28.01.99	5	03.02.99	10
04.02.99	8	05.02.99	5
08.02.99	17	09.02.99	1
10.02.99	14	11.02.99	10
12.02.99	2	13.02.99	1
15.02.99	3	16.02.99	1
17.02.99	3		



Obviously the distinction that I am making in the answer is between instances of illegal fishing. I appreciate that he has asked in these terms before but the question asks to list the number of occasions on which Spanish fishing boats have illegally operated in Gibraltar waters. What we actually have is records of incursions but, of course, an incursion does not mean that we have recorded all instances the RGP may not have spotted. This is a list of recorded incursions and therefore there is a possibility that there are some unrecorded incursions and they are incursions not necessarily in breach of whatever section of the wretched Nature Protection Ordinance it is that disallows fishing with nets.

SUPPLEMENTARY TO QUESTION NO. 214 OF 1999

HON J J GABAY:

Opposition Members would not describe the Ordinance as wretched.

HON CHIEF MINISTER:

Well, I do not know if Opposition Members think it is wretched or not but certainly the interest that they showed in its manifest and demonstrable breaches did not suggest that they thought it was the most important piece of legislation in Gibraltar's statute book.

HON J J GABAY:

We are not interested at the moment in discussing the past for a very simple reason that there is a more serious matter that we should be concerned with and that is what has happened to the Ordinance and the performance of the Chief Minister himself in the way he has dealt with it. So my first supplementary on what has been said and on the list that we shall be looking at, could the Chief Minister tell me whether in providing this list of incursions which we consider illegal if fishing with nets took place, whether he is recording illegality in accordance with the Ordinance or in accordance with his own personal agreement?

HON CHIEF MINISTER:

I think the question is nonsensical. I am recording nothing of the sort. The hon Member has asked me for information which is not in possession of the Government, it is in possession of the Royal Gibraltar Police for whom I do not account in this House. I have nevertheless gone to the trouble of obtaining for him a detailed list of those incursions that the Royal Gibraltar Police have been able to record during the period that this question covers and I think the hon Member should assume that the information says nothing at all about me. I am quite happy to defend my actions. There are many other questions on the Order Paper more appropriate to debate, those for and against the fishing understanding into which I have entered, I do not think this is the most appropriate but if we discuss it now I am not going to be willing to discuss it again in the subsequent questions. It is up to the hon Member to decide on which occasion he wishes to debate it.

HON J J GABAY:

Primarily I would like to ask questions that.....

MR SPEAKER:

That is the only thing you can ask, there is no question of debate. The Chief Minister is talking about debate, it is not, it is supplementary questions and answers.

HON J J GABAY:

Yes, I think that remark should be addressed to the Chief Minister. In fact, I am simply saying that there are a number of questions that need to be asked which relate to the protection of nature which was the intention.

MR SPEAKER:

I am now going to be strict. You can only ask supplementary questions on the answer, nothing else.

HON J J GABAY:

When we talk about illegal incursions into our waters, for example, just to single out one detail, the 225 metre restriction zone, there is no reference to that in the Ordinance and certainly it was not there with any intention of protecting our coastline and marine life but seems to be an operating factor now that the Chief Minister has intervened. I would like to ask him in that respect, since details of that nature do not appear in the Nature Protection Ordinance, when in deciding that specific point of the 225 metre restriction zone whether he consulted GONHS?

HON CHIEF MINISTER:

Can I point out that there is a question specifically on the Order Paper, namely, Question No. 221 of 1999 which relates specifically to this business of the 225 metres. Presumably the hon Member is aware of the questions that he himself has tabled for answering. Why he asks me in supplementary to Question No. 214 of 1999 his substantive Question No. 221 is really inexplicable.

HON J J GABAY:

The complexity and breadth of this problem.....

MR SPEAKER:

No, we are not concerned with the problem, we are concerned with the answer given. You can ask a supplementary question on the answer. I will not allow you unless you do that. He is not entitled to debate either.

HON J J GABAY:

May I reply to what he said?

MR SPEAKER:

No, you cannot. If it is a supplementary question certainly.

HON J J GABAY:

I have nothing further to add on this question.

HON J J BOSSANO:

Can the Government say whether the information that was provided in answer to a question in the House of Commons that there were 520 illegal incursions in the year 1998 is based on the same statistics that we have been provided with?

HON CHIEF MINISTER:

I cannot say so. This information originates from the Royal Gibraltar Police, I assume that the answer given in the House of Commons originates from the same place, I know no other organisation that records these things so I cannot confirm it to him because I cannot speak for whoever answered the question in the House of Commons and where she got her information, in the assumption that it was Ms Quin. But I assume, given that the RGP is the only organisation that makes any attempt to record this, that the answer to his question is yes but I cannot vouch for it.

HON J J BOSSANO:

So that means, in fact, that the request for that information did not come through the Government, it came through the Governor's Office, is that what we are being told?

HON CHIEF MINISTER:

I am not aware that the Government have received any request for this information from the Foreign Office, why should they ask me when they can ask their own people? I assume that that information reached London from the Foreign Office who presumably obtained it directly from the RGP.

HON J J BOSSANO:

Since, in fact, the answer that was given by Ms Joyce Quin, as he correctly assumes, was that there were 520 illegal incursions, what we have been told today is that these are incursions that were not necessarily illegal. That is to say, that the fact that there is an incursion in Gibraltar waters and the dates and the number of vessels which were seen to be in Gibraltar territorial waters did not mean that they were actually engaged in anything illegal, is that the case? Whereas in the case of the answer in Parliament it was 520 illegal incursions.

HON CHIEF MINISTER:

Well, that phrase "illegal incursion", an incursion is a trespass into British sovereign waters. If one takes the view that being in British waters at all without permission is an illegality then I suppose one could take the view that every incursion is an illegality but for it to be an illegality under the Nature Protection Ordinance, firstly one can only include the boats that were actually fishing as opposed to the boats that were just there incurring into British sovereign waters but not breaching the Nature Protection Ordinance if they were not fishing at all, and even from the ones that were fishing one has to exclude the ones that were fishing with a line which is not prohibited under the Nature Protection Ordinance and therefore they were not breaching the Nature Protection Ordinance. Therefore, I assume that what the hon Member meant in his question was breaching the Nature Protection Ordinance not just being present in British waters which is not necessarily a breach of the Nature Protection Ordinance and my understanding is that this is a list of incursions and not a list of those boats that were actually fishing. That is my understanding of the list that I have just given to the hon Member.

HON J J BOSSANO:

On the basis of seeking information in order to interpret the answer, is it then that although the question asked for boats which operated illegally and it is illegal in the context, of course, of fishing with illegal nets, it has not been possible for the RGP to identify which, if any, of these boats on these occasions were actually in breach of the law?

HON CHIEF MINISTER:

I would have to find out whether they are capable of finding that information from their records as opposed to this being what they have given us. I know from daily Police reports of the Police Marine Unit that there are occasions in which boats are recorded as fishing and there are occasions in which boats are recorded as not fishing but that is not to say that on every occasion that there is a sighting there is a recording of whether or not they were fishing. But if the hon Member is interested in knowing whether the RGP can list breaches of the Nature Protection Ordinance as opposed to a list of incursions into waters, I am very happy to ask the RGP for that information on his behalf.

HON J J BOSSANO:

Yes we would like to have that information because presumably that is what the Police is policing. Am I right in thinking that if they are not suspected of fishing using illegal nets, irrespective of any written arrangements in the normal course of events the Police would not have told them to go away, to stop fishing if they were not fishing?

HON CHIEF MINISTER:

Well, I think in the climate of the circumstances that had developed by early February of this year, I think that there were sea borne interventions and monitoring and sailing through and in and out and manoeuvrings, regardless of whether they were fishing. In other words, there was the view taken that there was a fleet there that was there for no good reason and no good purpose. I think the distinction between those that were fishing and those that were not became somewhat academic once the matter had become embroiled in the politics of the situation.

NO. 215 OF 1999

THE HON J J GABAY

TERRITORIAL WATERS - ILLEGAL FISHING

Can the Chief Minister explain whether he still stands by the statement he made in the House in April 1998 as follows, "What I have said repeatedly is that the Government of Gibraltar could not condone breaches of the law; in other words, the Government of Gibraltar cannot condone anybody coming into Gibraltar's waters and fishing by a means which is prohibited by the laws of Gibraltar, namely, the Environmental Protection Ordinance", by which I believe he means the Nature Protection Ordinance?

ANSWER

THE HON THE CHIEF MINISTER

It gives me great pleasure and satisfaction to confirm to the hon Member that I stand by every one of those words.

SUPPLEMENTARY TO QUESTION NO. 215 OF 1999

HON J J GABAY:

I hope I may be allowed to ask supplementaries that directly emanate from this statement in respect of events that have followed. First of all, does not the agreement entered into with the Mesa de Pescadores stand in a shameful contradiction with the quoted statement of the Chief Minister about the supremacy of the law?

HON CHIEF MINISTER:

In the first instance I did not enter into an understanding with the Mesa de los Pescadores, I entered into an understanding with the Cofradia de Pescadores and the Cofradia de Armadores, but the question and the quotation that I made back in April 1998 said that I did not condone breaches of the law. I do not condone breaches of the law now, I did not condone breaches of the law then and nothing in the fishing understanding amounts to an implicit or explicit condoning of breaches of the law of Gibraltar. Indeed, the understanding says the opposite. The understanding says that the law of Gibraltar is valid, that they recognise the validity of it and that they agree to abide by instructions given in its implementation on every occasion on which it is given to them.

HON J J GABAY:

With all due respect, that is utter nonsense. Will he not accept that constitutionally he has breached the dividing lines between the legislative, the executive and the judicial functions of democratic governments? He may find it amusing but it is extremely serious for the community. [HON CHIEF MINISTER: I find it very amusing.] Is it not a fact that in one single stroke he has cast aside an Ordinance, established a personal law of his own and actually had the audacity to instruct publicly the Royal Gibraltar Police, "that he takes the full responsibility for the enforcement of the law in accordance with the fishing agreement"? Is he aware that it is the duty of the Police to enforce the law and not his personal agreement? I genuinely believe that this is unprecedented, unconstitutional arrogance on the part of the Chief Minister, we are accustomed to other ranks of arrogance but this one, I think, has very, very serious implications or is it that the Chief

Minister sees himself as a local Louis XIV who when asked about the law said, "The law? I am the law" and no matter how brilliant an advocate the Chief Minister may be, the facts of the case are simple, the law says, "No fishing". He says, " The law is being upheld but please go in and fish".

HON CHIEF MINISTER:

I want to think further on what the hon Member has said before I can conclude whether he is just rampantly unintelligent or whether he is premeditatedly dishonest because I am now convinced that he has to be one or the other of those two things. In the first place, he says that this is a matter of serious concern for the community. Because the hon Member is more interested in crises than he is in solutions, he appears to have overlooked that the fishing understanding into which I have entered is not a matter of serious concern to the community but has been welcomed and applauded by almost every representative organisation in Gibraltar including several candidates at the recent by-election, by the TGWU, by the Chamber of Commerce, by the Self-Determination for Gibraltar Group, by the Voice of Gibraltar Group, by the Help Us to Help Them Group and by numerous others and, indeed, I am still being stopped in the street by well-known GSLP activists congratulating me, notwithstanding that they do not support me politically, for what they considered to be a job well done. The only people who have concern about the fishing understanding appear to be the Opposition Members who are more concerned by scoring political points against the Government of Gibraltar than by resolving a problem or did he not think that the community was also concerned about the consequences of the crises into which Gibraltar was going? He appears to be much less concerned about that than about his pompous and completely inaccurate speech about constitutional propriety. He can sit there and listen to the whole answer to his absurd supplementary question. [HON J. J. GABAY: What a fool the man is.] Mr Speaker, I understand that there are rules against this use of language. I believe that I can demonstrate what I have charged him with, given that he has just described me as a brilliant advocate I doubt that he can demonstrate that I am a fool. The hon Member then says, "he has either been on the planet Mars since the 4<sup>th</sup> February or he has premeditatedly misrepresented the facts as published to mislead this House and everybody in it and everybody listening to this debate on the radio". The Royal Gibraltar Police is the constitutional responsibility of His Excellency the Governor. [HON J J GABAY: He is not answering the question.] Yes, I am answering the question.

MR SPEAKER:

You have got no right to stand up.

HON J J GABAY:

Even if he can wrangle without answering the question?

MR SPEAKER:

You have got no right to stand up, you have got a right to ask another supplementary but you cannot interfere unless he gives way.

HON CHIEF MINISTER:

Mr Speaker, I will not give way. I do not know how the hon Member can sit there and accuse me of not answering the question when in his supplementary he has accused me of breaches of the separation of powers and being worse than Louis XIV and now that I am explaining to him why his allegations are untrue, he says that I am not answering the question. Well, if he sits there quietly I will not only answer the question but demonstrate to

him and to everybody else the extent of his lack of integrity in this matter. He must know, unless he has been on the planet Mars since the 4<sup>th</sup> February, that I have said publicly that indeed the understanding with the fishermen actually says that I will ask His Excellency the Governor, who is responsible constitutionally for the Police, if he would ask the RGP to enforce the law in that way. His Excellency the Governor issued a public statement, which obviously the hon Member has not seen or has chosen to ignore, saying, "I, the Governor, who is constitutionally responsible for the Police, will request the Royal Gibraltar Police to enforce the law in manner consistent with the fishing understanding entered into by the Chief Minister" and therefore the suggestion that I have usurped the power of authority over the RGP is demonstrable nonsense not only on the basis of the written content of the agreement which actually says that but by the public statements made by me and by the public statements made by the Governor. What is not as clear as that is the fact that whilst fast boat tobacco smuggling was rampant Ministers of the GSLP Government including the Chief Minister would constantly telephone the RGP to warn them against enforcing the law of Gibraltar against tobacco smugglers and I have that direct firsthand from senior Police Officers. They are the only people who in Gibraltar's recent history have usurped constitutional powers that they do not have to manipulate the Royal Gibraltar Police and to issue them with operational instructions. I do not know what the hon Member understands by the concept of the separation of powers. The separation of powers is that there is a legislature, there is a judiciary and there is an executive. We are the legislature and back in 1991 the legislature legislated the Nature Protection Ordinance. There is a judiciary who hears and tries cases once the Attorney-General has decided to commence prosecutions for them and the only other leg in a separation of powers is the executive. The executive in Gibraltar comprises together the Governor and the Government, in fact all executive authority is vested in the Governor. It is the Governor, under that sharing out of executive responsibility, who has responsibility for the Police. There is absolutely no instance in this whole matter in which the Government of Gibraltar have purported to issue a single word of instruction to the RGP. What I did say at New Mole House and which the hon Member has either not bothered to read or, if he has, he has not understood, everybody else up there understood it, what I said to the Police was, "if there is public criticism for the way that you are enforcing this law, having been instructed to do so by His Excellency the Governor in accordance with operational instructions, it is the Government's political responsibility, we will take the public flack and we will not allow people to accuse the RGP and to blame the RGP for the way in which the law was enforced". That is what I said to the RGP, a very long way from giving them operational instructions and therefore practically every aspect of the hon Member's last supplementary is a tissue, is a sequence of one dishonesty built on another measurable against public facts and public statements.

HON J J GABAY:

The anger of the Chief Minister.... [HON CHIEF MINISTER: Reflects of what I think of the hon Member, not what I think of the matter.]

MR SPEAKER:

You must allow him to continue.

HON J J GABAY:

Reflects his background, his arrogance and his longing for a deal with Spain. [Laughter] That is where the lack of integrity comes in. I never belonged to the Party for the Autonomy of Gibraltar as he did, I never came into power saying that all the problems with Spain was as a result of confrontation by the Opposition and created expectations which he knows he cannot deliver and now he uses Bossanesque language, he coined the word, with an insincerity and hypocrisy which is tantamount to the highest degree of lack of

integrity but having got over this aspect of personal attack on both sides, we have had here a boiling pot of casuistry and gestures and so on. There has not been an answer to a simple question. This House passed a law, the Nature Protection Ordinance, it is still in the statute book, he meets a rabble of fishermen whom he calls guests, people invited by him and decides to make an incredible concession to them, that they could fish in our waters despite what the Ordinance says. That is a breach of the law, that is a contravention of the law and to tell the Police now, hiding behind the Governor, that they had the permission of the Governor to contravene the law, that is what he has done, that is what is dangerous and that is what is wrong. If the Governor wants to do that then he has got to use his emergency powers or is it that he has taken over those as well? That is the question. He has not answered that question when I have repeated it simply, there is a law passed by the legislature, nobody is above the rule of law, he comes to an agreement which entails contravention and flouting of the law and he has the audacity on top of that to tell the Police, "Look, you do more or less what I like; if anything goes wrong it is my responsibility". His face should fall with shame for making something personal which is based on a concern in respect of how we are governed.

HON CHIEF MINISTER:

I am very proud of the fishing understanding in which I entered into into what he calls rabble. I do not know if Opposition Members have completely abandoned their pretence at socialist credentials but I have never in my life heard an alleged socialist refer to fishermen as rabble. [HON J J GABAY: In this particular case yes.]

MR SPEAKER:

You have got to sit down now.

HON CHIEF MINISTER:

The hon Member insists on premeditatingly misrepresenting the nature of the agreement that I entered into. I thought I had answered his question, perhaps rather too well for his liking. It is not the case that the fishing understanding means that the fishermen can breach the law or can fish in breach of the law. It is not the case that the fishing agreement superimposes itself on the principle of the primacy of the law. Nobody is above the law following the fishing agreement, there is no agreement to breach the law. The fishing understanding into which I entered is the very opposite of all those things, it is an agreement which specifically records the fact that they are not allowed to fish because the law which is supreme exists in any part of Gibraltar waters at any time and this is recognised. What the agreement amounts to, and I can well understand the hon Member's reluctance that we should delve into the past, but not just in this area; I can understand the Opposition Members' reluctance that we should delve into the past in any area in which they were involved in Government. What the fishing understanding is about is about returning to the status quo in terms of the Royal Gibraltar Police's attitude to the enforcement of the law or between 1991 and 1997 when he opened his windows to the Bay of Gibraltar or when he went to Eastern Beach or to Catalan Bay did he never see any Spanish trawlers in Gibraltar waters fishing? Does he not know that those fishing boats were there fishing, those that could manage to duck the fast launches? Does he not know that they were there because between 1991 and 1997, when the Opposition Members were the custodians of the supremacy of the law, were they not aware that those fishing boats were there because their precious Nature Protection Ordinance which they never gave a second thought to the moment it was given the Third Reading in this House was being enforced by the Police other than completely strictly or is somebody suggesting that no one saw the fishing boats there? And the agreement that I have entered into is to return by identifying specific practices and specific details, although I agree that there is not a



complete coincidence, going back to trying to define what were the criteria that motivated the Police to be tolerant and what were the criteria that motivated the Police to be strict in the application of the law between 1991 and 1997. Under the terms of the fishing agreement there is not a single square yard of Gibraltar waters in which these fishermen can fish today with impunity, they remain subject to the application of the law at all times in respect of the whole of the waters whether it is in or out of the 250 metre line. That was the position before 1997. Having said that, the rest of the agreement deals with trying to replicate the enforcement conditions and therefore the hon Member may wish to repeat as many times as he likes this idea that the understanding into which I entered allows fishing, condones breaches of the law, creates exemption in favour of the fishermen in respect of the law; watch my lips Mr Gabay, it is not true, either the hon Member has not read the fishing understanding or he has read it and not understood it or he has read it, understood it and is quite happy to seek to make political capital on the basis of a pre-meditated dishonest misrepresentation of its contents.

MR SPEAKER:

One more supplementary.

HON J J BOSSANO:

Presumably there are going to be plenty of other opportunities because there are plenty of other questions. If I had any supplementaries to put I would just put them on the figures that have been given but there are supplementaries that arise from many other things.

MR SPEAKER:

On this question. Do you wish to ask another supplementary, not another speech but another supplementary?

HON J J GABAY:

As I said earlier, the complexity of the question really needs at least introduction. Obviously I debunk everything that the Chief Minister has said in answer, he has still not answered the question and the question remains unanswered for us to pursue in whatever way we can. Will the Chief Minister not realise, even though he quotes the public support that he imagines, that anybody who dispassionately looks at what happened leading to this agreement was very simple and that is a rabble, whether one calls it socialist or capitalist, block a frontier, cause the most terrible problems and insist that the only way they will move will be when they can fish in our waters. He then invites them to Convent Place and he concedes to their demands, what they wanted they got and what is really quite extraordinary is that he feels that he has the public understanding and support. I think that anybody who dispassionately looks at the situation will realise that an incredible concession was made and if it was meant to ease the frontier problem which it sought to remedy all it did was to aggravate the situation and, of course, reach a deadlock because when people get what they want through the use of violence it never works. I hope we do not get as an answer another diatribe on morality.

HON CHIEF MINISTER:

The hon Member will get the answer he deserves. I cannot talk to the hon Gentleman about violence but the only people who threw stones at my car and broke it were not the rabble of Spanish fishermen but fellow citizens of his and mine. I do not know whether the understanding I entered into with the Spanish fishermen amounts to concessions or not, that is a matter of judgement for the hon Member and for others, all I can tell the hon

Member is if it does contain any concessions I am delighted that I made them, I would make them again tomorrow and I, like many others in Gibraltar, he is the first dissenting voice that I hear since the 4<sup>th</sup> February in connection with this fishing understanding. So I do not know if the hon Member thinks that the word "concession" is unpronounceable in Gibraltar but to the extent that there are concessions in the understanding into which I entered into with the Spanish fishermen, I am delighted, proud that I have made those concessions, let us be clear about that. Mr Cabezutto and Mr Piris, who were candidates at the by-election, indeed, Mr Cabezutto is a political disciple of the Leader of the Opposition, he came out publicly on television on the eve before polling and said, "Congratulations to the Chief Minister, it has been a master stroke". Well, it seems a pretty stupid thing to say ..... [Interruption] That is another debate, I think Mr Cabezutto did very well and what Mr Cabezutto's performance says is much more about the hon Member than about him and Mr Piris the same. And the SDGG, which is an organisation with which we have been at loggerheads for years because they have always in the past thought that we were soft on Spain and willing to make concessions and "arreglitos" and all this, they came out publicly saying, "We congratulate the Chief Minister". Well, I do not know who managed to buy the SDGG just as they bought the previous Chairman of the SDGG, if I have done it it has been so subtle that even I have not noticed that I have been doing it. If the SDGG comes out saying, "Congratulations to the Government of Gibraltar" and everybody else, the hon Member will forgive me for coming to the conclusion that all these organisations more accurately reflect the state of public opinion on this matter than his highly irrational politically partisan, completely unobjective and completely false analysis of the situation. It is the general view, not that I seek any credit for it, that we have scored something of a diplomatic triumph in relation to this matter. Yes, the hon Member may wish to shake his head but I tell him sincerely, even including well-known GSLP activists and party members who have taken the trouble of saying to me, "Well done", his is the first dissenting voice that I hear in relation to this issue since the 4<sup>th</sup> February when I did the understanding. [HON J J GABAY: He must be deaf.] When was the last time to his knowledge that Gibraltar has managed to contrive for itself the following coincidence of circumstances? The UK press almost universally supportive in our cause; the UK Parliament almost again beating the drums in favour of Gibraltar.....[HON J J GABAY: Mr Speaker, could.....] No, the hon Member has had his chance. The Spanish press, I find these things a bit embarrassing I have to tell the House, following the entering into the fishing understanding, the Spanish press say that I am a cleverer politician than Señor Matutes and as if all of that were not enough, and if the result of the fishing understanding had not been to put Señor Matutes in a political black hole which the whole of the Spanish press and the UK press recognise except the Opposition Member, as if all of that is not enough, next week there is going to be a massive public demonstration in Spain by Spanish citizens protesting for the first time ever against their own Government's foreign policy in relation to Gibraltar and the hon Member is seriously trying to persuade everybody listening to him that this is the darkest constitutional day for Gibraltar, that the Chief Minister has made concessions, that he has succumbed to pressure from a rabble and that I have usurped the reserve powers of His Excellency the Governor. I think the hon Gentleman should go back to Mars from where he has obviously come just in the last 24 hours.

MR SPEAKER:

No, that was the last question. We will recess for 15 minutes.

NO. 216 OF 1999

THE HON J J GABAY

TERRITORIAL WATERS - ILLEGAL FISHING

Can Government state what the position is as regards the nature Protection Ordinance for Gibraltarians who fish with illegal nets?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 218, 219 and 223 of 1999.

ORAL

NO. 217 OF 1999.

THE HON J J GABAY

TERRITORIAL WATERS - ILLEGAL FISHING

Can Government state what were the enforcement standards operated by the Royal Gibraltar Police in 1997 in respect of illegal fishing with nets three miles off the East side?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 221, 222 and 224 of 1999.

NO. 218 OF 1999

THE HON J J GABAY

TERRITORIAL WATERS - ILLEGAL FISHING

What is the position of fishing boats not of Spanish nationality who use illegal nets in British territorial waters?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 216, 219 and 223 of 1999.

NO. 219 OF 1999

THE HON J J GABAY

TERRITORIAL WATERS - ILLEGAL FISHING

Will the Government state what the position is in respect of fishing boats not of Spanish nationality that use illegal nets in British territorial waters?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 216, 218 and 223 of 1999.

NO. 220 OF 1999THE HON J J GABAY

## TERRITORIAL WATERS - ILLEGAL FISHING

Can Government confirm that on Monday 15<sup>th</sup> of this month as well as on Tuesday 16<sup>th</sup> at around 9pm, Spanish fishing boats had their nets cast within 225 metres of the moles in British territorial waters in the Bay of Gibraltar?

ANSWERTHE HON THE CHIEF MINISTER

I am informed that on the 15<sup>th</sup> and 16<sup>th</sup> February there were no Spanish fishing vessels with their nets cast within 225 metres off the coast on the West side.

SUPPLEMENTARY TO QUESTION NO. 220 OF 1999

HON J J BOSSANO:

This is on the basis of him having raised the question with the RGP who presumably were monitoring the presence of vessels in that area?

HON CHIEF MINISTER:

I can certainly confirm to him that neither on the 15<sup>th</sup> nor the 16<sup>th</sup> nor on any other day have I personally been monitoring the presence of Spanish fishermen on our coastline. It therefore is implicit in that fact that as with all this sort of information that I have been giving out today, it is based on information provided to my office by the RGP.

HON J J BOSSANO:

Can the Government say what is the position as regards the RGP being notified of people who are operating within 225 metres of our waters given that in the past he has come out discouraging people from calling up the RGP?

HON CHIEF MINISTER:

I am sorry, I missed the first part.

HON J J BOSSANO:

What is the position as regards persons who see Spanish fishing vessels fishing within these limits where the law is supposedly being applied to the letter, as regards their calling up the RGP and telling them that this is happening?

HON CHIEF MINISTER:

It would be my hope and indeed my wish, although it is a matter for each individual's judgement, that people should not telephone the RGP when they see fishing in compliance with the understanding but when they see fishing in non-compliance with the understanding I believe that they should pass the information onto the Police because the

law should be enforced strictly in those circumstances. My understanding is that it is happening, that the Police are enforcing the law strictly in those circumstances.

HON J J BOSSANO:

Is it not a fact that there appears to have been given, for example, that the figures we have been given today is that there were 74 Spanish fishing vessels or rather 74 occasions in which Spanish fishing vessels were in British territorial waters up to the 17<sup>th</sup> February 1999 and if we look at the figure for the same period in 1998, it was 15. Whatever status quo we are returning to we have certainly not returned in 1999 to what it was like in 1998 before the helicopter incident which, I believe, is when it all blew up. Do the Government have any information as to what degree of monitoring, at one stage the RGP used to go out to monitor the situation because they were being asked by His Excellency to show restraint. Now that they are no longer in a restraint mood, do they go anywhere near these vessels?

HON CHIEF MINISTER:

I do not know but I know that they are enforcing the law in accordance with the understanding into which I entered. Whether that involves not keeping an eye at all or keeping an eye out from a discreet distance and only moving in, I cannot tell him, I do not know.



NO. 221 OF 1999

THE HON J J GABAY

TERRITORIAL WATERS - ILLEGAL FISHING

Can Government state whether in 1997 the Royal Gibraltar Police drew any distinction in the level of enforcement of the Nature Protection Ordinance in respect of fishing with nets within 225 metres of the moles in the Bay?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 217, 222 and 224 of 1999.

NO. 222 OF 1999

THE HON J J GABAY

TERRITORIAL WATERS - ILLEGAL FISHING

Can Government state whether the Royal Gibraltar Police received any new operational instructions in respect of the enforcement of the Nature Protection Ordinance as regards fishing with nets since the 4<sup>th</sup> February?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 217, 221 and 224 of 1999.

NO. 223 OF 1999

THE HON J J GABAY

TERRITORIAL WATERS - ILLEGAL FISHING

What is the position as regards enforcement of the Nature Protection Ordinance when breaches of the law are committed by other than Spanish fishing boats using illegal nets?

ANSWER

THE HON THE CHIEF MINISTER

The Nature Protection Ordinance remains applicable to all people, regardless of nationality, in the whole of Gibraltar waters at all times.

SUPPLEMENTARY TO QUESTION NOS. 216, 218, 219 AND 223 OF 1999

HON J J BOSSANO:

Does that mean that the enforcement policy, if that is the correct terminology, of the Royal Gibraltar Police in ensuring observance of the Nature Protection Ordinance is going to be identical in respect of illegal fishing irrespective of the nationality of the boat?

HON CHIEF MINISTER:

I would hope so.

HON J J BOSSANO:

So in fact what the Chief Minister is saying is that he would hope that if the Royal Gibraltar Police stop one Gibraltarian fishing boat outside 225 metres they would also stop one Spanish fishing boat notwithstanding the fact that the expectation has been created that as long as they keep the numbers fishing at four or less they are unlikely to be told to stop and go away?

HON CHIEF MINISTER:

The essence of the agreement is that the RGP will treat Spanish, Gibraltarians and others in terms of enforcement as they were treated between 1991 and 1997.

HON J J BOSSANO:

So, I do not know if there is another question in that respect, I believe there is but is he saying that prior to 1998 the RGP did not ask Spaniards to leave as long as they were fishing four at a time?

HON CHIEF MINISTER:

What I am saying is that between 1991 and 1997 there was a variable enforcement pattern and attitude just as is called for by the understanding. One of the factors that determined whether the Police went out to enforce the law or not was whether there were too many boats. Other factors were, were they blocking the harbour entrance; were they blocking the marinas, things like that and that is, in essence, what the understanding tries to replicate in detail.

HON J J BOSSANO:

In whose judgement was the definition of too many; did it depend on which officer was on duty whether four was too many or not five or was there a guideline by which the RGP operated which presumably emanated from within the Police Force because it did not emanate from the elected Government, presumably in 1997 any more than it did in 1991?

HON CHIEF MINISTER:

Even though neither he nor I are politically accountable as Chief Ministers for the RGP, it is implicit in this question that he neither knew nor cared what the RGP's enforcement attitude and pattern was whilst he was Chief Minister of Gibraltar in respect of this law. The figure of four is not taken from some written guideline that existed between 1991 and 1997, it is a figure plucked from everybody's best assessment and recollection of what was the position in fact between those years but at the end of the day the person whose ultimate judgement it reflects is me.

HON J J BOSSANO:

So in fact what is different then is that it is the judgement of the Chief Minister and therefore the elected Government have, presumably for the first time, I know of no other occasion, exercised a judgement as to what the enforcement policy of the Police used to be which they claim is what it is going to be now but it is not because the Police themselves have come up with this figure of four boats?

HON CHIEF MINISTER:

It is the ultimate judgement of the Government of Gibraltar based on discussions with the Police and others in that respect, yes.

HON J J BOSSANO:

And, in fact, if the Government had those discussions with the Police and others, how come that the initial meetings that the Government had with the fishermen before they blockaded our country, which was not of course evidence that they are a rabble or hooligans, the only hooligans are on this side of the border, what they did on the other side was not hooliganism I do not know what one would call it but it was certainly a complete abandonment of any law by the Spanish administration not by ours, but before that if all this was known what was it that prevented the Government of Gibraltar from coming out publicly with this formula before and say, "This is what used to happen and that is what they need to stick to"?

HON CHIEF MINISTER:

The Government have been advocating that formula since the very first time that we entered into discussion. Opposition Members may remember the first time I spoke in the House of Assembly about this at least six or seven months ago, in September or October 1998, in which I said that it was not the policy of this Government to be any tougher in enforcement of the law than the previous Government and that what we were seeking was a return to the status quo. The reason why this formula has not worked until now is that it was not until now, once the Spanish fishermen had realised that they were being taken for a ride by their own Government that they became willing to abandon the political argumentology and in effect sign up to a document that recognised the validity of our laws, the authority of the RGP and agreeing to obey the orders of the RGP. Until then what they were saying is what they were hearing their politicians saying, "These are Spanish waters

and therefore your law is not valid" and that was what changed. The moment that the fishermen indicated to me that they were willing to do a deal on the basis which said the very things that the Government of Gibraltar thought was essential to us, namely, recognition of our jurisdiction, of the validity of our laws and the authority of the enforcers, it became possible to conclude an understanding on the very same basis that, as far as the Government of Gibraltar were concerned, had been on offer to them at least for three or four months prior to that date.

HON J J BOSSANO:

Is he then saying that the understanding of the 225 metres and the number of boats of which he knew nothing when it was being made by the Embassy in Madrid, what is it a coincidence that the Embassy in Madrid came to the same conclusions as he did or, in fact, were the Government of Gibraltar aware that terms were being concocted to translate the status quo into specific numbers of boats and distances?

HON CHIEF MINISTER:

The Government were aware that an attempt was being made to deliver the British understanding of the Cook/Matutes agreement which was, namely, to describe what was the status quo in terms of enforcement pattern and that involved distances, not too many boats et cetera. The detail of this agreement has not been on offer to them since September, what has been on offer to the Spanish fishermen since September or October or when I first told the House was an understanding between us to return to the status quo and, indeed, there are features of this understanding which are calculated to protect Gibraltar from the suspicions that we all had of what the Madrid Embassy was doing. In a moment we are going to debate again the 225 metres. Well, I am sure it will not have escaped the Leader of the Opposition, even if it had escaped his hon Colleague, the Hon Joshua Gabay, that 225 metres is a token 25 metres more than 200 which is the figure that the Embassy in Madrid was using and that the reason why I wanted a figure which was albeit a token more is that 200 happens to be the limit of Admiralty Waters and I did not want anybody to believe, still less in the Embassy in Madrid, that the criteria here was the difference between Admiralty Waters and non-Admiralty Waters and the way that that is saved in this understanding is by choosing a figure which is higher than the figure of Admiralty Waters, namely, 225 metres.

HON J J BOSSANO:

Given the fact that the Government are saying that the law will be enforced by the RGP the same for everybody irrespective of nationality and given the fact that the Government have accepted political responsibility for the way in which this particular Ordinance is policed and not any other, to what extent are the Government in a position to ensure the way this is enforced now that they have publicly stated that they accept the political responsibility if there are criticisms of the enforcement?

HON CHIEF MINISTER:

In exactly the same way as one is able to ensure that the political agreement entered into by me with the Spanish fishermen could also be implemented and that is by asking and inviting His Excellency the Governor to agree to a request from the Government of Gibraltar which, of course, His Excellency the Governor is perfectly entitled to refuse to do but happily on this occasion he agreed. I am equally confident that when I put to him a similar request in the vein of the supplementary just posed by the Leader of the Opposition, I am confident that His Excellency who is a sensible and rational man will be equally willing to accede to the Government's request.

HON J J BOSSANO:

So we have now moved, in fact, from the previous supplementary and it is no longer a question of hope. It is now a question that given the great sense of His Excellency the Governor, the Government are not just hoping that the Police will apply this to everybody in the same way but are very confident that if as a result of the answers we are being given the Governor is now asked to ask the Police to do this, that is what the Police will do. Can the Government explain whether there is a role in the law enforcement of Gibraltar of which certainly I was not aware in the eight years we were in office, which allows the Governor to tell the Police how each particular law should be enforced or is it something peculiar to this Ordinance?

HON CHIEF MINISTER:

No, there is nothing in the Constitution that entitles the Governor to direct the Police as to how they enforce the law. But given that the Police is constitutionally accountable to the Governor, just as I am free to ask the Governor to ask the Police, he is free to ask the Police. The Governor's statement makes it perfectly clear that it is not that he has instructed the Police, he has requested the Police and I am very grateful, first of all, to the Governor for having put that request following my own to him to the Police and I am equally grateful to the RGP for having done, as requested by His Excellency the Governor.

HON J J BOSSANO:

So the position then is that the Royal Gibraltar Police can constitutionally decide to what degree a law is enforced and against whom it is enforced on the basis of receiving a request from the Governor which is in turn a request that the Governor has received from the Government. Since none of this is reflected in the Constitution, is it only the Government that can make such requests or are any of the rest of us entitled to make any request to the Governor in respect of anything else?

HON CHIEF MINISTER:

I do not know. The hon Gentleman will have to try his luck. What I can tell him again is that he was very effective in cajoling the Royal Gibraltar Police into turning a blind eye at his request to flagrant breaches of the law of Gibraltar in the non-enforcement of the law in relation to tobacco smuggling which I have not done. I at least have had the constitutional propriety of putting my request to His Excellency the Governor who is the constitutionally empowered authority in this respect.

HON J J BOSSANO:

I am not going to permit the Chief Minister to do what he tries to do with constant regularity which is to avoid the responsibility he has in the House to account for his decisions and his policies and his actions by trying to convert this into an issue which is totally irrelevant. But I can tell him one thing, I certainly intend to try and find out precisely who are these senior Police Officers who have given him this information which presumably is being given now that he is in Government. I must say it is..... [HON CHIEF MINISTER: Is he saying it is not true?] Yes, I am saying it is not true. [HON CHIEF MINISTER: Well I am saying it is.] I know that the Chief Minister is saying it is and therefore we are now calling each other a liar even though the Rules say we cannot. But I can tell him something more, that I will go to His Excellency the Governor and try to find out who are these senior Police Officers that have gone with this story to the present Government definitely.

HON CHIEF MINISTER:

If the Leader of the Opposition is now trying to persuade the public opinion of Gibraltar that his Government were not instrumental in preventing the Royal Gibraltar Police from applying the law against the fast boat smugglers between 1992 and 1996, all I can say is that he is going to have to do much more than go and see His Excellency the Governor. He is going to have to perform somersaults of all sorts in full view of public opinion because I have very little confidence in his ability to persuade public opinion of what every man, woman and child know to be the case just by what they observed with their own eyes year after year whilst the hon Member was in office. I have no difficulty in defending my policy in this matter. I think I have amply demonstrated in answer to questions that I am proud of what I and the Government have done in respect to the fishing agreement. Much more proud than I would have been had I done what he did between 1991 and 1996 which was simply to look the other way and not care less whether his Ordinance was enforced or not. I have no difficulty shouting my policy in relation to the fishing understanding from the rooftops. I think the understanding into which I entered with the Spanish fishermen is one of the most effective valuable acts in the public interest of Gibraltar to have been done by a Chief Minister in the last 35 years. That is the extent to which I do not have difficulty in defending this policy.

HON J J BOSSANO:

I am trying not to debate and to ask questions but, of course, it is extremely difficult given that the answers have nothing to do with the questions and they are just political speeches which is what the Chief Minister accuses everybody else of doing and what he does constantly. Is it then the position of the Government that it is perfectly natural for the elected Government to do agreements which on the surface appear to be giving concessions to identifiable parties with whom these agreements have been negotiated which the Police will then bear in mind in the enforcement of the law even though the law has not been changed? That is a perfectly natural and permissible thing, in fact, if he is so proud of it, coming to the House and saying, "I am very proud of the agreement that I have done and now we are going to propose an amendment to the Ordinance which is a reflection of the pride that we have in the agreement that we have done" and in that case half of these questions would not arise. We might not agree with the agreement or with changing the law but that would be a completely separate issue. Secondly, if the Chief Minister is so proud of this achievement of his, is he saying that the achievement is not connected with the fact that we had a blockade of Gibraltar and it took a blockade of Gibraltar to get him to do such a wonderful thing?

HON CHIEF MINISTER:

I have told the hon Member that if it did contain concessions I was quite happy to have made them but actually I do not think it does contain concessions because all the agreement does is put the fishermen where they were when the hon Member was Chief Minister. If they had been given concessions now it can only be a return to them of concessions that the hon Member were quite happy that they should have. And I do not think it is perfectly natural, no but I think in the circumstances in which Gibraltar finds itself generally and now in particular and at that time in particular, it was not perfectly natural but it was the best possible way out for Gibraltar, it was the best possible result that Gibraltar could achieve and it was what was required in the best interest of Gibraltar. The most perfectly natural thing, since he has chosen to use the words "perfectly natural" in the context of this discussion, would have been for the Nature Protection Ordinance to have been properly enforced from the very first day that it was legislated but given that he allowed permissiveness to become the order of the day for six years that rather tied the hands of the Government as to what is now perfectly natural.

MR SPEAKER:

Next question.

HON J J BOSSANO:

Mr Speaker, he has just said the permissiveness of the Government tied him? It is incredible.

MR SPEAKER:

Next question.



NO. 224 OF 1999

THE HON J J GABAY

TERRITORIAL WATERS - ILLEGAL FISHING

Has the Royal Gibraltar Police or the Services Police asked any Spanish fishing boats to stop fishing with illegal nets since 26<sup>th</sup> January this year?

ANSWER

THE HON THE CHIEF MINISTER

The position between 1991 and 1997 was that the RGP took several factors into account when deciding on the strictness with which they enforced the law. One such factor was proximity to our harbour and shoreline.

His Excellency the Governor has stated publicly that he has requested the RGP to enforce the Nature Protection Ordinance in manner consistent with the understanding I reached in this respect. This they are doing for which I and the Government are most grateful both to His Excellency and to the Royal Gibraltar Police.

There are no instances yet since 26<sup>th</sup> January this year of any Spanish fishing boat having been asked to stop fishing with illegal nets. However, there have been several such instances involving rakers off Eastern Beach. They have immediately stopped fishing and left on all such occasions.

SUPPLEMENTARY TO QUESTION NOS. 217, 221, 222 AND 224 OF 1999

HON J J BOSSANO:

I believe in the statement that was made here by the Government, although it is not included in the version that was provided to the Spanish fishermen, it says, "There will be regular enforcement of the law outside the 225 metres to test the continued respect for it". Has that been happening?

HON CHIEF MINISTER:

I am extraordinarily grateful to the hon Member for that supplementary because it gives me the opportunity to get off my chest something that I have been wanting to get off my chest for some time. Indeed, since he first made in public the ridiculous assertion that there are two versions of this document, I do not know whether he thinks he is talking about the Brussels Agreement, I do not know if he is hoping to do that, there are not two versions of the agreement, one published here and one published in Spain. There is a solitary version of the understanding in Spanish which was made available simultaneously to the Spanish press and to the Gibraltar press at the live televised press conference on GBC held in Gibraltar at the Air Terminal at which I read, in my excellent Spanish, the text of this understanding and therefore I do not know where the hon Gentleman gets this notion that there is a version here and a version there. There is one version, it is in Spanish and I believe it was translated into English by the Chronicle. I have not spotted the inaccuracy in it that the hon Member identifies but if there is that is not our responsibility, that is theirs. Again, I repeat that I do not think that it contains that defect. Coming now to the specific of the point that the hon Member asks, neither version in his terms or the only version of the understanding in my terms, it does not say that there will be regular enforcement of the law

outside the 225 metres, but that is clearly understood between us and the fishermen and it is reflected indirectly in the statements made in the terms of the understanding that the list of circumstances for boats, 225 metres, not obstructing the harbour entrance, those are not circumstances in which they are permitted to fish. The understanding makes it perfectly clear that those are only the circumstances in which the law will be enforced strictly therefore implying that the law is capable of being enforced and will be enforced against them albeit not so strictly even if they are complying with that list of circumstances. They entirely understand that because I have told them that it should be perfectly clear that we are not renouncing the validity of the law even if there is only four or less of them or even if they are outside 225 metres, that from time to time the law will be enforced against them even in those circumstances, that is to say, the jurisdictional aspects of the matter. It is true that it has not happened yet but it will not surprise them if it happens with considerable frequency and regularity. I just want the hon Member to accept from me that there is not a version here and a version for Spain.

HON J J GABAY:

The Chief Minister has been expounding on all these various details including the 225 metre exclusion zone and has been giving his own interpretation. It seems to us that a more reasonable interpretation would be concessions made to the fishermen under duress and perhaps incorporating the details worked out by the British Embassy in that agreement which for so long was meant never to exist. This is our interpretation of it. Secondly, his constant reference to the validity of the law, I would like again to reiterate what my hon Colleague has already made quite clear and that is this constant reference to the validity of the law is a farce, it is actually a farce because it is establishing a principle that any Chief Minister, we are not talking about historical precedence or anything of the sort. The precedent is being set now that any Chief Minister who disagrees with a legitimate law passed by this House of Assembly can actually make his own ad hoc interpretation of the law and consult the Governor to see whether he approves of it, it does not say much for the House of Assembly, for the supremacy of the laws of our community if that is the constitutional principle that is being put forward.

HON CHIEF MINISTER:

I do not know whether it says anything about the supremacy of the House of Assembly or not. What I can tell him with certainty is that it says exactly the same about the supremacy or non-supremacy of the House of Assembly as was being said between 1991 and 1997 when the House of Assembly's law was not being enforced either. The hon Gentleman can interpret this agreement as he pleases. I want him to understand that I am completely indifferent to how he chooses to interpret the understanding into which I have entered with the Spanish fishermen. What I do draw considerable comfort and satisfaction from is that his interpretation is unique to him. I have not heard it from anybody before now. Nobody has interpreted the fishing understanding, not the SDGG, not the Help Us To Help Them, not the Chamber of Commerce, not the unions, nobody has interpreted the agreement as he chooses to interpret it. What I would tell him is that there is no basis in common-sense, in objectivity, in rationality or in truth, in my understanding with the Spanish fishermen to justify the interpretation that he chooses to make of it. But the hon Member gives me a welcome opportunity to make another point. We in the Government have become troubled of late by the extent to which there is coincidence of opinion between our loyal Opposition and Señor Matutes on several matters but specifically in relation to this one, the only two people in the world – unless he thinks that the British Government who said that they welcomed and supported the understanding were, in effect, welcoming and supporting my usurpation of the Governor's reserve powers. I have only heard two people argue that the understanding into which I have entered is the same one as Cook and Matutes entered into and also that the Government of Gibraltar do not have power to enter into this sort of

agreement. The only two people who I have heard make both those points in the same breath are Señor Matutes and his henchmen in the Spanish Foreign Ministry and Her Majesty's loyal Opposition in the House of Assembly of Gibraltar.

HON J J GABAY:

Let me say that I genuinely believe that this House has never been subjected to such hysterical triumphanism, absolutely hysterical. He is unique, it really is quite extraordinary and I think it is more of a psychiatric case than a political case to be perfectly honest, since we are being very personal in this exchange. Throughout I have tried to put it in a nutshell the unconstitutionality of what he has been doing and defending but he skirts around and leaps about in love with his own powers of advocacy and does not deal with the problem. As to comparing me with Matutes, not so long ago it was Señor Matutes, the gentleman in Madrid that he was going to embrace and God forbid if anybody said Matutes. The scorn we have for Matutes has always been evident. Where it has not been evident is in the approach of the Chief Minister. Of course having been told by Spanish television that he is more intelligent than Matutes, and he was in the forefront of international life with Monica Lewinsky and the late Hussein and so on and this obviously has gone to his head and he is incapable of understanding a point of view, very briefly expressed and encouraging and provoking the sort of discussion that we have had.

HON CHIEF MINISTER:

I have said nothing at all since the 4<sup>th</sup> February to sound triumphant. I have not claimed any public credit for what has happened. I have not suggested that I am the best thing since sliced bread until today when the hon Member uniquely in Gibraltar has tried to paint me as Louis XIV, as a usurper of the Government's constitutional powers and as somebody who has made political concessions to a rabble of Spanish fishermen. [HON J J GABAY: Absolutely.] And when the hon Member has attacked me I have defended myself but this is not a platform or a forum for my own eulogisation that I have sought. I have done it in self defence in the face of his extraordinary abuse of facts, of documents, of circumstances, of public opinion, to twist and distort and misrepresent a situation which I am confident the vast majority of people in Gibraltar are content with. If the hon Member is not content with it, I respect his democratic right to be discontent but I have to tell him that I could not care less.

NO. 225 OF 1999THE HON J J GABAY

## JOHN MACKINTOSH STATUE

Are Government aware of the state of neglect of the bust of John Mackintosh hidden at the back of the House of Assembly?

ANSWERTHE HON THE CHIEF MINISTER

The Government are aware that the bust of John Mackintosh is in need of cleaning and relocation as has been the case for over five years.

SUPPLEMENTARY TO QUESTION NO. 225 OF 1999

HON J J GABAY:

As usual the defence is what has been done in the past or what has not been done. This is a purely innocent and reasonable request about a bust which is disgraceful and I have received really quite a number of complaints, in fact, I was looking at it just before I came in and would not the Chief Minister agree that it is absolutely disgraceful? He seems to be weeping white tears because God knows what has been falling on his face, something is stuck by the nose, it is really disgraceful. Since he was a great benefactor of the community, I do not think we need to go into history about that, purely and simply to ask reasonably whatever the plans for the future may be, particularly because it happens to be attached to the House of Assembly that it should be at least cleaned in some decent way.

HON CHIEF MINISTER:

I do not think my answer is any less sinister than the question. The hon Member asks this question almost as many times as there are Question Times in this House and he has had the Government's answer, I have no objection to somebody going down there and giving the poor old chap's face a quick wipe but as to a relocation of the statue to a much more appropriate place, I agree with him that that location is inappropriate but that that decision has to await the Government's plans for the Piazza as a whole. The hon Member knows that the Government are giving very serious thought to demolishing the Piazza and reducing it to street level and we would wish, certainly before any relocation or major refurbishment to leave it but if what the hon Member is saying is that some seagull has done its business on the face of this bust, I entirely agree with him that somebody should make it their business to go and wipe it off. I am not quite sure whose job it is but I will certainly make it my business to track this person down and send him armed with a cloth as soon as possible.

NO. 226 OF 1999

THE HON J J GABAY

FUTURE ROLE OF THE MOUNT

Are Government in a position to state their plans for the future role of The Mount?

ANSWER

THE HON THE CHIEF MINISTER

Government intend to announce our plans for The Mount during the next three weeks.

SUPPLEMENTARY TO QUESTION NO. 226 OF 1999

HON J J GABAY:

I am very pleased to hear that information, I thought it might be indefinitely used as a reception mansion and party meeting point for Government functions.

HON CHIEF MINISTER:

I do not want to upset the hon Member again but it will be indefinitely used as a mansion for Government receptions and hospitality amongst other things.

HON J J GABAY:

Bon appetite.

NO. 227 OF 1999

THE HON J C PEREZ

BREATHALYSER TESTS

Can Government confirm that they have now taken a decision to introduce breathalyser tests and that this is expected to happen shortly?

ANSWER

THE HON THE CHIEF MINISTER

Legislation is being prepared for a very limited introduction of breathalyser tests. These tests will be available at the Police Station only for the purposes of obtaining evidence of intoxication. There will be no roadside breathalysing, whether on a random or any other basis.

NO. 228 OF 1999

THE HON J C PEREZ

GENERAL POST OFFICE

Can Government state whether they have any plans for the building that presently houses the General Post Office in Main Street once this is vacated?

ANSWER

THE HON THE CHIEF MINISTER

There are no plans as such, although one or two organisations have expressed an interest in the upper floors.

SUPPLEMENTARY TO QUESTION NO. 228 OF 1999

HON J C PEREZ:

In the upper floors which would have probably a rear entrance, am I right?

HON CHIEF MINISTER:

One of the organisations that has expressed an interest is the Chamber of Commerce, for example. I do not know whether that means the rear entrance or whether the access would be by the side of the Main Street entrance, I am not into that sort of detail. The St Bernard's Club that is also looking for new premises went to have a look at it but they found that there were not big enough rooms there. I think they are the two organisations that have so far asked to be considered for premises there.

HON J C PEREZ:

Would the Government reconsider leaving the Post Office counter in the building because of the historical significance of it and given that it is positioned in a very central location?

HON CHIEF MINISTER:

The Government believe that Casemates Square will be a very central location and that the centrality of the current Post Office depends very much on where one happens to live at the moment. Casemates is much more central for those that live in the North of Gibraltar. One of the principal reasons for transferring the Post Office, there are several but the principal ones are, as the hon Member knows, the very poor state of the building which would require a very significant investment. The other is that we believe that the Post Office being present in Casemates Square will add very significantly to the characteristic of Casemates Square as a central town square of the sort that we are trying to create there. My hon Colleague will be willing to accept the hon Member's invitation to think about it again but that is where our decisions have gone so far and the reasons for it.

NO. 229 OF 1999

THE HON J C PEREZ

GOVERNMENT SERVICE - INDUSTRIAL APPRENTICES

Can Government state how many industrial apprentices are presently employed in Government service, when they were employed and which department they are attached to?

ANSWER

THE HON THE CHIEF MINISTER

I am informed that there are no industrial apprentices presently employed in Government service.



NO. 230 OF 1999

THE HON J C PEREZ

GOVERNMENT SERVICE - INDUSTRIAL WORKS

Can Government state whether they have employed any industrial workers in the Government service in this financial year, and if so, could they state the grade of the post and the employing department?

ANSWER

THE HON THE CHIEF MINISTER

Thirty-five industrial workers have been employed in the Government service in this financial year, as follows:-

16 Labourers	- 8 at Buildings and Works Department
	1 at Education Department
	7 at Support Services
	(5 at the Garage/Workshop)
	(2 at the Electrical Section)
5 Scaffolders/Labourers (trainee)	- Buildings and Works
3 Masons	- Buildings and Works
2 Electrical Fitters	- Support Services (Electrical Section)
2 Fitters (Turner)	- Support Services (Garage)
6 Motor Transport Fitters	- Support Services (Garage)
1 Motor Transport Fitter (Electrical)	- Support Services (Garage)

NO. 231 OF 1999

THE HON J C PEREZ

GOVERNMENT SERVICE - NON-INDUSTRIAL TECHNICAL POSTS

Can Government state how many non-industrial technical posts have been recruited by Government from outside the civil service since May 1996?

ANSWER

THE HON THE CHIEF MINISTER

The following non-industrial technical posts have been recruited by Government from outside the civil service since May 1996:

October 1997	-	4 Estimators (with grade TG1)
November 1997	-	4 Vehicle Testers
July 1998	-	1 Quantity Surveyor (on a 3 year contract)

NO. 232 OF 1999

THE HON J J BOSSANO

INCOME TAX - EMPLOYERS DECLARATION AND PAYE CERTIFICATES

How many employers have not yet returned the 1995/96 Employees Declaration and PAYE certificates and what is the estimated number of employees affected?

ANSWER

THE HON THE CHIEF MINISTER

A total of 124 employers have not returned the form "1995/96 Employers Declaration and PAYE Certificate" as at the 19<sup>th</sup> February 1999. The total number of employees affected is approximately 111.

NO. 233 OF 1999

THE HON J J BOSSANO

INCOME TAX - EMPLOYERS DECLARATION AND PAYE CERTIFICATES

How many employers have not yet returned the 1996/97 Employees Declaration and PAYE certificates and what is the estimated number of employees affected?

ANSWER

THE HON THE CHIEF MINISTER

A total of 224 employers under which approximately 270 employees are registered, have as at the 19<sup>th</sup> February 1999 not returned the form "1996/97 Employers Declaration and PAYE Certificate".

NO. 234 OF 1999

THE HON J J BOSSANO

INCOME TAX - EMPLOYERS DECLARATION AND PAYE CERTIFICATES

How many employers have not yet returned the 1997/98 Employees Declaration and PAYE certificates and what is the estimated number of employees affected and the total amount of tax deducted?

ANSWER

THE HON THE CHIEF MINISTER

One thousand five hundred and seventy-nine employers, accounting for approximately a total of 18,000 taxpayers, had at the close of business on the 19<sup>th</sup> February 1999, lodged their 1997/98 Employers Declaration and PAYE Certificate. The amount of PAYE tax deducted is approximately £34.9 million.

NO. 235 OF 1999THE HON J J BOSSANO

## INCOME TAX - EMPLOYERS DECLARATION AND PAYE CERTIFICATES

How many employers have not yet returned the 1997/98 Employees Declaration and PAYE Certificates and what is the estimated number of employees affected?

ANSWERTHE HON THE CHIEF MINISTER

Three hundred and forty employers under which approximately a total of 4,000 taxpayers are registered had, as at the close of business on the 19<sup>th</sup> February 1999, not returned the form "1997/98 Employers Declaration and Certificate".

SUPPLEMENTARY TO QUESTION NO. 235 OF 1999

HON J J BOSSANO:

Can Government say whether, in fact, the employers that are still pending from the preceding years answered in Question Nos. 233 and 232 of 1999, are also reflected in the figure 340 as again being there without returning their PAYE certificate?

HON CHIEF MINISTER:

I cannot answer that question authoritatively but I suppose it is possible that somebody might submit a declaration in respect of one year having not answered in respect of the previous year. I do not know whether the Income Tax Office turns away a declaration in respect, for example a P8, because they have not submitted the 1997, 1996 or 1995. I would hope not especially if there is a cheque attached to it. But it is possible, I can find that out, I suppose if the hon Member is interested in knowing, my guess would be that all who are in arrears of 1998 are also in arrears of 1996 and 1997 and that therefore the 1998 figure probably does include the figures for the earlier years but I can ask the Commissioner whether that is the case.

HON J J BOSSANO:

Can the Government say whether the 340 employers for this time of the year is an improvement on the situation in the preceding year?

HON CHIEF MINISTER:

In respect of 1997/98? I cannot tell him that, I have here a note which tells me that when the hon Member last asked this question the answer that he got then was that there were 478 forms in respect of 4,800 taxpayers and that was at the end of 1998, Question No. 587 of 1998. Incidentally, of the current 4,000, 3,500 are individuals details of whom are returned by Government departments and are currently pending amendment consequent to pay review arrears. But I cannot tell him whether the current figure of 4,000 as at 19<sup>th</sup> February is better than we were on the 19<sup>th</sup> February 1998 in respect of the year 1996/97. But again if he is interested in that I can find out for him.

HON J J BOSSANO:

So in fact the last part of his answer means that in terms of the private sector we are talking about 500 out of the 4,000 given that 3,500 are really an administrative delay from Government departments, not that the tax has not reached the Government?

HON CHIEF MINISTER:

I have given the hon Member the benefit of information that I have here in readiness for a supplementary that he did not ask but that is the implication of this note here, the current total of 4,000 includes approximately 3,500 individuals details of which are returned by Government departments and details of which are currently pending amendment consequent to pay review arrears.

NO. 236 OF 1999THE HON J J BOSSANO

## INCOME TAX - EMPLOYERS DECLARATION AND PAYE CERTIFICATES

How many of the employers who have returned the 1997/98 Employers Declaration and PAYE Certificates have not yet paid over to Government the tax deduction from their employees up to 1<sup>st</sup> July 1998, and what is the number of employees affected and the total amount of tax due?

ANSWERTHE HON THE CHIEF MINISTER

I can inform the House that, as at the 19<sup>th</sup> February 1999, the position regarding 1997/98 Employers Declaration and PAYE Certificate is that of the 1,579 declarations received there is PAYE outstanding on 246 returns totalling £1 million.

In a supplementary to a similar question, No. 589 of 1998 that the hon Member asked, I informed him that the number of employees could not be identified as this cannot be established from the return because PAYE is paid in respect of the whole workforce and not submitted in respect of particular employees in terms of the cheque so I think part of his answer is missing, the number of employees that are affected.

SUPPLEMENTARY TO QUESTION NO. 236 OF 1999

HON J J BOSSANO:

In respect of whom £1 million has been collected.

HON CHIEF MINISTER:

By the employer. In respect of which £1 million has been deducted by the employer and not paid to the Income Tax Office, yes. What I cannot tell him is the number of employees affected by those two statistics; by the £1 million on the 246 returns.

HON J J BOSSANO:

How is it that the return that is made in respect of Question No. 234 which is that 1,579 of which the 246 are a part, does contain the information of the number of employees?

HON CHIEF MINISTER:

I am sorry, would he just repeat his logic?

HON J J BOSSANO:

The Chief Minister has said that of the 1,579 with 18,000 employees, 246 have not handed the money deducted from the employees over. What I am asking is, if the 246 do not include the employees then it must follow that the employees of the 246 cannot be included in the 18,000 who are the employees of the 1,579.



HON CHIEF MINISTER:

No, I do not think that necessarily follows. The hon Member is presumably in part alluding to the answer to Question No. 234 in which he asked, "How many employers have returned the 1997/98 Employer Declaration and what is the number of employees affected and the total amount of tax deducted?" and the answer was that 1,579 employers accounting for approximately a total of 18,000 taxpayers had, at the close of business on the 19<sup>th</sup> February lodged their certificates and deducted approximately £34.9 million. In the context of this question, what the hon Member has asked is who has sent in a card but not the cheque with it and how many employees are affected by it. We know how many returns there are and what was the amount of tax that should have accompanied those returns because it is a question of counting the cards that came without a cheque and totting up the aggregate value that they disclose. What cannot be done is to work out the number of employees to which those cards relate because there may be part payments throughout the year. In other words, the cheque does not relate to particular employees, it is just a cheque sent in by the company. That is the explanation that he was given at the end of last year and again now. I do not know if I have even addressed the issue that he was making.

HON J J BOSSANO:

The information provided is that 1,579 employers sent in a return showing they had collected just under £35 million from about 18,000 employees and the 246 and the £1 million are part of that, are they not?

HON CHIEF MINISTER:

Which is part of that?

HON J J BOSSANO:

The 246 who did not send a cheque with the information account for £1 million out of the £34.9 million, is that not correct?

HON CHIEF MINISTER:

I would think so, yes. In other words, they are in the number of employees even though they are not in the number of pounds collected because obviously the pounds were not collected. The employees affected by those 246 returns are, I would presume, included in the 18,000 taxpayers referred to in Question No. 234.

HON J J BOSSANO:

If they have been able to count the employees of the 246 to arrive at the approximately 18,000; if the employees are included I take it that the answer we have been given is that the £34.9 million is not the amount paid to the Government but the amount deducted from the employees because that is what the question asks. So therefore the 246 is part of the 1,579; the £1 million is part of the £34.9 million and the unknown employees are part of the 18,000. It seems to me that the same exercise needs to be done to provide the answer to Question No. 234 and to Question No. 236.

HON CHIEF MINISTER:

I am told that it cannot be done. I am told that one cannot work out the number of employees involved in returns for which there has not been payment because one has not credited an amount to the account of any particular employee.

HON J J BOSSANO:

Then my supplementary is, does that then mean that the 18,000 cannot, from that answer, include the employees of the 246 given in answer to Question No. 236?

HON CHIEF MINISTER:

I cannot say for certain whether it does or it does not but I do not agree with the hon Member that it must mean that it cannot be included. The question in No. 234, I am just applying the logic of deduction, did not ask how many employers had returned the 1997 Employer Declaration with the necessary cheque attached, it asks for two separate bits of information – how many employers have returned the 1997 employee declaration and PAYE certificate to date and what is the number of employees affected and the total amount of tax deducted. It may well be, but I cannot tell him now, that whoever has compiled this answer has taken those elements of the questions cumulatively so that they have only included where there has been a return and whether money has been paid. Alternatively, he may have taken the view that he has included all employees in respect of which a return has been made, whether or not money has been paid and then he has separately given the total amount of money paid albeit in respect of less than 100 per cent of the declarations. I cannot tell him which of those two approaches the answer to this question follows but if the information is important to him I would certainly find that out. But I do not agree that it necessarily means that it cannot be, that is the part where I am disagreeing with him.

HON J J BOSSANO:

Certainly my interpretation of the answer and perhaps the Chief Minister would get confirmation so that I am able to interpret the significance of the amount collected and the number of employees and the number of employers is that taking the two questions together and the two answers together, the £1 million deducted from employees is part of the £34.9 million; the 246 employers are part of the 1,579 employers and there ought to be a figure for the number of employees that are part of the 18,000 because that seems to me, certainly as the question was drafted, that the amount paid and the employees and the employers is not something that is being asked because it can be arrived at by deducting the answer to Question No. 236 from the answer to Question No. 234. If that is not possible then obviously it is because a different interpretation has been given to the question.

HON CHIEF MINISTER:

I will find out and inform the hon Member.

NO. 237 OF 1999THE HON J J BOSSANO

## INCOME TAX - NUMBER OF EMPLOYEES IN THE PUBLIC/PRIVATE SECTORS

Can Government state what is the number of employees in the public and private sectors as at October 1997 and April 1998, giving a breakdown by full-time and part-time employment, based on PAYE returns for the 1997/98 tax year received by 31<sup>st</sup> January 1999?

ANSWERTHE HON THE CHIEF MINISTER

The information sought would usually be made available to the hon Member when the Employment Surveys as at October 1997 and April 1998 are published. The information is collected as raw data by the Income Tax Office and passed by them for analysis and use by the Statistics Office. I am however happy to give the Income Tax Office's raw data to the hon Member at this stage, subject to the above caveat. In other words, I do not know what the Statistics Office does to it before it gets into the Employment Survey.

	<u>Full-time</u>	<u>Part-time</u>	<u>Total</u> <u>Oct '97</u>	<u>Full-time</u>	<u>Part-time</u>	<u>Total</u> <u>April '98</u>
Public Sector	2,760	141	2,901	2,744	133	2,877
Private Sector	<u>7,012</u>	<u>1,330</u>	<u>8,342</u>	<u>7,187</u>	<u>1,346</u>	<u>8,533</u>
	<u>9,772</u>	<u>1,471</u>	<u>11,243</u>	<u>9,931</u>	<u>1,479</u>	<u>11,410</u>

SUPPLEMENTARY TO QUESTION NO. 237 OF 1999

HON J J BOSSANO:

I take it that the information that is being passed over to us will in fact eventually appear in the Hansard?

HON CHIEF MINISTER:

Yes, that is my understanding which is why I have handed a copy for the Clerk so that it is recorded in Hansard.

NO. 238 OF 1999THE HON J J BOSSANO

## INCOME TAX - PAYE

Can Government state how much was collected in PAYE in each month since September 1998?

ANSWERTHE HON THE CHIEF MINISTER

The PAYE tax collected in each of the months September 1998 to January 1999 was:-

September 1998	£3,341,966
October 1998	£3,580,094
November 1998	£3,280,344
December 1998	£3,558,559
January 1999	£3,220,145

These figures are based on the Tax Office records and are subject to change when reconciled with the Treasury Books.

SUPPLEMENTARY TO QUESTION NO. 238 OF 1999

HON J J BOSSANO:

Given the answer that was given to an earlier question about the 4,000 still pending in respect of Government employees where there would be adjustments because of arrears of pay reviews, can the Chief Minister say to what degree that affects these figures? Is it, as would appear to be suggested by that answer, that any adjustment to these figures would be only on the basis of the marginal extra of the pay review?

HON CHIEF MINISTER:

Yes, I do not think that PAYE could be recorded at monthly levels if it did not include the basic liability subject to adjustment of the 3,500 public servants. I should also add, I am not sure if the hon Member assumes this from the answer, it is strictly the information that he has sought how much was collected and that therefore is a gross figure subject to netting with refunds in respect of the same period which are not reflected.

NO. 239 OF 1999

THE HON J J BOSSANO

INCOME TAX - CORPORATION TAX

Can Government state what is the total now collected in respect of corporation tax for the tax year 1994/95 and the number of companies involved?

ANSWER

THE HON THE CHIEF MINISTER

The position regarding 1994/95 corporation tax collected is that, as at the 19<sup>th</sup> February 1999, £10.5 million has been collected in respect of 454 companies.

NO. 240 OF 1999

THE HON J J BOSSANO

INCOME TAX - CORPORATION TAX

Can Government state which is the sum now outstanding in respect of 1994/95 corporation tax assessments and the number of companies involved?

ANSWER

THE HON THE CHIEF MINISTER

As at the 19<sup>th</sup> February 1999 the sum of £1.1 million is outstanding in respect of the 1994/95 corporation tax assessments raised on a total of 294 companies.

NO. 241 OF 1999THE HON J J BOSSANO

## INCOME TAX - CORPORATION TAX

Can Government state how many companies have now had assessments for the tax year 1996/97, the total amount of corporation tax assessed and the amount received to date?

ANSWERTHE HON THE CHIEF MINISTER

The position as at 19<sup>th</sup> February 1999 on 1996/97 corporation tax assessments is as follows:

Assessed	£13.6 million
Less discharged	<u>£2.8 million</u>
	£10.8 million
Less paid	<u>£9.4 million</u>
Outstanding	<u>£1.4 million</u>

SUPPLEMENTARY TO QUESTION NO. 241 OF 1999

HON J J BOSSANO:

I do not think in the answer he has given me he has given me how many companies there were, is it in fact the situation now that the bulk of them have been assessed for 1996/97?

HON CHIEF MINISTER:

Yes, I apologise for that, he is quite right, the answer does not give the number of companies involved. Obviously the Government can say what the position is but I cannot say it right now. I would be surprised if there were many more assessments given that the £9.4 million is not too far from the figure that we expect to collect of between £10 million and £11.5 million so there are still some assessments left unless there is to be a decline in corporation tax. I would hope that there is still more assessments to be done because if in respect of 1994/95 we have collected £10.5 million and in respect of 1996/97 we have so far only collected £9.4 million, I would hope that there must be more assessments because the only outstanding assessments amount to £10.8 million of which £9.4 million has been paid, if one adds the paid to the outstanding one gets £10.8 million which is close but I would guess that it is not the full story but I am certainly willing to ask the Commissioner of Income Tax whether he considers the 1996/97 assessment process now to be substantially complete or not and again I will pass that information to the hon Member.

HON J J BOSSANO:

That, as I understand it, is the case with the 1994/95 and I was given that information in answer to a previous question in a previous House so what I am trying to assess is whether we have now moved to the same position into 1996/97. Can I just ask the Chief Minister to get the information to the element in the original question which is how many companies the £10.8 million is in respect of?

HON CHIEF MINISTER:

Yes.

NO. 242 OF 1999

THE HON J J BOSSANO

INCOME TAX - CORPORATION TAX

Can Government state what is the total amount collected in corporation tax in each month since September 1998?

ANSWER

THE HON THE CHIEF MINISTER

The corporation tax collected in each month since September 1998 was:-

September 1998	£752,258
October 1998	£238,452
November 1998	£388,358
December 1998	£1,463,250
January 1999	£192,158



NO. 243 OF 1999THE HON J J BOSSANO

## INCOME TAX - NUMBER OF EMPLOYEES - HOTEL INDUSTRY

Can Government state what was the number of all employees in the hotel trade in the private sector, based on PAYE returns, giving a breakdown by sex and nationality for the months of October 1997 and April 1998?

ANSWERTHE HON THE CHIEF MINISTER

Subject to the same remarks and caveat that I entered in respect to Question No.237 of 1999, I am happy to provide the information to the hon Member which I hope that he will accept in the same form.

NATIONALITY	OCTOBER 1997			APRIL 1998		
	Male	Female	TOTAL	Male	Female	TOTAL
Gibraltarian	26	29	55	28	29	57
UK National	15	13	28	14	16	30
Moroccan	69	21	90	68	21	89
Spanish	15	15	30	17	15	32
Other EU National	2	2	4	3	2	5
Other Nationality	2	1	3	2	1	3
TOTAL	129	81	210	132	84	216

NO. 244 OF 1999THE HON J J BOSSANO

## INCOME TAX - NUMBER OF EMPLOYEES - CONSTRUCTION INDUSTRY

Can Government state what was the number of all employees in the construction industry in the private sector, based on PAYE returns, giving a breakdown by sex and nationality for the months of October 1997 and April 1998?

ANSWERTHE HON THE CHIEF MINISTER

Subject to the same comment and caveat as before, I am happy to provide the information to the hon Member and to save the Usher of the House too much more running around, can I pass the same for the following three questions.

NATIONALITY	OCTOBER 1997			APRIL 1998		
	Male	Female	TOTAL	Male	Female	TOTAL
Gibraltar	701	70	771	716	83	799
UK National	183	18	201	198	18	216
Moroccan	139	3	142	137	5	142
Spanish	340	18	358	278	15	293
Other EU National	14	2	16	14	2	16
Other Nationality	19	-	19	56	-	56
TOTAL	1,396	111	1,507	1,399	123	1,522

NO. 245 OF 1999

THE HON J J BOSSANO

INCOME TAX - NUMBER OF EMPLOYEES - BANKS/FINANCE/INSURANCE INDUSTRY

Can Government state what was the number of all employees in the Banking, Finance and Insurance Industry in the private sector, based on PAYE returns, giving a breakdown by sex and nationality for the months of October 1997 and April 1998?

ANSWER

THE HON THE CHIEF MINISTER

He has it subject to the same comment and caveat.

NATIONALITY	OCTOBER 1997			APRIL 1998		
	Male	Female	TOTAL	Male	Female	TOTAL
Gibraltar	465	732	1,197	482	744	1,126
UK National	109	157	266	119	164	283
Moroccan	9	11	20	9	10	19
Spanish	24	12	36	30	12	42
Other EU National	38	29	67	38	28	66
Other Nationality	11	3	14	13	5	18
<b>TOTAL</b>	<b>656</b>	<b>944</b>	<b>1,600</b>	<b>691</b>	<b>963</b>	<b>1,654</b>

NO. 246 OF 1999THE HON JJ BOSSANO

## INCOME TAX - FRONTIER WORKERS

What was the number of "frontier workers" by sex, sector and nationality as at October 1997 and April 1998, based on PAYE returns for the tax year 1997/98, received by 31<sup>st</sup> January 1999?

ANSWERTHE HON THE CHIEF MINISTER

He has it subject to the same comment and caveat.

OCTOBER 1997FEMALES

GOG	NIL
PRIVATE	352
MOD	<u>6</u>
	<u>358</u>

MALES

GOG	1
PRIVATE	797
MOD	<u>6</u>
	<u>804</u>

NATIONALITYPRIVATEMODGOG

	F	M	F	M	F	M
Gibraltar	65	56	4	5	-	1
UK National	96	128	1	-	-	-
Moroccan	2	7	-	1	-	-
Spanish	174	561	1	-	-	-
Other EU National	14	35	-	-	-	-
Others	1	10	-	-	-	-
TOTAL	352	797	6	6	-	1

APRIL 1998FEMALES

GOG	NIL
PRIVATE	369
MOD	<u>7</u>
	<u>376</u>

MALES

GOG	1
PRIVATE	772
MOD	<u>11</u>
	<u>784</u>

NATIONALITYPRIVATEMODGOG

	F	M	F	M	F	M
Gibraltar	66	61	6	9	-	1
UK National	95	127	-	-	-	-
Moroccan	2	8	-	1	-	-
Spanish	188	523	1	1	-	-
Other EU National	17	33	-	-	-	-
Others	1	20	-	-	-	-
TOTAL	369	772	7	11	-	1

NO. 247 OF 1999THE HON J J BOSSANO

## CIVILIAN POPULATION

What was the civilian population of Gibraltar as at 31<sup>st</sup> December 1998 giving a breakdown of the number of (a) Gibraltarians (b) British (c) non-British citizens?

ANSWERTHE HON THE CHIEF MINISTER

The population figures as at 31<sup>st</sup> December 1998 are not yet available. As the Leader of the Opposition is aware, population statistics are not normally completed and released by this time of the year. The 1995 figures were available in June 1996, the 1996 figures in April 1997 and the 1997 figures in June 1998.

SUPPLEMENTARY TO QUESTION NO. 247 OF 1999

HON J J BOSSANO:

This particular information is produced by the Immigration Department of the RGP, is it not?

HON CHIEF MINISTER:

It is compiled from two sources. In respect of the civilian population it is compiled from the Immigration Department and in respect of the military population it is compiled by information provided to the Government by the Ministry of Defence. Neither of those two sources have yet provided the information to the Government in respect of 1998. It has been sought and a reply is awaited.

NO. 248 OF 1999THE HON J J BOSSANO

## TREASURY TENDER BOARD

Can Government state when the policy of giving preferential treatment to traders employing Gibraltarians in the allocation of Government tenders, was implemented?

ANSWERTHE HON THE CHIEF MINISTER

In late December 1997 the Government instructed the Treasury Tender Board that, in relation to construction tenders, one of the criteria that should be taken into account by them when adjudicating Government tenders was the extent to which the tenderer employed Gibraltarian labour.

SUPPLEMENTARY TO QUESTION NO. 248 OF 1999

HON J J BOSSANO:

In respect of such tenders since December 1997, has this been implemented on the basis of asking employers to reveal the number of Gibraltarians or by checking out what they have got registered with the ETB?

HON CHIEF MINISTER:

I think there has been both. I think the Treasury Tender Board checks it through the ETB and I am aware of certain large construction projects that have been tendered by the Government where the information has been specifically sought from the tenderer not just in respect of his existing labour force but indeed in respect of the envisaged labour force for the carrying out of the work of the subject matter of the tender.

HON J J BOSSANO:

When the Chief Minister announced this in the "State of the Nation Chamber Dinner", I think it was called... [HON CHIEF MINISTER: The same as it was called when he used to be Chief Minister.] I do not think I had the pleasure of being invited to these mid-term dinners. I think the impression was given that this was going to be introduced from that date on. Is it that it was already operational before that date but had not been made public?

HON CHIEF MINISTER:

This is something that the Government did. I suspect that we were doing it before we announced it but I would urge him not to hold me necessarily to that without giving me an opportunity to check out the chronology in my files. I believe that we started doing it but the process of starting doing it was not particularly scientific initially, indeed it is not particularly scientific now. It is not that the tenders are awarded to the company that has the highest number of Gibraltarian employees, this is just one factor because, of course, the value of the bid, the financial considerations in the bid; the status of the bidder; the technical ability of the bidder are all factors that are taken into account as well. So this labour element is one of several factors that go into a decision making process.

HON J J BOSSANO:

Given that the idea behind this, presumably is to encourage firms to employ Gibraltarians, do the prospective tenderers get told that they have got a better chance if they have got Gibraltarian workers than otherwise so that to provide the necessary encouragement. If they do not know it the incentive is not there presumably.

HON CHIEF MINISTER:

I think word of mouth gets around quite quickly and indeed I have made this announcement public, as the hon Member knows and I have said publicly that companies should be aware that their prospects of winning Government tenders will be influenced by these factors. The Financial and Development Secretary is just reminding me that before I announced it, it was done but in a sporadic basis and after I announced it, it became much more systematic on the part of the Treasury Tender Board.

NO. 249 OF 1999THE HON J J BOSSANO

## HAGUE CONVENTION

What further action has been taken by the UK to counter Spain's repudiation of its previous acceptance of the applicability of the Hague Convention to Gibraltar?

ANSWERTHE HON THE CHIEF MINISTER

In answer to Question No. 614 of 1998, I explained to the hon Member that the UK Government had rejected the Spanish Government's objections on two occasions by lodging two diplomatic Notes in protest, one with the depository authority at the Hague and the other with the Spanish Government.

I am informed that to date the Spanish Government have not replied to the British Government's Note. I have been assured by the UK Government that they will continue to dispute any Spanish assertions that the Gibraltar Supreme Court is not a competent authority under the Hague Convention. As far as the UK Government are concerned, the Gibraltar Supreme Court is the authority for Gibraltar as notified to the depository authority at the time of the UK's notification. The UK Government do not accept the validity of the Spanish declaration.

SUPPLEMENTARY TO QUESTION NO. 249 OF 1999

HON J J BOSSANO:

Is it not the case that it was suggested when a matter was raised earlier, that what Spain was seeking to do was not possible, that they could not change their mind, has that been cleared up? Irrespective of the morality of it, are they entitled under the terms of the Convention as a legal document to do what they have done or is that something that can be challenged?

HON CHIEF MINISTER:

It has not been cleared up in the sense that there has not been a binding adjudication by any third party or any arbitration mechanism. The United Kingdom's assessment is that it is not open to Spain, under the Treaty, to alter the terms upon which a Member State ratifies a treaty to which Spain did not enter a reservation at the time and that accordingly any refusal by Spain to accept documents emanating from the Supreme Court of Gibraltar would constitute a breach by Spain of her treaty obligations under the Hague Convention. What would ensue if that dreadful thing were to happen is a matter of conjecture at this stage.



NO. 250 OF 1999

THE HON J J BOSSANO

FRONTIER DELAYS

Has the UK formally asked the Commission to act against Spain on the grounds that the controls exercised at the frontier are disproportionate?

ANSWER

THE HON THE CHIEF MINISTER

The UK Government formally wrote to the European Commission regarding frontier delays on the 11<sup>th</sup> February 1999.

SUPPLEMENTARY TO QUESTION NO. 250 OF 1999

HON J J BOSSANO:

I take it that we can assume that this is far too soon for any reaction from the Commission since the 11<sup>th</sup> February? That is, that it will take longer, taking the kind of time it takes for the Commission to react?

HON CHIEF MINISTER:

If indeed they react at all which we are, of course, pressing the British Government to ensure that they do, unless of course the delays disappear in the meantime. I have a copy of the letter written to the President of the Commission by Her Majesty's Permanent representative. The letter is in pretty robust terms and complains about, not just the frontier delays but the other threatened measures and makes it clear that the United Kingdom looks to the Commission to ensure that Spain complies with her obligations in these respects.

NO. 251 OF 1999

THE HON J J BOSSANO

AMSTERDAM TREATY

Can Government say which Member States have ratified the Amsterdam Treaty to date, and the anticipated date on which it comes into effect?

ANSWER

THE HON THE CHIEF MINISTER

I am informed that all Member States have ratified the Amsterdam Treaty except for France, Belgium, Greece and Portugal. The latest assessment is that all four will complete their ratification procedures by the end of March 1999.

Subject to the provision of Article 14, it is currently expected that the Amsterdam Treaty will enter into force on the 1<sup>st</sup> May 1999, although I am advised that this timescale may experience some delay.

NO. 252 OF 1999

THE HON J J BOSSANO

GIBRALTAR IDENTITY CARDS

Are Government now in a position to say when Spain responded to the Commission that it would not recognise Gibraltar ID cards?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 253, 254 and 255 of 1999.

ORAL

NO. 253 OF 1999

THE HON J J BOSSANO

GIBRALTAR IDENTITY CARDS

From whom have the Government sought expert advice as to the procedures needed to mount a private challenge to Spain's refusal to recognise Gibraltar ID cards?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 252, 254 and 255 of 1999.

NO. 254 OF 1999

THE HON J J BOSSANO

GIBRALTAR IDENTITY CARDS

Can Government say what further steps have been taken by the EU Commission Infraction Chefs in respect of the complaint against Spain over its refusal to recognise Gibraltar ID cards?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 252, 253 and 255 of 1999.

NO. 255 OF 1999THE HON J J BOSSANO

## GIBRALTAR IDENTITY CARDS

What further action have the Government taken since March 1998 when they were taking preparatory steps to getting a formal opinion and putting together the evidence required to sustain a formal challenge to Spain's non-recognition of Gibraltar's ID cards?

ANSWERTHE HON THE CHIEF MINISTER

As I explained in answer to Question No. 619 of 1998, the Spanish Government replied to the EU Commission on the 26<sup>th</sup> June 1996 stating that they would not recognise Gibraltar ID cards. The Government took legal advice from Mr Michael Llamas and through our Brussels Office, submitted two test cases to the Commission in March 1997 and March 1998.

To date the Government are not aware that any further steps have been taken by the EU Commission infraction chefs. I am assured by HMG that the UK will continue to ensure that the Gibraltar complaint remains open and that the Commission will continue to be urged to enforce Spain's compliance with EU law.

I can add the following: the complaints which were in the names and accompanied by sworn affidavits and notarily attested as to the events that happened when they tried to get through the border with the ID card was sent to the Commission by Mr Llamas who received the following reply from the Commission by a letter on the 13<sup>th</sup> May 1998, "Dear Mr Llamas, Thank you for your letter of the 31<sup>st</sup> March 1998 addressed to the Secretary General of the Commission on behalf of Mr Henry Pinna in which you informed the Commission of the refusal by the Spanish authorities on the 16<sup>th</sup> March 1998 to accept Mr Pinna's Gibraltar's Identity Card as a valid travel document for entering Spanish territory. The Commission is aware of the situation giving rise to incidents of this nature and I can inform you that the Commission's services are currently carrying out an in-depth examination of this question. In this respect your letter on behalf of Mr Pinna will be incorporated with this dossier as an important element of practice. I will keep you appraised of further developments on this matter. Yours sincerely, John E Mogg."

SUPPLEMENTARY TO QUESTION NO. 255 OF 1999

HON J J BOSSANO:

The position then is that in March the Government had in fact been able to obtain the information that they needed to show that it was possible to mount a formal challenge by a private individual or was it just to test the reaction?

HON CHIEF MINISTER:

I do not know what the hon Member means by mount a challenge. This is in the nature of a complaint to the Commission by an individual. I do not know whether that means that if the Commission do nothing that that individual has further recourse in the sense of commencing legal proceedings in his own name either against the Commission for inactivity or Spain for breach. I do not know if Mr Llamas has advised specifically on this

matter but from my general understanding of these matters the freedom of movement is a treaty provision and that has a status of an inter-governmental agreement and my recollection is that individual citizens do not have a course of action against Member States for breach of their treaty provisions which are treaty commitments with each other. But I would have to research the letters that we have had from Mr Llamas to see whether he has specifically advised on that point and whether my recollection is accurate or not.

HON J J BOSSANO:

The wording of the question is a quote from the answer that I got the last time so whatever I mean by a formal challenge is whatever the Chief Minister meant by a formal challenge when he gave me that reply. I was told previously when I asked whether it was possible for an individual to take up the matter like Denise Matthews was able to take up the matter of her right to vote by comparison, I was told that that was precisely what the Government were taking preparatory steps in order to get a formal opinion and put together the evidence required, that they were in fact researching this and what I am seeking from this answer is to find out what progress there has been since I got that answer. I cannot give an explanation of the significance of the answer because I put the question, I did not put the answer in the first place. So whoever drafted the answer must know what he meant by all these words.

HON CHIEF MINISTER:

I cannot say right now whether the view has been formed that there is a course of action open to an individual beyond simply complaining to the Commission or not. My instructions to Mr Llamas were to pursue whatever procedures were open and to advise on their availability and this is what he advised should happen. Whether this constitutes the end of the road or whether this is an act preliminary to some further proceeding that is open I cannot tell the hon Member at this moment in time.

HON J J BOSSANO:

That is fair enough except that the last time the answer given was that this was specifically being looked at. Is it that it has not been specifically looked at or that there is not yet a definitive answer?

HON CHIEF MINISTER:

I do not know. I am sure it has been looked at, I think the answer is neither of those two but the third and that is that I am not aware of what the outcome of the enquiry is but I will find out and tell him.

NO. 256 OF 1999

THE HON J J BOSSANO

SPANISH FISHING VESSEL - PIRAÑA

What action has the Chief Minister taken to seek the withdrawal of the charges against the crew of the Spanish fishing vessel "Piraña"?

ANSWER

THE HON THE CHIEF MINISTER

None.

SUPPLEMENTARY TO QUESTION NO. 256 OF 1999

HON J J BOSSANO:

Is it that it is not the intention to take any action on this matter or that it has not happened yet?

HON CHIEF MINISTER:

It is neither my intention or my constitutional prerogative.

HON J J BOSSANO:

I am aware of what the constitutional prerogatives of the Chief Minister are, I am not sure that he would agree that he has the same constraints as I think he has but given that he said on television when he was asked to do this that he heard what had been said and that he did not want to go any further than that, I think he certainly gave the impression that he would be using his good offices with somebody somewhere to put in a plea on behalf of those concerned. What I am trying to establish is whether that has happened.

HON CHIEF MINISTER:

I am sorry that he should have interpreted by very nebulous and ambiguous words in that way. Certainly the Spanish fishermen have not. I have been asked on numerous occasions, I do not think the Spaniards can quite make up their minds whether the Chief Minister of Gibraltar is an impotent mayor-like figure or whether he is actually the most extraordinary powerful head of an executive in Europe, I think they fluctuate from one view or the other depending on what suits them. I have been asked on numerous occasions both publicly in press conferences and privately by various people whether this could be brought around and I have always given the same answer, that the Government of Gibraltar are not the prosecuting authority and that the matter is before the courts and it is now a matter for the judiciary and everybody has eventually understood that that is the constitutional reality and I am no longer being pestered in that connection.



HON J J BOSSANO:

Surely the Chief Minister must agree that that is not what he said on that particular occasion immediately after – perhaps he did not want to say it at that point in time but I take it then that his position is no different from Mr Cook which is that it would be wrong to seek to interfere with the course of the case as it would be for any other case?

HON CHIEF MINISTER:

Yes, it would be entirely wrong for anybody to interfere and I am sure that nobody has attempted to do so, certainly not in terms of the withdrawal of charges. The hon and Learned Attorney-General of course has a wide discretion to pursue or not to pursue charges in the public interest, I have not invited him to take the view that the public interest requires that he withdraws these charges, I am not aware that anybody else has either and I suspect that if we did he would wish to make his own decision in that respect.

HON J J BOSSANO:

Can I take it that the clear implication of that is that it has not happened and it is not going to happen so that I do not have to ask periodically whether it has happened or not?

HON CHIEF MINISTER:

I cannot tell him whether it is going to happen or not. I can tell him that if it does happen it will not be because I have requested it or because I have encouraged it or because I have supported it. I happen to have a view on the matter which I will not share with the hon Gentleman on this occasion, but the view is not relevant to the prognosis of this matter.

NO. 257 OF 1999

THE HON J J BOSSANO

THE MATUTES PROPOSALS

Have the UK Government now confirmed that the Matutes proposals will be rejected when a reply is given to the Spanish Government?

ANSWER

THE HON THE CHIEF MINISTER

I have not received confirmation that the UK Government will reject the Matutes proposals when they reply to the Spanish Government, which is not to say that they will not but simply that I have not received such confirmation.

SUPPLEMENTARY TO QUESTION NO. 257 OF 1999

HON J J BOSSANO:

Presumably the Chief Minister would expect to be told it was going to happen before it did?

HON CHIEF MINISTER:

Or that it was not going to happen before it did not.

NO. 258 OF 1999THE HON J J BOSSANO

## EU VOTING RIGHTS

What action are Government now proposing to take to secure EU voting rights to the European Parliament for Gibraltar residents who are EU citizens?

ANSWERTHE HON THE CHIEF MINISTER

I think that in its summary of Opposition Members questions GBC was extraordinary generous to the hon Member and assumed that the question had been tabled after the result of the case was known, it said, "Following the result of the case the Leader of the Opposition has asked the Chief Minister ...", of course it was not, notice of the question was given before we knew the result of the case and I thought that the hon Member in those circumstances might wish to withdraw it. But in any event, what I can say even now is that following last week's success before the European Court of Human Rights, the Government will press HMG to comply with the ruling.

SUPPLEMENTARY TO QUESTION NO. 258 OF 1999

HON J J BOSSANO:

Presumably the United Kingdom as a State Party to signatory to the Convention does not need to be pressed by its colony to honour a ruling of the Court that it is in breach of it in that colony but what I am asking is, what are the Government doing not simply in saying to the United Kingdom, "You should now comply with that ruling" but in terms of are they asking the United Kingdom to review its original decision about the United Kingdom legislation or are they asking the United Kingdom to do what it was refusing to do before which is, in fact, to raise the matter with Community partners with a view to amending the 1976 Act of the European Union?

HON CHIEF MINISTER:

Perhaps the evidence does suggest that the United Kingdom does not need to be pressed by its colony to comply with the Convention obligation and that that would probably be borne out by the fact that notwithstanding that I have not yet asked the UK Government to do anything in particular, they have announced several things. One, that they remain of the view that they cannot act unilaterally, in other words, that they stick to their view, that there is nothing that they can do without amending the Annex 2 to the 1976 Act. Lord Bethell, I noticed, said in the House of Lords yesterday or the day before that that view itself was only based on the advice of the very same Foreign Office lawyers that had advised that Gibraltar was not entitled to vote and that Britain was not in breach of the Convention and he teased the Minister, who I think was Baroness Symons, to say, "Well, should you still be relying on Foreign Office advisers in respect of that point given that they have been demonstrated to have been so incorrect in respect of the principal point, namely, was the United Kingdom in violation to the Convention?" They have nevertheless said twice now in Hansard that that remains their view and indeed the Prime Minister has said that he is now initiating the process in Brussels of seeking the agreement of the other 14 Member States, including Spain, to amend the Annex 2 of the 1976 Act on the European Union which, as we all know, is a treaty between the Community so it seems that without us pressing them that is the view that they have come to and that they appear to be taking seriously their need to secure an amendment to the treaty so that the United Kingdom can be in compliance with their human rights obligations.

HON J J BOSSANO:

Can the Government say, on the basis of that approach, if they have an indication of how Gibraltar would then be enfranchised if, in fact, the Act was amended?

HON CHIEF MINISTER:

No, I cannot shed any light on that. Obviously we have our views which I have explained publicly recently. I have explained that I think that at this stage of the game, having won the case in the European Court of Human Rights, that whereas before it might have been acceptable as an interim measure to enfranchise the people in a territorial UK constituency, that that now will not be enough, that now the territory of Gibraltar would have to be included in some United Kingdom constituency which physically was described to comprise of some United Kingdom mainland territory and the territory of Gibraltar. That is what we obviously are going to hold out for. I do not honestly think that we will be successful if we held out for having our own MEP given that the United Kingdom has now gone to a regional list system but certainly my view is that it would now not be an adequate enfranchisement if the people but not the territory were enfranchised.

NO. 259 OF 1999THE HON J J BOSSANOI&D FUND - EXPENDITURE - 31<sup>ST</sup> JANUARY 1999

What is the estimated expenditure of the Improvement and Development Fund by Head of Expenditure up to 31<sup>st</sup> January 1999?

ANSWERTHE HON THE CHIEF MINISTER

The estimated expenditure of the Improvement and Development Fund by Head of Expenditure up to 31<sup>st</sup> January 1999 is as follows:

Head

101 – Housing	£2,873,143
102 – Schools, Youth & Cultural Facilities	£771,367
103 – Tourism & Transport	£2,295,146
104 – Infrastructure & General Capital Works	£2,538,354
105 – Electricity	£353,051
106 – Industry & Development	<u>£1,949,770</u>
	<u>£10,780,831</u>

It must be emphasised that these are tentative Treasury figures which may vary as a result of any departmental adjustments received.

SUPPLEMENTARY TO QUESTION NO. 259 OF 1999

HON J J BOSSANO:

Would it be correct to assume from this figure that in fact the total expenditure for the year is unlikely to be anywhere near the £28 million that was put at the budget?

HON CHIEF MINISTER:

Yes, I agree. There are a few major on-going projects which are now reaching the stage where large monthly certificates, I would be surprised if the figure reached £15 million by the end of the year which I am increasingly convinced is the extent of the capacity of Gibraltar to undertake domestically capital projects but, of course, that does not mean that the Government in the next budget will not put in for projects more than £15 million because that leaves us the flexibility of deciding during the financial year which of the projects we will proceed with, which we prioritise and it keeps our options open rather than commit ourselves to a particular set of projects that might amount to £15 million.

**GIBRALTAR**

**HOUSE OF ASSEMBLY**



**QUESTIONS AND ANSWERS**

**19<sup>TH</sup> & 21<sup>ST</sup> MAY, 1999**

**No. 260 to No. 416**

**Vol I**

# INDEX

## QUESTIONS & ANSWERS

19<sup>th</sup> & 21<sup>st</sup> May 1999 (Vol. I)

Questions 260 – 416

SUBJECT	NO(S)	PAGE(S)
Container Transshipment Facility	392	
Cruise Liner "Asuka"	377	
Culling of Apes	389	
Education – Institute of Bankers	409	
Education – Qualified Teacher Status	402	
Education – School Leavers	403	
Education – School of Tourism	407-408	
Education – Sixth Form Reforms	405-406	
Education – Sixth Form Studies	404	
Education – St Martin's School	387	
Electronic Transport	393	
ETB – British Nationals Employed	315-317	
ETB – Cammell Laird	305	
ETB – Gibraltarians Employed	312-314	
ETB – Hotel Industry	304	
ETB – Number of Employment Contracts	327-329	
ETB – Self-Employed	326	
ETB – Spanish Nationals Employed	318-320	
ETB – Terminations of Employment	307-309	
ETB – Unemployed Gibraltarians	306	
ETB – Vacancies Filled	311	
ETB – Vocational Cadets	302	
ETB – Wage Subsidy	301	
ETB – Work Contracts	303	
ETB – Work Permits	310	
FITUR	374	
GHA – Annual Cost of Treating a Pensioner in the UK	277	
GHA – Chief Executive Post	296	
GHA – GPMS Prescriptions	289-295	
GHA – Health Centre – Housecalls	271	
GHA – Health Centre – Out-Patient Attendances	272	
GHA – In-Patient Admissions	273	
GHA – Long-Stay Elderly Care Patients	275	
GHA – Midwifery Department	270	
GHA – Nursing Review Report	262-268	
GHA – Out-Patient Attendances	274	
GHA – Patient Referrals to the UK	279-284	
GHA – Proposed New Complement	269	
GHA – Sponsored Patients	285-287	
GHA – St Bernard's Hospital – Private Ward	261	
GHA – St Bernard's Hospital – Rehabilitation Centre	260	
GHA – Treatment to Temporary Visitors	278	
GHA – UK Reciprocal Health Agreement	288	
GHA – UK Social Security Pensioners	276	
Gibraltar Development Corporation/Sights Management	386	
Gibraltar Port Authority	391	
Heritage – Nun's Well	297	
Heritage – World War II Tunnels	298	
Hire of Scaffolding	322	
Housing – Applications	338-339	

<b>SUBJECT</b>	<b>NO(S)</b>	<b>PAGE(S)</b>
Housing – Edinburgh House	340-341	
Housing – Hospital Hill	334	
Housing – Post-War Flats	336	
Housing – Pre-War Flats	335	
Improvement & Development Fund – Head 101 Housing	323	
Irish Town – Beautification	300	
King’s Bastion – Remedial Works	321	
Laguna Estate	325	
London Boat Show	373	
London Cruise and Ferry Exhibition	372	
Lover’s Lane	401	
Payment to Building Contractors	324	
Phase 1 of Pedestrianisation Works	400	
Port – Cruise Liner Terminal	371	
Prison – Number of Inmates	342	
Public Bus Service	394	
Repair to Public Highways	388	
SITC	376	
Social Security – Closed Long-Term Benefits Fund	333	
Social Security – Insurance Cards	330	
Social Security – Open/Closed Long Term Benefits Fund	332	
Social Security – Pensioners	331	
Tourism – Air/Maritime Links with Morocco	382	
Tourism – Algeciras Port Authority	343	
Tourism – Arrivals by Air	348-349	
Tourism – Arrivals by Coach	364	
Tourism – Arrivals by Sea	363	
Tourism – Average Length of Stay in Hotels	353	
Tourism – Coach Park	385	
Tourism – Cruise Calls	358-359	
Tourism – Cruise Liner Visitor Arrivals	360	
Tourism – Hotel Arrears	379	
Tourism – Hotel Assistance Scheme	355	
Tourism – Hotel Bed Nights Sold	350-351	
Tourism – Interviews	356-357	
Tourism – Lifeguards and Cleaners	399	
Tourism – Miss Gibraltar Show	384	
Tourism – New Airline	380	
Tourism – Number of Arrivals in Hotels	352	
Tourism – Number of Coaches	367	
Tourism – Number of Pedestrian Visitors	370	
Tourism – Number of Private Motor Vehicles Entering Gibraltar	365-366	
Tourism – Percentage Occupancy in Hotels	354	
Tourism – Scheduled Flights	344-347	
Tourism – UK Travel Agents	381	
Tourism – Visitors from Morocco	383	
Tourism – Yacht Arrivals	361	
Tourism – Yacht Arrivals	390	
Tourism – Yacht Visitors	362	
Traffic Flow - Lower Town Area	395	
Transport – MOT Certificates	398	
Transport – MOT Test Centre	397	
Transport – Number of Motor Vehicles Imported	368-369	
Transport – Tint of Repair Windscreens	396	
Value of Commercial Freight	378	
World Heritage Status	299	



<b>SUBJECT</b>	<b>NO(S)</b>	<b>PAGE(S)</b>
World Travel Market	375	
Education – Training Schemes for the Unemployed	410-411	
Education – Training for Employment Service	412	
Training – Cammell Laird	413-414	
Construction Training Centre	415	
Training – Associated Services	416	

ORAL

NO. 260 of 1999

THE HON MISS M I MONTEGRIFFO

**GHA - ST BERNARD'S HOSPITAL - REHABILITATION CENTRE**

Can Government now state when they expect the rehabilitation centre to be opened at St Bernard's Hospital?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

The patient area of phase 1 of the Rehabilitation Centre was ready and operational in early January 1999. There are some other minor areas within the unit that have to be completed and, it is hoped, that the formal opening can take place some time in June 1999.

SUPPLEMENTARY TO QUESTION NO. 260 OF 1999

HON MISS M I MONTEGRIFFO

I ask this question because the last time that I asked the Minister he did not actually say that the Rehabilitation Centre had been partly opened. Could he confirm whether in order to be able to open the Rehabilitation Centre the staff running the Centre are contained within the complement?

HON K AZOPARDI

If the hon Member means are they already there, the answer is yes.

ORAL

NO. 261 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - ST BERNARD'S HOSPITAL - PRIVATE WARD**

Can Government now state where a Private ward will be made available at St Bernard's Hospital?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question No. 262 of 1999.

ORAL

NO. 262 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - NURSING REVIEW REPORT**

Have Government now accepted the recommendations of the Nursing Review Team to provide the out-patients department with alternative facilities?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

There are no plans to re-site the Private Ward.

Facilities for the medical out-patients department are being improved substantially.

SUPPLEMENTARY TO QUESTION NOS. 261 AND 262 OF 1999

HON MISS M I MONTEGRIFFO

These are answers that are a bit ambiguous. Do I take it that there will be no Private Ward within St Bernard's Hospital?

HON K AZOPARDI

The answer is that there are no plans to re-site Private Ward. Private Ward was where Lewis Stagnetto Ward now is. There is another question on the order paper I think from the Leader of the Opposition in relation to Mount Alvernia generally. It is one of the Government's proposed ideas that it might be possible, and I think we will come to that later not to pre-empt the debate but it is one of the Government's ideas that we might be able to create space at St Bernard's Hospital and then re-instate Private corridor where it always used to be, where Lewis Stagnetto now is, by looking at establishing some sort of nursing home facility in the empty space at Mount Alvernia. I do not want to pre-empt the matter further if the Leader of the Opposition wants to discuss it at a later stage in this meeting.

HON MISS M I MONTEGRIFFO

Then the Minister has changed his mind because I remember asking in the House of Assembly during a previous session whether the Government would be leaving Lewis Stagnetto where it presently is, that is the old Private Ward, and he said yes it will stay there. Has he changed his mind?

HON K AZOPARDI

Well in the first place I heard Jack Straw this morning on the radio saying that it was not a bad thing to change your mind but secondly, I would say that possibilities arise in the context of discussions and it is important to seize them and in that context it seems that the possibility now arises of private corridor being re-instated and I think it is a matter that should be explored and in principle the Government are happy to do that, if we can create space at St Bernard's.

HON MISS M I MONTEGRIFFO

In the event that the Government go down the route of opening the Private Ward eventually, will they be increasing the fees for private beds?

HON K AZOPARDI

That is a matter that has not been discussed as yet. There may be a case to do that because the hospital fees annexed to the Ordinance the hon Member will know have not been reviewed for many many years, but that is not a matter that has been considered as yet.

ORAL

NO. 263 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - NURSING REVIEW REPORT.**

Can Government now state whether they have taken on the recommendations in the Nursing Review Report that the system of summer hours be urgently reviewed with a view of providing more adequate cover?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 265, 267 and 268 of 1999.

ORAL

NO. 264 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - NURSING REVIEW REPORT.**

Have Government now accepted the recommendation of the Nursing Review Team that there should be four Night Charge Nurses?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Yes Sir.

SUPPLEMENTARY TO QUESTION NO. 264 OF 1999

HON MISS M I MONTEGRIFFO

Can he confirm whether there are now four Night Charge Nurses or whether there is a time-scale?

HON K AZOPARDI

Yes there are four Night Charge Nurses and indeed my understanding is that there were four Night Charge Nurses when the Review was commissioned and submitted. I went back to the Review when I got that answer from my Department to see what exactly then was the point of the recommendation if there were four. I think the thrust must be the next line which talks about internal rotation of those four Night Sister Charge Nurses and the answer, I think really then is, internal rotation is being done by three out of the four of those Night Charge Nurses and we would hope that on retirement of the fourth and on recruitment of the next we will achieve full internal rotation as I think really is the recommendation of the Review Team rather than the issue of the numbers.

ORAL

NO. 265 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - NURSING REVIEW REPORT.**

Have Government now accepted the recommendation of the Nursing Review Team that a Senior House Officer should be based at the Accident and Emergency Department from 5pm to 9am the following day?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Questions 263 267 and 268 of 1999.



ORAL

NO. 266 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - NURSING REVIEW REPORT.**

Have Government now accepted the recommendation of the Nursing Review Team that there should be 24 hour cover by the Administration Clerks based in the Accident and Emergency Department?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

No Sir.

ORAL

NO. 267 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - NURSING REVIEW REPORT.**

Can Government state what policy decision they have taken on the recommendations in the Nursing Review Report that full-time labourer should be attached to the CSSD?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Questions 263, 265 and 268 of 1999.

NO. 268 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - NURSING REVIEW REPORT.**

Can Government now state whether an appropriate number of ward clerks will be allocated to the different specialties as recommended by the Nursing Review Team?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

In relation to summer hours discussions are under way to extend the number of hours during which facilities are available to the public during summer afternoons.

In relation to the Senior Health Officer after hours no decision has been made in this respect as yet.

In relation to the labourer at CSSD, the policy decision is that implementation of this recommendation is not a present priority.

In relation to ward clerks again there is no final decision on this matter as yet.

SUPPLEMENTARY TO QUESTION NOS. 263, 265, 267 AND 268 OF 1999

HON MISS M I MONTEGRIFFO

The Minister has said that on the question of a full-time labourer it is not a priority. As regards the other three will he confirm whether he accepts the recommendation?

HON K AZOPARDI

Well, on the question of summer hours, discussions are on-going. We accept the principle that the issue of summer hours needs to be discussed and that matter is on-going. In relation to the other two issues, the Senior Health Officer after-hours and the ward clerks, there is no decision so I cannot say whether we will accept it or not because no decision has been reached because it is pending other developments.

HON J J BOSSANO

Would the Minister not agree that given the very long time since the original review was set up and the times he has had to discuss it, it ought to be possible by now to decide either that it is worth proceeding or not proceeding with this case?

HON K AZOPARDI

Perhaps I can illustrate the reason why the matter has not been decided yet by an example. In relation to the Senior House Officer after-hours the review recommended that perhaps there should be a case on the merits that there should be a Senior House Officer after-hours and in principle it looks like a good thing. But the issue of the Senior House Officer after-hours is tied in with the Senior House Officer complement issue

and the Government have received representations from the BMA in relation to the SHO complement based on the so-called "new deal" in the UK that caps SHO hours at 56. So we were engaged in discussions and obviously we will reach a conclusion in due course, and that would have a knock-on effect probably on the issue of the SHO after-hours at A&E. But then I hear three weeks ago that there is a furore in the UK and the hon Member may be aware that while there was a new deal agreed by New Labour in relation to the capping of hours at 56, they have put in a "secret" proposal to the European Commission asking the German presidency I think it is, to extend SHO hours to 65 in relation to the Working Time Directive and the BMA in the United Kingdom considered that that has torpedoed their own agreements with so-called new deals. So we are awaiting developments before we can take the matter further because we are not sure where the new deal will lie in two or three months. All of that is having a knock-on effect on issues such as this. In principle it is a good idea to have an SHO after-hours but it really depends on the determination of the SHO complement and that, as the hon Member will appreciate, depends on other circumstances beyond my control.

HON J J BOSSANO

But would the Minister not agree that if in fact in principle it is a good idea it is because there is a need for such an officer on duty. Presumably, if there is an identified need dependent on other considerations it ought to be evaluated in terms of how important the need is so that the decision can be taken as to whether, if there is a need then there must be a gap in the coverage being provided now which needs to be catered for surely?

HON K AZOPARDI

The nature of the reviews is that all the things in the review in principle are good ideas. The issue is prioritisation of them. There may be some recommendations we do not accept but I think prioritisation is the most important exercise in considering the review I am not willing to take it further at the moment rather than to say that we are looking at the idea quite seriously but we have not made a final decision as yet because that is tied in with other circumstances and I cannot possibly take it further.

HON J J BOSSANO

On the point of the hours and the Working Time Directive there is nothing to stop in fact the Health Authority reaching its own agreement with the doctors it employs independent of what is done by the Health Service in the UK, is there?

HON K AZOPARDI

Well, the Working Time Directive at present excludes doctors in training so it does not affect SHO's at the moment. That is my understanding of it. I think the proposed idea of the UK is because the European Commission is looking at extending the Working Time Directive ambits to include doctors in training, that if that is the case in due course, please allow me to have SHO's work 65 hours and not the present 56, which is the so-called new deal, but the hon Member is right to the extent that I am aware, that the new deal is not legally binding and that there are health authorities in the UK that have reached their own local agreements and that again is another circumstance that has only recently been brought to our attention and we are looking at as well.

HON MISS M I MONTEGRIFFO

On the question of employing ward clerks, Mr Speaker, will the Minister confirm whether he does in fact see merit in having ward clerks allocated to the different specialities?

HON K AZOPARDI

Yes I see merit in the idea but it is a question of how to achieve that. That is why it may not be that creature that delivers it but I see merit in the idea, yes.

NO. 269 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - PROPOSED NEW COMPLEMENT.**

Can Government state what is the proposed new complement for manning levels to provide day and night cover broken up by all wards and Departments of the Gibraltar Health Authority and how this compares with the established complement?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

In answer to Question No. 33 of 1999 I gave the hon Member the figure of actual persons in post at that time together with numbers of the persons that we expect to be in post by the end of the implementation of the manning levels aspects of the nursing review announced in July 1998.

The latter figure is our established complement since then. Accordingly, it is impossible to compare the proposed new complement with the established complement because they are one and the same thing. what is possible is to compare the new complement (which will be filled by actual people in post by 2002) with the established complement adopted by the previous administration in 1989 and which was in place up until July 1998. I can pass the Hon Member a comparative table of these figures.

SUPPLEMENTARY TO QUESTION NO. 269 OF 1999.

HON J J BOSSANO

Can I ask the Minister whether in fact the provision that is made in the Estimates for personal emoluments is based on a complement which is made up of different numbers of people in different grades who are not necessarily in post?

HON K AZOPARDI

No Sir, my understanding is that it is based on the actual numbers. It might cater for some vacancies that are going to be recruited in the course of the next financial year but not the complete complement which is going to be filled in respect of nursing by 2002. So the answer generally is no except for any vacancies that we intend to fill immediately.

HON J J BOSSANO

I have not asked about 2002, I have asked in respect of any given financial year either the one that has just ended or the one that we have just entered, is it in fact the case that there is implicit in the provision of funds a complement for that year, which may not be the same complement as there will be in the year 2001 or 2002 or any other in the

next millennium? Presumably there is a complement and I also asked at Budget time last year and was told there was and we have been trying to find out what figure this is.

HON K AZOPARDI

It depends what the hon Member means by complement. If what he means is established complement like, for example, we are just talking about nursing, I have just told him in my answer the established complement will not be actually filled by people in post till 2002 so if he asks me is that established complement funded today, the answer is no, it is not.

HON J J BOSSANO

What is the complement that is established today in the Health Authority which appear to use different rules from the rest of the Government accounting systems then?

HON K AZOPARDI

If the hon Member is asking, do I envisage the number of staff this year and have I funded it, the answer is yes.

HON J J BOSSANO

Presumably the system is no different in the Health Authority now from what it is in the rest of the Government service, in all the Public Service. For a couple of years now we have been trying to establish whether it is or it is not and I am not sure we are getting an answer that makes it any clearer. Is it the case or is it not the case that if there are x number of clerks which it is intended to employ, provision is made for the employment of those clerks even though the clerks may not be in post on 1st April and that is the complement for the year which is established and which is funded. Is that the case or is it not the case in the Health Authority?

HON CHIEF MINISTER

I understand the position to be that there are a number of recruits that will be made during the year which are not yet in place and for which provision therefore exists in the budgeting provision for the year. I think that is the point that the hon Member is getting at.

HON J J BOSSANO

Is that in fact the answer we are getting when what we have asked for is the complement of the Health Authority? If the answer we get to the question, is there a complement which in every other case other than the Health Authority would in fact mean that if there were a number of recruits intended during the year, the published estimates which have been circulated would show those posts as the complement, since there is no comparable breakdown of complement in the Health Authority, we are asking the question in the expectation that the answer that will be given will be comparable to the information already provided in the Estimates for the rest of the Government Service.

HON CHIEF MINISTER

The fact that in the rest of the Government Service what is published on the front of each of the Departmental Votes, is normally not the agreed complement because these are not the subject matter of formal agreements with staff associations or anything but it is the permanent complement. The Health Authority as my hon Colleague has been explaining, is in the process of transition, change and restructure and therefore whilst it depends what use we make of the word complement if the hon Member means is there an overall number of staff that we expect will be employed during the following year, the answer is yes. Thus designed, of course there is a complement if all that he means by complement is the total number of people that it is envisaged will be engaged in the Gibraltar Health Authority during the forthcoming financial year. My hon Colleague has been using the words "established complement" meaning the target, in other words, what he expects to reach and when he does so that is the intended permanent establishment of the Health Authority, he is building up to that, he will not get to that position until the year 2002. But of course there is a body of people that we expect will be employed during this year and if that is what he means by the complement, yes there is that.

HON J J BOSSANO

And that is not in fact in the answer that has been given I take it?

HON K AZOPARDI

No, what the question asked was, the proposed complement as compared to the old complement. That is the answer I have given, it is not in the answer I have given.

HON J J BOSSANO

I believe that we had cleared what it was we were trying to get an answer to in the last House but we seem to have got the same answer as the last time not a different one. Yes, Mr Speaker, he asked the same question and then when we had an opportunity of explaining to the Minister why the answer given did not answer the question, then we were expecting that we would get a different answer now that the matter was understood but it does not appear to have materialised.

HON K AZOPARDI

With respect I think the recollection of the hon Member is not correct. When we did have a discussion in the ante-room to try to clarify the matter, it was clear to me that what he wanted was a comparison between the established complement (the new complement) and the complement that was in place before the Review was announced (the old complement). That is not the answer I gave before but that is the answer the hon Member is getting now so it is a different answer. What I gave the hon Member last time was a comparison of actual numbers to the complement.



HON J J BOSSANO

What was described before in the answer as the approved establishment seems to be the same as the 1989 establishment. Presumably, it is possible when we come to the Estimates, to tell us in the figure that is in the Estimates, what number of posts there are because that is how the figure must have been arrived at. That presumably is possible?

HON K AZOPARDI

Yes.

HON MISS M I MONTEGRIFFO

Can the Minister confirm whether the new proposed establishment falls in line with the recommendations of the Nursing Review Report?

HON K AZOPARDI

They are slightly different.

HON MISS M I MONTEGRIFFO

Slightly different? Can the Minister then confirm whether there are less bodies or more bodies in comparison to the Nursing Review?

HON K AZOPARDI

The hon Member has a copy of the Review and can carry out the exercise herself but if the hon Member wants me to send her a breakdown I will be happy to do that.

HON MISS M I MONTEGRIFFO

Can the Minister confirm now whether there will be under his proposed establishment less posts than those recommended by the Nursing Review? Can he confirm that?

HON K AZOPARDI

There are less in some areas and more in others. In the sense of total I have not counted them up myself but that exercise can be carried out and I will send it to her.

ORAL

NO. 270 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - MIDWIFERY DEPARTMENT.**

Can Government confirm what was the complement of the midwifery department before it was established at a total of 14 on 15th March 1999?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

The midwifery complement was increased by five from nine to 14.

SUPPLEMENTARY TO QUESTION NO. 270 OF 1999.

HON MISS M I MONTEGRIFFO

I take it that nine was the established complement?

HON K AZOPARDI

Nine was both the established complement and the people in post.

HON MISS M I MONTEGRIFFO

Can the Minister confirm as we are talking in overall terms about the complement of the midwifery department, can he confirm that the increase is solely in relation to midwives?

HON K AZOPARDI

I cannot recall the actual numbers in post in the rest of the department. I think the answer is yes to that but I would have to check.

HON MISS M I MONTEGRIFFO

What the Minister is saying is that there has been an increase from nine to 14 midwives, can he confirm that?

HON K AZOPARDI

Yes.

HON MISS M I MONTEGRIFFO

According to the Nursing Review it appears, I cannot find the page but if my memory serves me right it would appear that there were already 14 midwives.

HON K AZOPARDI

I do not have the Nursing Review in front of me. If it did say that I am afraid that it was as guilty of misleading this House as it might have been when it said that there should be four Night Charge Nurses when there were already four Night Charge Nurses. I was advised by Nursing Management and they were quite clear on that, that there were nine people in post and nine was the established complement, both things, and it is now 14 in both cases.

ORAL

NO. 271 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - HEALTH CENTRE - HOUSECALLS.**

Can Government state how many housecalls were attended to by Health Centre doctors in the last financial year?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question No. 272 of 1999.

ORAL

NO. 272 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - HEALTH CENTRE - OUT-PATIENT ATTENDANCES.**

Can Government state what was the total number of out-patient attendances at the Health Centre from January 1999 to the end of March 1999?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Doctors attended 5,738 housecalls during the financial year 1998/1999.

There were 29,669 out-patient attendances at the Health Centre during the period beginning January to end of March 1999.

ORAL

NO. 273 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - IN-PATIENT ADMISSIONS.**

Can Government state what was the total number of in-patient admissions and the average number of patients per day at St Bernard's Hospital from January 1999 to the end of March 1999?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question No. 274 of 1999.

NO. 274 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - OUT-PATIENT ATTENDANCES.**

Can Government state what was the total number of out-patient attendances at St Bernard's Hospital from January 1999 to the end of March 1999?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Admission figures are as follows:-

January	475
February	387
March	<u>451</u>
Total	1313

Average number of in-patients per day was 132.

Out-patient attendances were:-

January	1050
February	1073
March	<u>1195</u>
Total	3318

Casualty attendances were:-

January	1579
February	1464
March	<u>1615</u>
Total	4658

ORAL

NO. 275 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - LONG-STAY ELDERLY CARE PATIENTS.**

Can Government state how many long-stay elderly care patients there were at St Bernard's Hospital at the end of March this year?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

There were 56 long-stay elderly patients at St Bernard's Hospital at the end of March this year.



ORAL

NO. 276 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - UK SOCIAL SECURITY PENSIONERS.**

Can Government state how many UK social security pensioners who were not also in receipt of a Gibraltar Social Security Pension, were resident at 31st December 1997 and registered with the GPMS?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Thirty-three.

ORAL

NO. 277 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - ANNUAL COST OF TREATING A PENSIONER IN THE UK.**

Can Government state what is the latest average annual cost of treating a pensioner in the UK and in respect of what year?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question No. 278 of 1999.

NO. 278 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - TREATMENT TO TEMPORARY VISITORS.**

Can Government state what is the latest average cost to the UK of treating temporary visitors from Gibraltar and in respect of what year?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

The latest official published data relates to the UK's 1995 average costs. The published sum was £1,759. However, the UK's 1996 average costs were accepted on 11th May 1999 (about a week ago) by the Audit Board of the Administrative Commission. These are not formally useable until published in the Official Journal. This is likely to be in July. The average costs for 1996 amounted to £1,832.

The costs notified in respect of treating temporary visitors from Gibraltar amounted in 1998/1999 to £42,759 in respect of 20 people, giving an average of £2,138.

ORAL

NO. 279 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - PATIENT REFERRALS TO THE UK.**

Can Government state the number of patient referrals to the UK in the financial year 1996/1997?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 280 to 283 of 1999.

ORAL

NO. 280 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - PATIENT REFERRALS TO THE UK.**

Can Government state what was the cost of the 537 patient referrals to the UK in the period 1st April 1997 to 30th November 1997?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 279 and 281 to 283 of 1999.

ORAL

NO. 281 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - PATIENT REFERRALS TO THE UK.**

Can Government state for the financial year 1998/1999, what was the total number of patient referrals to the UK and the cost of these referrals?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 279, 280, 282 and 283 of 1999.

ORAL

NO. 282 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - PATIENT REFERRALS TO THE UK.**

Since 20th February 1999 to the end of the financial year, what was the total number of patient referrals?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 279 to 281 and 283 of 1999.

NO. 283 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - PATIENT REFERRALS TO THE UK.**

Can Government state for the month of April 1999, what was the total number of patient referrals to the UK and the cost of these referrals?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

The number of patient referrals for the requested periods was as follows:-

1996/1997 - When the hon Member gets her answer she might see that it says 553, its 653.

1998/1999 - 827

From 20th February 1999 to 31st March 1999 - 66

April 1999-79

The medical cost of patient referrals for the requested periods was as follows:-

1st April 1997 to 30th November 1997 - £798,081

1998/1999 - £1 081,638 and I should make the point here that this figure is subject to change as not all invoices in respect of those patient referrals have been received.

April 1999 - no cost.



ORAL

NO. 284 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - PATIENT REFERRALS TO THE UK.**

Can Government state what was the figure of the latest available average cost to the UK of each Gibraltar referral, used to calculate the number of sponsored patients treated, with the cost being met by the UK in the financial year 1998/1999?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 285 to 288 of 1999.

ORAL

NO. 285 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - SPONSORED PATIENTS.**

Can Government state how many sponsored patients have been treated in the UK in the period 1st April 1998 to 31st March 1999, with the costs being met by the UK Government and what was this cost?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 284 and 286 to 288 of 1999.

ORAL

NO. 286 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - SPONSORED PATIENTS.**

Can Government state the number of non-quota sponsored patients treated in the UK for the financial year 1998~1999 with the fees being met by the Gibraltar Health Authority?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 284, 285, 287 and 288 of 1999.

ORAL

NO. 287 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - SPONSORED PATIENTS.**

Can Government state the number of non-quota sponsored patients treated in the UK for the month of April 1999 with the fees being met by the Gibraltar Health Authority?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 284 to 286 and 288 of 1999.

ORAL

NO. 288 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - UK RECIPROCAL HEALTH AGREEMENT.**

Can Government say what is the method of calculation of the adjustment factor in the formula of the UK reciprocal health agreement?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

One hundred and twenty Gibraltar sponsored patients were treated in the United Kingdom in 1998/1999 with the costs being met by the UK. The average cost of treatment based on claims that have been submitted by UK hospitals to the DoH is £4,218. Again, this figure is subject to variation since not all claims have been received.

The figures for the requested periods in relation to non-quota sponsored patients treated in 1989 and in relation to non-quota sponsored patients treated in the United Kingdom with the fees met by the GHA are as follows:-

425 non-quota sponsored patients treated in 1998/1999 and in respect of April 1999 the number of non-quota sponsored patients treated in the UK with the fees met by the GHA, the answer is none.

The adjustment factor is included in the formula to allow for actual data to substitute for the estimated data on which the on-going accounts are based.

SUPPLEMENTARY TO QUESTION NOS. 285 TO 288 OF 1999.

HON J J BOSSANO

I am not sure if the final answer from the hon Member is that he does not understand the adjustment factor and he wants to make sure we do not. Can he say in the reply that he gave in the House as to the adjustment factor, is it in fact that there is a mistake in the explanation given in that the factor is described in the appendix (in the answer that he gave at the time), as equating to the cost 'in Gibraltar minus the cost to the UK, where the cost to the UK are "d" plus "e", and in the earlier part of the answer e is given as the value of the adjustment factor in total?

HON K AZOPARDI

I am not sure I follow the hon Member's question but he is right in saying the method of calculation on the adjustment factor is set out in appendix 2 of the agreement which is set out in Hansard as Question No. 161 of 1997, if he is suggesting that there might be some sort of typographical error or a substantive error, I would be happy to have a look at that but I would not be able to confirm that to him because I do not have my files on the detail of the negotiation with me but I would be happy to explore that further.

HON J J BOSSANO

The question as to how he calculates the adjustment factor was intended to provide an answer which would enable us to see whether this was right or wrong. Can the Minister say from the answer he has given us, as to how he calculates the adjustment factor, what is the value attached to "e" in the adjustment factor?

HON K AZOPARDI

The adjustment factor is calculated in accordance with appendix 2. If there is a mistake, which is what I think the hon Member is suggesting in some shape or form, I am not sure if that is what he is suggesting but if he is suggesting that, it might be that no one has noticed it because the adjustment factor has, as yet, not been used, because for the first two years the hon Member will be aware in the agreement, the adjustment factor did not kick in. It will only be in the forthcoming discussions between my Department and DoH that the adjustment factor will be used for the first time. I think, perhaps, that gives him some information.

HON J J BOSSANO

The information that I am trying to get is, in the answer that we were given, are the references to "d" and "e" in the answer and d and "e" in the appendix 2 the same or not, because they are defined in different ways. That is the point, and when we have tried to calculate it, it does not seem to work out.

HON K AZOPARDI

Well, "d" and "e" are defined in different ways in the same way as "a" and "b" are defined in different ways. In the sense that appendix 1 defines "a, b, c, d and f" and appendix 2 defines "a, b, c, d and e". Appendix 1, my understanding is, is a formula and perhaps it is unfortunate that they should use the same lettering but it is a formula that is meant to determine the number of patient referrals, and appendix 2 is a different formula aimed at arriving at the adjustment factor, a sort of overall net adjustment. Now, it may be unfortunate they use the same lettering but yes they are defined differently because they are different things.

HON J J BOSSANO

I see. So in fact when in appendix 1 it talks about "d" being the latest available cost to the UK of treating Gibraltar temporary visitors and in appendix 2 it says the actual cost to the UK of treating patients referred to the UK by Gibraltar for treatment, they are different values, even though they are the same letter they seem to be talking about the same thing. Is that correct?

HON K AZOPARDI

I have given him the figure which is published which is the 1995 figure, and I am using the 1996 figure, and in due course they will use 1997 and 1998. The point about the adjustment factor is that because we are calculating things today, we are probably using the 1996 factor and my understanding is that the adjustment is so that in due

course an adjustment can be made using the real values of today and so, there will be in due course, some sort of payment in one direction or another. If the hon Member follows what I am saying.

HON J J BOSSANO

So in fact what the adjustment factor is intended to do then is to correct any over or under payment, is that the answer?

HON K AZOPARDI

Yes.

ORAL

NO. 289 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - GPMS PRESCRIPTIONS.**

Can Government state the number of items covered by GPMS prescriptions in the month of February 1999 in respect of which £2.50 was paid by patients to dispensing pharmacists and the total value of the medicines so dispensed and the comparable figure for 1998?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 290 to 295 of 1999.



ORAL

NO. 290 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - GPMS PRESCRIPTIONS.**

Can Government state the number of items covered by GPMS prescriptions in the month of March 1999 in respect of which £2.50 was paid by patients to dispensing pharmacists and the total value of the medicines so dispensed, and the comparable figure for 1998?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 289 and 291 to 295 of 1999.

ORAL

NO. 291 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - GPMS PRESCRIPTIONS.**

Can Government state the number of items covered by GPMS prescriptions in the month of April 1999 in respect of which £2.50 was paid by patients to dispensing pharmacists and the total value of the medicines so dispensed, and the comparable figure for 1998?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 289 to 290 and 292 to 295 of 1999.

ORAL

NO. 292 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - GPMS PRESCRIPTIONS.**

Will Government state how much revenue the GHA has raised up to 31st March 1999 as a result of Government's policy to increase prescription charges by 100%?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 289 to 291 and 293 of 1999.

ORAL

NO. 293 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA -GPMS PRESCRIPTIONS.**

Can Government give a breakdown of the prescriptions issued and the number of items covered by such prescriptions under the GPMS in the month of February this and last year?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 289 to 292 and 294 to 295 of 1999.

ORAL

NO. 294 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - GPMS PRESCRIPTIONS.**

Can Government give a breakdown of the prescriptions issued and the number of items covered by such prescriptions under the GPMS in the month of March this year and last year?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 289 to 293 and 295 of 1999.

ORAL

NO. 295 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - GPMS PRESCRIPTIONS.**

Can Government give a breakdown of the prescriptions issued and the number of items covered by such prescriptions under the GPMS in the month of April this year and last year?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

The claims submitted for the months of February and March 1999 are in the process of being checked and I am only able to provide the hon Member with provisional figures at this stage. The number of items covered by GPMS prescriptions in respect of which £2.50 was paid by patients and the total of medicines dispensed and the comparison in relation to £1.20 last year, is as follows:-

February 1999

No. of items - 9,660  
Cost of medicines - £87,707.60  
No. of prescriptions - 10,384  
No. of items - 30,355

February 1998

No of items - 13,701

I cannot give a cost of medicines because as I pointed out to the hon Member we are only calculating costs of medicines since August 1998 when we set up the Unit looking at that.

No. of prescriptions - 14,943  
No. of items - 34,280

March 1999

No. of items - 8,080  
Cost of medicines - £97,676.63  
No. of prescriptions - 12,124  
No. of items - 25,777

March 1998

No. of items - 16,495  
No. of prescriptions - 15,070  
No. of items - 43,946

April 1998

No. of items - 14, 753

No. of prescriptions - 13,294

No. of items - 38,161

The figures for the month of April are not available yet because not all accounts have been submitted. In this connection I would remind the hon Member of the answer I gave him in reply to Question Nos. 40 to 50 of 1999. With effect from April 1999, figures are kept on a weekly or period basis (13 periods of 14 weeks in every year) to avoid misleading figures appearing because of the fact that some months are made up of four weeks and the others of five weeks. When I have given statistics to the hon Member in the past there has been a marked difference between months and that is sometimes because of the five week issue.

It is estimated that the increased revenue as a result of the change in prescription fee amounts to approximately £70,000 for the period that was requested.

SUPPLEMENTARY TO QUESTION NO. 295 OF 1999

HON J J BOSSANO

The £70,000, is what, revenue of the Health Authority?

HON K AZOPARDI

I suppose the answer to that would be yes.

HON J J BOSSANO

The Minister should know if it is, or if it is not?

HON K AZOPARDI

Yes, the answer is yes.

NO. 296 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - CHIEF EXECUTIVE POST.**

Can Government state whether they have now reached a decision on the new salary for the post of Chief Executive of the Gibraltar Health Authority?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

No Sir, the matter is under consideration.

SUPPLEMENTARY TO QUESTION NO. 296 OF 1999

HON J C PEREZ

Can the Minister clarify whether when the late Mr Jackson was in post the present incumbent when acting for him used to get paid the acting allowance for the salary of the late Mr Jackson?

HON K AZOPARDI

I believe that was the case for the latter half of the acting. I think initially the answer was no but then the matter was corrected.

HON J C PEREZ

So, in fact, we have a situation where the person that has now taken the post has already been receiving remuneration to the level of the post as it was before in an acting capacity.

HON K AZOPARDI

Yes.



ORAL

NO. 297 OF 1999

THE HON J J GABAY

**HERITAGE - NUN'S WELL.**

Will the Minister for Heritage outline the agreement entered into with the Heritage Trust in respect of Nun's Well?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT

The Government agreed to lease the property known as Nun's Well to the Trustees of the Friends of Parson's Lodge Charitable Trust. In turn, the Trustees entered into a management agreement on 7th September 1998 with Mr Alex Durnall.

The purpose of the agreement is to provide for the management, refurbishment and sensitive development of Nun's Well as an attractive visitor attraction.

SUPPLEMENTARY TO QUESTION NO. 297 OF 1999

HON J J GABAY

Will the Government then be subsidising or funding the refurbishment of the site as part of the arrangements?

HON K AZOPARDI

I understand that the matter is under active consideration. My hon Colleague the Minister for Tourism is in discussion with the Trustees of Parson's Lodge on the matter.

HON J J GABAY

And furthermore, given the fact that it is in a prime tourist area and that the situation has been an eyesore for a long period of time, in the arrangements made, has a timescale been established?

HON K AZOPARDI

Obviously the lease and the agreement is subject to time and the management agreement, for example, has a five year term to it. Is that what the hon Member means? That is the term.

HON J J GABAY

The question is when are we going to see an improvement in the place and control of it so that we do not have simply to rely, on answering, that this is the result of vandalism. It also raises the question of what can be done positively to control that degree of vandalism?

HON K AZOPARDI

The hon Member will have seen by the sequence of agreements that I have outlined that this is not a Government project. This is now an agreement entered into by the Friends of Parson's Lodge Charitable Trust, which essentially are the same people as are in the Heritage Trust. They have now a lease, they hold a lease over the property and they can enforce those terms in the lease and enforce the terms of the management agreement as they see fit. We will see action there as soon as, no doubt, those gentlemen can possibly act in the matter. We share the hon Member's concern that there is vandalism on the site but he will appreciate that the Government do not hold the lease over the site and it is not a Government project. All we can do is consider actively, as we have done, to assist in funding but we are not in control of the matter.

HON J J GABAY

Am I right in assuming that no time scale has been established and furthermore, will the Government retain the right to end the arrangement if there is a long delay?

HON K AZOPARDI

I do not know, a lot of time has gone by. The agreement was entered into in October last year, the hon Member may be in a better place than I am to be able to judge how quickly the Heritage Trust can act in these matters. Obviously there are time clauses in the agreement themselves I think people need time to put matters in place. I am sure we will be vigilant and make sure that the purpose of the agreement is fulfilled to the maximum extent possible.

HON J L BALDACHINO

Does the agreement also cover the surrounding wasteland of Nun's Well?

HON K AZOPARDI

Yes. It covers the site itself plus an area around it demarcated in the lease itself.

NO. 298 OF 1999

THE HON J J GABAY

**HERITAGE - WORLD WAR II TUNNELS.**

In view of the possibilities of World Heritage Status, will Government devise plans for the promotion of World War II Tunnels, pursue the uncluttering of the City Walls and act on moving H.M. Prison from the Moorish Castle in its overall scheme?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

All those projects are desirable heritage and touristic projects that should be done whether or not Gibraltar pursues a bid for World Heritage Status. It is true though, that because the Government is eager to seek this status, the maximisation of as many of our heritage assets as possible becomes more important. It is also true, in the balance, that there are practical and financial obstacles that may hinder achievement of those desirable goals.

SUPPLEMENTARY TO QUESTION NO. 298 OF 1999

HON J J GABAY

In preparation for what is a landmark on the past world status and for which I genuinely feel that the Minister's work has been conducive to the success of the initiative, then might it not be possible in fact to plan for these major items, apart from the individual items which usually become fragmented? In every part of the world the city walls are virtually sacrosanct and we have remarkable city walls, they are in need of repair so that, for example as I have raised in the past, would it be possible for the Minister to start a project of using the stone blocks that are it seems abandoned in the slipway of what was Her Majesty's Dockyard and start the process of repairing. And in respect of the World War II Tunnels I think an initiative for a start might well be, does the Minister not agree, in re-creating the Eisenhower Command Post that existed during the war which has enormous tourist potential. Indeed, where the Prison is concerned, since the Dutch Magazine has been identified again might we not move in some positive way in this direction?

HON K AZOPARDI

The hon Member always puts a lot of points into his questions. I will try to answer some but forgive me if I do not answer all of them. In relation to the stones that lie at Gun Wharf I think the hon Member will be happy to note that we have now entered into an arrangement with the Heritage Trust that those stones are going to be moved from that site into their custody for them to assess for what heritage purpose they should be used and they will effectively administer and manage that stone and give them out for sensitive heritage developments So I think that is a positive point in relation to one of the issues the hon Member raises.

The hon Member is aware, because I spoke to him about it, that I envisage to follow, in relation to the World Heritage Bid, to have a supervisory commission plus a working group aimed at making a bid. I am working quite closely with that group to make sure that we have a strategy over the next six years. I already spoke to the Heritage Trust

about it and it will contain an overall view of what needs to be done in relation to heritage sites generally, but particularly, the hon Member should be aware that the working group set up that is helping me on that matter is indeed actively considering the possibilities of the World War II Tunnels and there is a meeting in the next couple of days scheduled with me to discuss that further. Obviously I join in his sentiment in relation to the uniqueness of our City Walls. The Government are keen to expose them, to make sure that they are beautified and that is why we enter into these continuing programmes. I think more work can be done in key areas and again, that will form part of a strategy we intend to develop in the next few months to tackle these important sites. It is clear that if we are to have a good chance to achieve World Heritage Status, we need to move in the next six years to be able to tackle these issues generally.

ORAL

NO. 299 OF 1999

THE HON J J GABAY

**WORLD HERITAGE STATUS.**

Will the Minister for Heritage convey in this House the appreciation of all Members to the various societies and individuals, past and present who have contributed in so many ways to that consciousness of our heritage that has made it possible to have Gibraltar placed on the UK list for submission to UNESCO as a step towards World Heritage Status?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

I am aware that several people have harboured a desire for some time that Gibraltar seek and obtain World Heritage Status. There are also many who have worked through the years to raise the level of awareness in matters of heritage. I would not wish to exclude anyone inadvertently so I will refrain from mentioning them by name. I would though pay tribute to those people connected with this effort and to the Heritage Trust in particular. I suppose as the hon Member is a former Chairman of the Trust I suppose he would like to be included in that praise also.

May I ask him now that I have this opportunity, to reciprocate by congratulating the Government for its sterling efforts that have ensured that Gibraltar has been placed on the British UNESCO list without which it would be impossible to contemplate an application for World Heritage Status.

SUPPLEMENTARY TO QUESTION NO. 299 OF 1999

HON J J GABAY

I currently share those sentiments and indeed I was going to make this. I am not so sure that I could globalise the compliment to the Government but I am really quite prepared to agree with them in respect of the excellent work done by the Minister for Heritage in moving in that direction.

ORAL

NO. 300 OF 1999

THE HON J C PEREZ

**IRISH TOWN - BEAUTIFICATION.**

Can Government state whether the pedestrianisation works at Irish Town are on schedule?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

The current phase of beautification works at Irish Town are on schedule. Parliament Lane though is behind schedule.

SUPPLEMENTARY TO QUESTION NO. 300 OF 1999

HON J C PEREZ

Can the Minister state when the works at Irish Town are scheduled to be completed and could he say whether Parliament Lane is a separate contract and whether there is a penalty clause in the contract which has now been effected as a result of it not being on schedule?

HON K AZOPARDI

I think that Irish Town was due for completion in general terms by about April/May so they are on target there. The only issue in Irish Town is I think, the issue of furniture which is awaited but that is a minor matter.

The contract in relation to Irish Town/Parliament Lane I believe to be part and parcel of the same contract. There are of course penalty clauses in relation to delay but I am not sure whether we will be able to enforce them because the delay itself is due to the renovation of infrastructural services and not really a cause of the contractor. It has been due to the delay in including salt and fresh water, sewage, telephone and electrical infrastructural services and the Project Managers themselves believe that it has not always been possible to determine beforehand the extent of services' replacement when discussing the programme of works with the contractor, so it may not be possible to enforce some sort of delay but that is a matter that will be looked at.

HON J C PEREZ

Would it be fair to say then that the Minister expects the works at Irish Town to be completed this month and could he give a date when he thinks Parliament Lane will be completed?

HON K AZOPARDI

If the hon Member means complete in the sense of having the furniture, I cannot give him that information because I am not sure when the furniture will come. This phase of Irish Town is more or less complete subject to that issue but the hon Member may be aware that the intention is to now extend the Irish Town works to do the north end

of Irish Town which has not been done. So, Irish Town itself in its entirety obviously is not complete but this phase is.

In relation to the Parliament Lane works, the project should have been completed in late April but we estimate that it will be completed in about three and a half weeks which really means that it will be about 8 to 9 weeks beyond completion date.

HON J C PEREZ

Could the Minister say whether the extension is going to be an extension to the existing contract or whether he intends to come out to tender again for the other part of Irish Town?

HON K AZOPARDI

I think that the Government really see this as part and parcel of a rolling beautification project which was always intended to take that side of Irish Town into account. It would really not make sense to go out to tender and we would see this as an extension to the current contract.

HON J C PEREZ

One can presume that when the Minister speaks of furniture we are talking about lamp-posts and pots?

HON K AZOPARDI

That is right.

HON J GARCIA

I start by declaring an interest as a daily user of Irish Town when is the north end of Irish Town due to be commenced?

HON K AZOPARDI

I think the stone work has been ordered and the position is we would like it to start as soon as possible. I think it was originally envisaged that we would run a back-to-back situation and so we will complete this in June and carry on immediately, but I cannot say to the hon Member whether that indeed will be the case because it has implications on the Casemates works. So, subject to Casemates, we intend to start as soon as possible once the stones are here in Gibraltar but that is the subject of a discussion at a meeting of the City Centre Beautification Committee that will meet quite shortly to finalise the date on which the works can happen.

HON J C PEREZ

Given the imminent vacation of Orange Bastion, would it not be more appropriate to look at the whole area together with whatever is going to happen in the site of Orange Bastion rather than just pedestrianise the road up to the end of Irish Town?

HON K AZOPARDI

I think the hon Member may be aware that when we exhibited the project it included the possibilities in relation to Orange Bastion, some sort of sunken playground area or garden area at Orange Bastion where the depot is now and also an entry through what is now the dead-end at the end of Parliament Lane right through to Queensway. That really is just a question of removing some stonework and one

would create a tunnel right through. Those ideas were already exhibited back in July last year, no adverse comments were received. That is Government's general intention but it is also true to say that those works are not programmed to take place immediately and I am not sure whether they will take place this year at all.

HON J C PEREZ

One would presume that that would be the subject of a separate contract and not an extension to the present pedestrianisation works, the part of Orange Bastion I mean.

HON K AZOPARDI

The Government have not taken a particular view in that because the designers who came up with those ideas at the request of the Government were more or less the same people who came up with the Irish Town re-paving project. So, that matter has not been decided as yet. I think we first need to decide whether we actually want to press the green button on those ideas and it involves discussions with other people like the Heritage Trust and so on.



ORAL

NO. 301 OF 1999

THE HON J L BALDACHINO

**ETB - WAGE SUBSIDY.**

Can Government state how much has been spent since 28th February 1999 to 30th April 1999 out of the £600,000 provided for wage subsidy in each month giving the number of employees receiving a wage subsidy and in respect of how many employers?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

The £600,000 referred to in the question relates to the financial year 1998/1999, in which there would not be a provision for April 1999.

However, the information is as follows:

February 1999	£28,599.68 spent in Wage Subsidy involving 43 employers and 59 employees.
March 1999	£18,647.86 spent in Wage Subsidy involving 31 employers and 42 employees.
April 1999	£17,666.77 spent in Wage Subsidy involving 30 employers and 46 employees.

NO. 302 OF 1999

THE HON J L BALDACHINO

**ETB - VOCATIONAL CADETS.**

Can Government state how much has been spent by the E.T.B. since 28th February 1999 up to 30th April 1999 out of £1.1 million provided for payments to Vocational Cadets, broken down between those employed by the E.T.B. and those with the Ministry of Education?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

As with Question No. 301 of 1999 the estimates relate to the financial year 1998/1999. However, the costs are as follows:-

February 1999	Employment - £25,529.75;	Education -£28,481.78.
March 1999	Employment - £24,695.79;	Education -£26,649.19.
April 1999	Employment - £18,963.23;	Education -£25,201.54.

SUPPLEMENTARY TO QUESTION NO. 302 OF 1999

HON J L BALDACHINO

Can the Minister confirm that on the question of education these are moneys paid to people who are doing some of the courses under that umbrella, is it?

HON J J NETTO

Yes.

HON J L BALDACHINO

And the one that is being paid by Employment are those classified as a Cadet which are on the work basis.

HON J J NETTO

Yes.

HON J L BALDACHINO

Therefore, immaterial of whether education or employment, everybody who is on a training place, is being paid out of that fund, is that correct?

HON J J NETTO

Yes.

NO. 303 OF 1999

THE HON J L BALDACHINO

**ETB - WORK CONTRACTS.**

Can Government state how many of the workers who have a work contract registered with the E.T.B. have a non-Gibraltarian address?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

Although our records hold the addresses of persons for whom the work contract is issued, I regret to say that we do not have a reporting facility which will analyse the data and return numbers of different categories. As with other requests, we will try to provide this information as soon as we are able to design such a report, if our systems allow these to be created.

SUPPLEMENTARY TO QUESTION NO. 303 OF 1999

HON J L BALDACHINO

Can the Minister then clarify when he gave me a figure in the last House of 1,471 Spanish workers when I asked for frontier workers, he has given me the nationality of the person immaterial of whether they were living across the border or here, it was just Spanish workers. Is that correct?

HON J J NETTO

I cannot recall now the previous question and the answer which I gave him so I could not refer to that right now.

HON J L BALDACHINO

Maybe I can refresh his memory, when I asked how many frontier workers were working in Gibraltar his answer was that he could not do that because even we did not carry out this survey when we were in government, but he could give me a figure of Spanish workers. The figure they gave me at the time was 1,471 which I presumed at the time, as I was asking for frontier workers, that those were Spanish workers who were living on the other side and working here. He has just said that he cannot give me figures because there is no provision of bringing out the address of the person, am I correct in assuming then that out of the 1,471 some of the Spanish nationals might be living here?

HON J J NETTO

The vast majority of Spanish workers do not reside in Gibraltar. The staff at the Ministry advise me that at the moment they cannot have a programme available to be able to extract this, given that we are talking about all work contracts registered with us ever since notice of the terms of engagement came into existence way back in 1991. This is the information I have available.

However, if it can be provided we will make it available to the hon Member.

NO 304 OF 1999THE HON J L BALDACHINO**ETB - HOTEL INDUSTRY.**

Can Government state in respect of each month since January 1999 how many vacancies were filled in the Hotel Industry giving nationalities and job titles?

ANSWERTHE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

The total number of vacancies filled from 1st January to 31st March 1999 is 18, of which 7 were Gibraltarians, 6 British 4 Spanish and 1 Moroccan. With regard to the job titles it is as follows:

Gibraltarians	Chambermaid	4
	Secretary	1
	Night Porter	2
British	Waiter	1
	Sales Manager	1
	Hotel Supervisor	1
	Receptionist	1
	Kitchen Hand	1
	Pool Attendant	1
Spanish	Chambermaid	1
	General Operative	2
	Waiter	1
Moroccan	Carpenter	1

SUPPLEMENTARY TO QUESTION NO. 304 OF 1999

HON J L BALDACHINO

Can the Minister state if any of the seven Gibraltarians employed in the Hotel Industry came from the Scheme or the courses that they were doing for the Hotels?

HON J J NETTO

I have not got that information available.

HON DR B LINARES

I have knowledge that three of the trainees have now found full permanent employment in the Hotel Industry but I am not too sure exactly whether in a Hotel or a Restaurant, but certainly in the Tourism Industry.

ORAL

NO. 305 OF 1999

THE HON J L BALDACHINO

**ETB - CAMMELL LAIRD.**

Can Government state how many of the 150 full time employees at Cammell Laird as at 11th February 1999 were Gibraltarians?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

Ninety-three.

NO. 306 OF 1999THE HON J L BALDACHINO**ETB - UNEMPLOYED GIBRALTARIANS.**

Can Government give a breakdown of male and female unemployed Gibraltarians aged 18 years and over, from the end of January 1999 to 31st March 1999 receiving:

- (a) Unemployment Benefit
- (b) Social Assistance;
- (c) No Payments.

ANSWERTHE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

The unemployment figures for persons over 18 receiving Unemployment Benefit, Social Assistance or receiving no payments during the period January to March 1999 is as follows

		<u>Males</u>	<u>Females</u>
January 1999	Unemployment Benefit	32	15
	Social Assistance	95	41
	No Payments	106	70
February 1999	Unemployment Benefit	14	9
	Social Assistance	79	38
	No Payments	95	84
March 1999	Unemployment Benefit	30	21
	Social Assistance	77	39
	No Payments	96	77

ORAL

NO. 307 OF 1999

THE HON J L BALDACHINO

**ETB - TERMINATIONS OF EMPLOYMENT.**

Can Government state how many terminations of employment on the grounds of redundancy there have been, broken down by month nationality and trade from 31st January 1998 to the end of December 1998?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

Answered together with Question Nos. 308 and 309 of 1999.

ORAL

NO. 308 OF 1999

THE HON J L BALDACHINO

**ETB - TERMINATIONS OF EMPLOYMENT.**

Can Government state how many terminations of employment on the ground of redundancy were there during the first quarter of this year, broken down for each month, nationality and trade?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

Answered together with Question Nos. 307 and 309 of 1999.



NO. 309 OF 1999

THE HON J L BALDACHINO

**ETB - TERMINATIONS OF EMPLOYMENT.**

Can Government state how many terminations of employment were received by the E.T.B. for each month from 31st January 1999 to 30th April 1999?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

Firstly, in relation to providing information of breakdown on nationality and trade, I have to say this is yet not available. We intend to create a computer programme once our technical man on computers returns from the UK where he is currently undergoing a course.

Lastly, the terminations received during the first quarter that is 1st January 1999 to 31st March 1999 is 779. Once again once the technical person arrives we will break down the information on a monthly basis.

SUPPLEMENTARY TO QUESTION NOS. 307 TO 309 OF 1999

HON J L BALDACHINO

Can I ask the Minister how reliable is the answer that he gave me in Question No. 100 of 1999? He gave me the Termination of Employment and it was broken down by months.

HON J J NETTO

On numbers yes, but the question as posed asks far more than what was previously asked.

HON J L BALDACHINO

Yes, in one of the questions and I think in all of them, I asked by month, nationality and trade.

HON J J NETTO

Oh yes I see, right But obviously as I said in the latter pan of my answer to the question, I did say that our technical man on computers has actually devised a programme to get information on a monthly basis. At the moment, given that he is not in Gibraltar, we have managed to get it on a quarterly basis but obviously you are asking the question to be provided as well on a monthly basis. That will be provided to the hon Member as soon as our technician arrives back in Gibraltar.

HON J J BOSSANO

If we are talking about how many terminations there have been, do they not have to count the number of weeks to get to 13 weeks? I do not see how it is possible to get

the information for three months without going each one of the three months to get there.

HON J J NETTO

The system as devised by our computer technician, the only person in the Ministry who understands all the various programmes, is not available at the moment. We have tried to get the information through a programme which they know only gives them on a quarterly basis, which I have given here. But the question requires the figures broken down by month. That will be done. But it will be done as soon as our technician is back.

HON J L BALDACHINO

Can he confirm then, if I have understood him correctly, that the information is within the system in the computer the only thing is that it cannot be brought out because they do not know which key to press. They need somebody who knows how to fiddle with the computer to bring it out.

HON J J NETTO

Yes, I have already stated that.

NO. 310 OF 1999THE HON J L BALDACHINO**ETB - WORK PERMITS.**

Can Government state the number of work permits issued from January 1999 to 30th April 1999 giving a breakdown for each month as follows:

- (a) New entrants;
- (b) Renewal;
- (C) Nationalities; and
- (d) Trader

ANSWERTHE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

The nationality and trades of work permits issued from January to March is as follows:-

January 1999 - 18 work permits issued.

New - 4	Hong Kong	2	Professional
	Isle of Man	1	Managerial
	Swiss	1	Professional
Renewal - 14	Moroccan	2	Semi-skilled
	Moroccan	7	Craft
	Swiss	2	Managerial
	Indian	2	Managerial
	Pakistani	1	Self-employed

February 1999 - 17 work permits issued.

New - 2	Hong Kong	1	Professional
	USA	1	Professional
Renewal - 15	Moroccan	9	Craft
	Moroccan	1	Catering
	Moroccan	2	Labourer
	Moroccan	1	Cleaner
	Indian	2	Managerial

March 1999 - 29 work permits issued.

New - 12	Swiss	2	Managerial
	Pakistani	2	Medical
	Cypriot	2	Managerial
	Thai	3	Professional
	Chinese	1	Professional
	Canadian	1	Professional
	South African	1	Managerial

Renewal - 17 Moroccan	6	Craft
Moroccan	1	Managerial
Moroccan	5	Semi-skilled
Moroccan	5	Unskilled

The information requested for April 1999 will be provided at the end of the second quarter of 1999.

SUPPLEMENTARY TO QUESTION NO. 310 OF 1999

HON J L BALDACHINO

The two Pakistani nationals - medical - were they employed by the Gibraltar Health Authority or were they in private?

HON J J NETTO

I would not like to give a categorical answer but I would dare say yes because the Health Authority do provide the information to the Ministry. I can look into the matter if the hon Member so wishes and I can confirm whether it is for the Health Authority. Does he want that?

HON J L BALDACHINO

Yes.

HON K AZOPARDI

I think that would have to be confirmed but I think the answer to that is yes because it is about the time we get the SHO's and I think the answer is yes.

NO. 311 OF 1999

THE HON J L BALDACHINO

**ETB - VACANCIES FILLED.**

Can Government state how many of the 4,021 vacancies filled in 1998 registered with the E.T.B. were newly created jobs, giving a breakdown by month and showing the nationality and trade of the employee, and those taken up by Gibraltarians. How many were at the time registered as unemployed?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

The extensive nature of the information requested by this question cannot be provided in the time available. The Ministry will endeavour to analyse the format of the question and identify whether our computer system provides the relevant variables to enable us to produce a reply with the delimiters requested.

I will write to the hon Member as soon as possible once we have an opportunity to look into this further.

SUPPLEMENTARY TO QUESTION NO. 311 OF 1999

HON J L BALDACHINO

Can the Minister then tell me, when he made a public statement saying that x amount of jobs had been created, new jobs had been created, where did he get the information from?

HON J J NETTO

I think the hon Member seems to be distorting the statements made by me. If I had said "newly jobs created" perhaps I would have suggested that they have been created because of a new firm. But he would have to be more specific as to when and where I made such a statement.

HON J J BOSSANO

Does the Minister still believe that there was a 22 per cent expansion in the employment market in 1998 which is one of the things he said in relation to the 421 vacancies. And if 22 per cent expansion does not mean more new jobs, what does it mean?

HON J J NETTO

It means as I said before, a number of things. It means that every single year, for 1998 for 1997 for 1996 and even prior to that, there is a number of jobs which are generated in the labour market. Many of those jobs do not necessarily mean new jobs. Some jobs are as a result of short-term employment, seasonal employment, employment due to people retiring and other people move into that. The fact of the matter is that my statement meant that in comparison with the previous year, under all

the factors which I have just stated, meant that there were far more jobs filled than there had been the previous year. That is what was meant.

HON J J BOSSANO

I see. So in fact, the Minister thinks that if lots of people get sacked in a year and lots of new people get employed in the jobs of the people who get sacked, that is a 22 per cent improvement in the labour market?

HON J J NETTO

I have not said that. I think the hon Member is twisting my words.

HON J J BOSSANO

The statement of the 22 per cent improvement in the labour market in terms of jobs filled surely is only something that one can be happy about if it means not that 4,021 have been sacked and 4,021 have been employed but that there are more people employed at the end of the year than there were at the beginning. Is that not the implication?

HON J J NETTO

No, the hon Member is focusing on a very narrow point here. It is not a that people are sacked and then people are replaced for the jobs they have been sacked. What my point was meant to be and is, that in relation to vacancies filled in that year there has been an expansion of vacancies filled from the previous years under all the categories which I have said and not the one that the hon Member chooses to identify.

HON J J BOSSANO

But, Mr Speaker, will the Minister accept that in fact, given the answer that was given previously of the number of jobs that terminated in that year the difference is that there was a figure of 4,021 which is only 365 jobs more than the jobs that were terminated. So would he not agree that that is hardly consistent with talking about a 22 per cent expansion of the labour market. Twenty-two per cent in relation to what?

HON J J NETTO

I do not agree with the statement of the Leader of the Opposition.

HON J J BOSSANO

Does the Minister not agree that that is the information he has provided in answer to the question. That of 4,021 jobs that were filled in 1998, were 365 jobs more than the number of jobs that he has told us were terminated that year. So the market did not expand by 22 per cent if anything it expanded by 365 jobs?

HON J J NETTO

He is trying to confuse the issue Mr Speaker. He brings now on the question of vacancies filled, the question of terminations. My statement for clarity meant that there were 22 per cent more vacancies filled in 1998 than the previous year. That is the issue.

HON J J BOSSANO

The question seeks to obtain information on newly created jobs because in fact if there is a 22 per cent in the jobs market, I would put it to the Minister that for any reasonable person that listens to the statement, there would be a natural assumption that the jobs market was bigger, not that there was a higher level of turnover of people becoming employed and unemployed.

HON J J NETTO

The hon Member knows from his time in government that the computer systems available and the systems available in the Ministry of Employment has never determined breakdowns for newly created jobs. I have, however, endeavoured in my original answer to look into the matter. But neither during our period of time nor his period of time has there been a process that from so many vacancies filled, so many have been newly created jobs. We have at different times said, well there has been a new firm that has come to Gibraltar, whether it is Cammell Laird or Victor Chandler and they have created new extra jobs. He is trying to find out the whole of a given year and by month, which are newly created jobs. That has never been the case. We shall endeavour to do it, we cannot do more than that.

HON J J BOSSANO

We know that it has never been the case but nobody has ever either claimed in the past, to my knowledge, that there was a 22 per cent expansion in the labour market. If one says it in a Government statement, "we are very happy that the labour market has grown by 22 per cent last year", then we are trying to find out where the 22 per cent growth is.

HON J J NETTO

Again, I do not recall saying that there had been an expansion of 22 per cent in the labour market. What I have said is that there was a 22 per cent increase of vacancies in relation to the previous year.

HON J J BOSSANO

Does the Minister recognise that in the light of the answer that he gave to Question No. 199, in fact there were 3,656 terminations of employment in that year, according to the information he gave us and that consequently the difference between the number of vacancies filled and the number of jobs lost was 365. So, in fact, the number of new jobs could not possibly be more than 365, or extra jobs anyway.

ORAL

NO. 312 OF 1999

THE HON J L BALDACHINO

**ETB - GIBRALTARIANS EMPLOYED.**

Can Government state how many of the 148 Gibraltarians employed during the month of January 1999 were already registered as unemployed with the ETB?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND works

Answered together with Question Nos. 313 and 314 of 1999.



ORAL

NO. 313 OF 1999

THE HON J L BALDACHINO

**ETB - GIBRALTARIANS EMPLOYED.**

Can Government state how many of the 148 Gibraltarians employed during the month of February 1999 were already registered as unemployed with the ETB?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

Answered together with Question Nos. 312 and 314 of 1999.

NO. 314 OF 1999

THE HON J L BALDACHINO

**ETB - GIBRALTARIANS EMPLOYED.**

Can Government state how many of the 173 Gibraltarians employed during the month of March 1999 were already registered as unemployed with the ETB?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

During the first quarter of 1999 the relationship of persons finding employment to those already registered as unemployed is as follows:-

January 1999	148 employed	63 previously registered unemployed
February 1999	148 employed	56 previously registered unemployed
March 1999	173 employed	62 previously registered unemployed

ORAL

NO. 315 OF 1999

THE HON J L BALDACHINO

**ETB - BRITISH NATIONALS EMPLOYED.**

Can Government state how many of the 48 British nationals employed during the month of January 1999 were new entrants to the local labour market?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

Answered together with Question Nos. 316 to 320 of 1999.

ORAL

NO. 316 OF 1999

THE HON J L BALDACHINO

**ETB - BRITISH NATIONALS EMPLOYED.**

Can Government state how many of the 51 British nationals employed during the month of February 1999 were new entrants to the local labour market?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

Answered together with Question Nos. 315 and 317 to 320 of 1999.

ORAL

NO. 317 OF 1999

THE HON J L BALDACHINO

**ETB - BRITISH NATIONALS EMPLOYED.**

Can Government state how many of the 50 British nationals employed during the month of March 1999 were new entrants to the local labour market?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

Answered together with Question Nos. 315, 316 and 318 to 320 of 1999.

ORAL

NO. 318 OF 1999

THE HON J L BALDACHINO

**ETB - SPANISH NATIONALS EMPLOYED.**

Can Government state how many of the 50 Spanish nationals employed during the month of January 1999 were new entrants to the local labour market?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

Answered together with Question Nos. 315 to 317, 319 and 320 of 1999.

ORAL

NO. 319 OF 1999

THE HON J L BALDACHINO

**ETB - SPANISH NATIONALS EMPLOYED.**

Can Government state how many of the 66 Spanish nationals employed during the month of February 1999 were new entrants to the local labour market?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

Answered together with Question Nos. 315 to 318 and 320 of 1999.

NO. 320 OF 1999

THE HON J L BALDACHINO

**ETB - SPANISH NATIONALS EMPLOYED.**

Can Government state how many of the 73 Spanish nationals employed during the month of March 1999 were new entrants to the local labour market?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

The information is as follows:-

January 1999	Total Spanish employed - 50, of which 40 were newly employed Total British employed - 48, of which 27 were newly employed
February 1999	Total Spanish employed - 66, of which 47 were newly employed Total British employed - 51, of which 31 were newly employed
March 1999	Total Spanish employed - 73, of which 50 were newly employed Total British employed - 50, of which 29 were newly employed



ORAL

NO. 321 OF 1999

THE HON J L BALDACHINO

**KING'S BASTION - REMEDIAL WORKS.**

Can Government state if the remedial works at King's Bastion have been completed and at what cost?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

The remedial works at King's Bastion have not been completed. Further structural remedial works are still outstanding. The cost to date of the works carried out by Gibraltar Community Projects is £10,000.

However, the above figure does not include labour costs given that this is not reflected in Gibraltar Community Projects Limited costings.

Perhaps I should add to the answer that the actual remedial works are continuing today. As I was driving to the House I saw employees of Community Projects actually continuing some of these works.

SUPPLEMENTARY TO QUESTION NO. 321 OF 1999.

HON J L BALDACHINO

So is it the intention to carry out the works because it has been stopped for about a month? The scaffolding was removed.

HON J J NETTO

Yes it is. In fact, that is precisely one of the things, the scaffolding is going up to provide immediate cover from a health and safety point of view, given that there were various pieces of masonry from the access walkways which was falling down and immediate cover would be to prop the whole thing up.

HON J L BALDACHINO

The £10,000 that has been spent to date, is it on materials that is being provided by Buildings and Works? Materials only?

HON J J NETTO

It is only materials yes. It does not cover labour.

HON J L BALDACHINO

And the scaffolding is it carried out by Gibraltar Community Projects or is it hired out? If so, who is paying for that Buildings and Works?

HON J J NETTO

I could not answer that supplementary question Mr Speaker. I have not got that information whether the scaffolding is being provided directly by Community Projects or whether they in turn hired it out. I can look into the matter and inform the hon Member.

HON J L BALDACHINO

How much would it cost to complete the works that need to be carried out there?

HON J J NETTO

I have not got that information with me into how much it will cost to complete the works. We have to bear in mind that when we talk about the works we are talking about work as a result of investigation of structural engineers from Support Services, who reviewed the matter and, therefore, they have said that certain works have to be carried out to ensure the safety of the people there.

HON J L BALDACHINO

So, there has been no costing whatsoever done for the job that needs to be done in King's Bastion, there has not been any costing whatsoever from anyone? Is that correct?

HON J J NETTO

This is, as I said before, work in relation of an emergency nature as opposed to any kind of maintenance work, as I understand it.

HON J L BALDACHINO

But if he refurbished something obviously there must be a costing or how much it is going to cost. Or that has not been done in this case?

HON J J NETTO

Yes, of course. At the end of the day every single penny spent will be accounted for.

HON J L BALDACHINO

All I am asking is, has there been a costing on King's Bastion works?

HON J J NETTO

The priority has been to secure the building and that has been determined, as I said before by the structural engineer in Support Services and once that has been deemed by him to be safe, the cost will be reflected.

HON J L BALDACHINO

I understand that that might have been an additional problem after the remedial work started. Obviously there was remedial work that began at some time, especially the top floor where it was painted and obviously when they came down I think what might have happened is what the hon Member is saying now, that due to security something else had to be done. But that was not what I am asking. What I am asking is, has there been a budget for this type of job apart from the findings afterwards when carrying out remedial works?

HON J J NETTO

No. The answer is no. There is no specific budget as such.

ORAL

NO. 322 OF 1999

THE HON J L BALDACHINO

**HIRE OF SCAFFOLDING.**

Can Government state how much has been spent on the hire of scaffolding, giving a breakdown of companies involved and the cost per month since 31st January 1998, and to which Head it has been charged?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

The cost incurred has been charged to Head 2B, Subhead 6, Housing Maintenance Materials and the total is £36,918.79. The breakdown by year, month and company is contained in the table which I have just passed over to the hon Member.

SUPPLEMENTARY TO QUESTION NO. 322 OF 1999

HON J L BALDACHINO

Is it the intention of Government to carry on hiring scaffolding, or to provide their own scaffolding at a future date?

HON J J NETTO

It is a two prong policy within Buildings and Works. On the one side yes, it is the intention of the Department to provide certain amount of scaffolding but it is also, and I think it is perhaps in another question in the order paper, that there will be a term contract on scaffolding given that many of the scaffolds that we need, every time that it is over a certain amount of money, it has to go to tender. That creates a lot of obstacles in the fluidity of getting jobs done, so want to have, and the tenders have been allocated and published in the papers in the last few days, we will have on the one hand scaffolding which we provide and erected by employees of Buildings and Works and there will also be additional to that a term contract.

HON J C PEREZ

Can the Minister state whether the costs that have been mentioned in his reply include labour in some instances or whether the scaffolding has been erected in all cases by Buildings and Works Department and taken down by the Buildings and Works or whether the labour cost is shown second.

HON J J NETTO

My understanding is that this includes labour from the contractor.

MR SPEAKER

I have got to intervene. The thing is that when you supply information, written information, that will not go into the Hansard unless you provide a copy to the Clerk.

HON J J NETTO

Here is a copy for Hansard.

		Hire-U-Shop	Chiara Ltd	Eurotec Scaffolding Works	TOTAL
1998	February	£ 382.14			£ 382.14
	March	£463.00			£463.00
	April				-----
	May			£2,450.00	£2,450.00
	June	£617.28		£1,380.00	£1,997.28
	July	£3,475.88			£3,475.88
	August	£873.57			£873.57
	September	£374.28			£374.28
	October	£2,730.85		£1,800.00	£4,530.85
	November			£4,134.00	£4,134.00
	December	£2,396.25	£375.00		£2,771.25
	1999	January	£3,977.16		£3,375.00
February		£2,593.83	£2,950.00		£5,543.83
March					-----
April		£2,570.55			£2,570.55
<b>TOTAL</b>		<b>£20,454.79</b>	<b>£3,325.00</b>	<b>£13,139.00</b>	<b>£36,918.79</b>

NO. 323 OF 1999

THE HON J L BALDACHINO

**IMPROVEMENT & DEVELOPMENT FUND - HEAD 101 HOUSING.**

Can Government state if all private companies that have been awarded a Government Tender under the Improvement and Development Fund Head 101 Housing, are keeping to the work schedule and price as per the tender submitted?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

The contract for the construction of the Homes for the Elderly, situated within the Edinburgh House complex, is running on programme with completions scheduled for July 1999. There has been a slight increase to the tender figure as a result of certain modifications requested subsequent to the award.

The works on the replacement of the balconies at MacFarlane and Willis's House are both 15 weeks behind programme. There has been an increase in the price of this contract due to the decision to replace the windows of these buildings, having been taken after the award.

The works on the external refurbishment of the buildings within the Edinburgh House complex are on programme with a completion date scheduled for July 1999. There has been an increase to the cost of this project from the inclusion into the contract of two additional blocks released by the MoD to the Government, after the award of the contract. In addition, certain additional and unforeseen works have also been undertaken.

The works on the refurbishment of 10 pre-war houses by Chiara are four months behind schedule due to substantial additional works that have arisen after the contract was awarded. The contract sum has been adjusted in accordance with the conditions of the contract.

With the works of the refurbishment of 62 Flat Bastion Road by Chiara Limited are four weeks behind schedule. There have been no adjustments to the tender price.

SUPPLEMENTARY TO QUESTION NO. 323 OF 1999

HON J L BALDACHINO

And all these contracts, I suppose they have penalty clauses, is that correct?

HON J J NETTO

Yes. All Government contracts have a completion date. If the contractor fails to complete the works by that date, he will be liable to liquidate and ascertain damages.

HON J L BALDACHINO

Am I correct that up by Calpe I think it is MacMillan or MacFarlane, the person who had the contract could not complete it and it was given to somebody else. Is that correct?

HON CHIEF MINISTER

No. The tender for the two blocks up at Calpe, Willis's and MacFarlane houses, are still being done by the company that won the tender. It is true that the Government have grown concerned about the length of the delays creeping into the contract and some aspects of the quality of the work that is being done under that contract and that the performance of the contractor is being very closely monitored by the Government officers responsible for that function and that indeed the Government have commissioned an independent report by professionals, surveyors and architects and engineers, as to whether the contract is being discharged in accordance with the right standards of specification. But the contract is still in the hands of the party that won it.

NO. 324 OF 1999THE HON J C PEREZ**PAYMENT TO BUILDING CONTRACTORS.**

Can Government state how much has been paid to building contractors in the last financial year giving a breakdown showing the amount paid to each contractor and in respect of which project?

ANSWERTHE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

The payments effected in the financial year 1998/1999 to building contractors for works carried out in specific projects are as follows:

101(1)	Chiara Ltd	Refurbishment of Prewar Flats	£ 155,000
101(1)	Chiara Ltd	Scaffolding at Alameda House	£ 20,250
101(1)	CIAP Const. Ltd	No.2 Convent Ramp	£ 15,202
101(1)	Chiara Ltd	Godley Mansions	£ 30,728
101(1)	Chiara Ltd	MacFarlane House	£ 27,288
101(1)	Balfour Beatty	302 Main Street	£ 54,823
101(1)	Chiara Ltd	Willis's House	£ 39,485
101(2)	Mackley Tricon & Cubiertas General Const.	Edinburgh House Refurbishment	£ 849,166
	Other direct suppliers		£ 8,621
101(4)	Profield Ltd	New housing for Senior Citizens	£1,463,925
	Other direct suppliers		£ 12
101(5)	Amey Construction Other direct suppliers	Varyl Begg Estate Garages	£ 65,790
	C Gaggero Ltd	£64,000	
	Western Isles Ltd	£ 984	
	CIAP	£1,020	£ 66,004
106(1)	H L Wilkie	Waterport Ferry Terminal	£ 229,813
106(4)	Whatley & Fosdike Fitzpatrick Ltd	Waterport Coach Park Health Centre Relocation	£ 63,953  £ 359,065
		TOTAL	£3,449,125



SUPPLEMENTARY TO QUESTION NO. 324 OF 1999

HON J C PEREZ

Can the Minister say why the controlled contractors are not included in the list? My question was not contractors in Buildings and Works, my question was contractors generally. I have the reply given to the same question last year which included the contractors other than those in Buildings and Works.

HON J J NETTO

It could be that the question as posed has been interpreted as building contractors which is different to civil engineering projects.

HON J C PEREZ

There was no difficulty last year in answering exactly the same question. I put the same question last year and I got a list of all contractors. This year I put exactly the same wording to a question and I only get the contractors in Buildings and Works. Would the Government undertake to give me those that are missing from the list?

HON J J NETTO

There is no problem whatsoever if he wants the additional works quoted.

HON J C PEREZ

Last year I put exactly the same question and I had a reply from the Government that listed all the contractors, not the ones solely related to Buildings and Works. For example, the Irish Town Pedestrianisation is not there, the Parliament Lane Pedestrianisation is not there. What I am asking is if whether over and above the information that has been made available will the Government endeavour to please supply the figures for all other contracts other than those mentioned in the reply?

HON CHIEF MINISTER

The hon Member is assuming that there are things missing from the list.

HON J C PEREZ

No I am not assuming, because if one looks at last year's Budget without referring to this year's, one looks at the works in progress and there are a number of contracts which have not been completed and we should have had a reply to this list already.

HON CHIEF MINISTER

Well the question says can Government state how much has been paid to building contractors and it may be that whoever has cobbled the answer together has limited the answer to building contracts as opposed to road contracts. Casting my eye down the list it is only the road beautification projects that are missing.

HON J C PEREZ

But I made the point of putting exactly the same wording as last year and last year there was no difficulty in interpreting the question.

HON J J NETTO

Can the hon Member recall what is the number of the question last year?

HON J C PEREZ

I do not recall the number and the date of each question that I have put over the last three years.

HON J L BALDACHINO

Under the refurbishment of Main Street (one of the flats I suppose it is) is that Balfour Beatty, the other company, not the one that made people redundant is that correct?

HON J J NETTO

Yes, I believe that to be the case.

ORAL

NO. 325 OF 1999

THE HON J C PEREZ

**LAGUNA ESTATE.**

Are Government aware that some blocks of flats at Laguna Estate have been without brackish water for long periods of time?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

There are no outstanding reports of any block of flats at Laguna Estate being without brackish water, either at the Buildings and Works reporting office or at Lyonnaise des Eaux.

SUPPLEMENTARY TO QUESTION NO. 325 OF 1999

HON J C PEREZ

I am not suggesting that there are flats at Laguna Estate without brackish water, my question is "Is Government aware that there have been flats without brackish water for long periods of time?" I am already aware that after those long periods of time works were being effected but the point I want to emphasise is that generally the complaint of the general public is that the division between whether the work belongs to Buildings and Works or Lyonnaise, which was there before Lyonnaise ever started, whether it was the Water Section of the Buildings and Works Section, continues to be there and frankly the person that has not got brackish water wants his or her brackish water connected as soon as possible and does not care whose responsibility it is. People have been thrown between, one department and the other before the repairs have actually got going and that is the point I want to emphasise to the Minister.

HON J J NETTO

Fine, but in answering the question the Government are not aware. What perhaps is a case which has caused disruption to tenants in the Estate could be the works some time back by Lyonnaise des Eaux to replace the mains pipes in the Estate. That is the only source of possibility that any inconvenience might have been caused. As far as the other point that the hon Member says in relation to whether this function belongs to Buildings and Works or Lyonnaise des Eaux, I take note of that. I think there is some truth in that, in that generally speaking not just in relation to Buildings and Works with Lyonnaise des Eaux but even between different Government Departments many times tenants simply do not know where to go whether it is something to be reported at Buildings and Works or the Electricity Department or various other Departments which in one way or another have different functions in the Estate So I do take note of that.

HON J C PEREZ

But the Minister is not aware that for example, Somerset House was without brackish water for three weeks.

HON J J NETTO

No, I am not aware.

HON CHIEF MINISTER

The hon Member would be right no consolation to the fact that I was without brackish water for one week in my home last month.

HON J C PEREZ

I do not consider that a consolation but the people in Somerset House might.

ORAL

NO. 326 OF 1999

THE HON J J BOSSANO

**ETB - SELF-EMPLOYED.**

What was the number of self-employed persons registered with the E.T.B as at 1st January 1999 and how many of these had:

- (a) been so registered prior to 1st January 1998;
- (b) commenced registration after 1st January 1998; and
- (c) renewed registration after 1st April 1998.

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

Answered together with Question Nos. 327, 328 and 329 of 1999.

ORAL

NO. 327 OF 1999

THE HON J J BOSSANO

**ETB - NUMBER OF EMPLOYMENT CONTRACTS.**

Can Government state what was the number of employment contracts registered with the E.T.B. as at 31st March this year and how many of these had:

- (a) been in existence prior to 1st April 1998
- (b) commenced since 1st April 1998 and
- (c) renewed since 1st April 1998.

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

Answered together with Question Nos. 326, 328 and 329 of 1999.

ORAL

NO. 328 OF 1999

THE HON J J BOSSANO

**ETB - NUMBER OF EMPLOYMENT CONTRACTS.**

What was the number of employment contracts registered with the E.T.B. in respect of private employers excluding Government owned and joint venture companies as at 1st January 1998 and 1st January 1999 giving in each case a breakdown by nationality of employee and showing the number already in existence before 1st January 1998.

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

Answered together with Question Nos. 326, 327 and 329 of 1999.

NO. 329 OF 1999

THE HON J J BOSSANO

**ETB - NUMBER OF EMPLOYMENT CONTRACTS.**

Can Government state what was the total number of employment contracts for Spanish nationals registered with the E.T.B. as at 31st March 1999 and of these how many had;

- (a) been in existence prior to 1st April 1998,
- (b) commenced after 1st April 1998, and
- (c) renewed after 1st April 1998.

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

Government can provide a reply for the information held in our system as at 31st March 1999. This is as follows;

All Nationalities	:	14,786
Spanish Nationals	:	1,388

With regard to self-employed, the figure will be provided once our computer technician returns from the UK.

The other components of these question, which involves tracking each of these persons back to a pre-described date, I am advised that our system is unable to do this and the manual effort required for this task is not justified.

SUPPLEMENTARY TO QUESTION NOS. 326 TO 329 OF 1999

HON J J BOSSANO

So, in relation to the recent legislation passed by the House imposing penalties for failure to inform the ETB when the contract was terminated, which is required by law within two weeks, in fact the Minister has no idea of how many such contracts there are, from what he has told me.

HON J J NETTO

I am not quite sure I understand the question. Yes, we do know how many contracts and the number of contracts is 14,786. In relation to the Bill, the extrapolation that the Leader of the Opposition seeks to get is simply a question where, I assume, that when the inspection is carried out by an Inspector, he will double-check that that particular person is registered in the Employment Service. That is a function that can easily be traced.



HON J J BOSSANO

What I am asking is, am I right in thinking from the reply that I have had to the original question, that in fact the Department has no idea how many of the 14,700 contracts are contracts in respect of which the people concerned are no longer working and the employer has failed to inform the ETB, which is one of the things that we legislated to penalise because they are required to go back and say to the ETB that the person has left.

HON J J NETTO

The reality and the hon Member will have realised that when I had a similar question some time back in terms to how many open contracts we have in the Ministry of Employment, from the top of my head I remember it was something like 17,000. The hon Member will realise that we have now gone down to 14,700. Partly it is because of the new procedures that came into operation on 1st April in relation to the £26 towards Insolvency Fund after every single entry in every given business. As a result of that major exercise, which is still going on, we have situation now that many of the employers who have not notified us in terms of terminations are now informing us or else they would have to pay the £26 in relation to that person. That is actually now bringing all the records of the Ministry of Employment and moving all that deadwood of terminations that should have been informed to us. However, for the avoidance of any confusion let me add that while the exercise is not complete and therefore I should imagine that the total number will drop, bearing in mind that not all Government Department employees are within the data base. That is another exercise that we intend doing, so that at the end of the complete exercise, which hopefully should be in the next couple of months, we should have as nearly possible accurate figures for all posts as opposed to persons within the data base.

HON J J BOSSANO

Is the Minister saying that 3,000 contracts have been removed because of the introduction of the payment of the Insolvency Fund levy at the beginning of the year?

HON J J NETTO

Not all. The hon Member will recall a similar question on terminations for 1998 but there was one particular month of 1998 which was far greater and that was because an exercise was being conducted in the registration section of the Ministry where there had been a number of businesses which had ceased and nobody was employed. So, in answer to the question, the main bulk would be as a result of the exercise which is being conducted in the Insolvency Fund but not necessarily totally as a result of this.

HON J J BOSSANO

Is that something that has happened after 1st April, because the answer he has given for the first three months of this year is that there were 793 terminations. So that does not suggest that there was any removal of an above average number - 793 in three months?

HON J J NETTO

As I said before it is not something necessarily that started just before 1st April. The number of terminations of 799 I think I gave for the first three months, is more or less in line on an average of the quarterly of the previous year. Perhaps, if one breaks it down it works out the same as for the month. There have been a lot of exercises by my staff in the registration sections to start pursuing many of the people who have

not been in employment. In fact, just to volunteer some additional information to the hon Member, another further element of adding to the verification of the total numbers of people in employment which we intend to do, is in relation to Income Tax, in relation to the terminations which we discussed here with the passage the of the Bill in the House, simply the basic elements of knowing the person and the company, we are working a system so that that basic information is communicated so that there is more interdepartmental information Not just between Income tax and ourselves but including Social Services eventually, and we can all share information and have far more accurate figures in this respect.

HON J J BOSSANO

The point is that for a very long time the figures from different sources have not matched. But the information that is being provided in answer to this question today does not seem to tally. As I understood it the 14,700 is on 31st March. If that is on 31st March and in the first quarter there has been a reduction of 793, which is the normal for the first three months of the year, then it does not suggest, I have not seen any other figure that is indicative of the drop from 17,000 to 14,000. Now, if the clearing up of dead contracts as it were happened after 31st March then surely the figure for 31st March cannot be right, no?

HON J J NETTO

Not necessarily after the 1st April. As I understand it, and I can have it checked out and inform the hon Member later on this is an exercise that has been going on before as well. There has been a lot of sharing of the deadwood even before 1st April.

HON J J BOSSANO

The 14,700 the Minister would expect, in the light of that answer, would already be fairly close to the figure that we would expect of contracts which are open because there are people still working or people that have not left a long timer is that the case?

HON J J NETTO

Bearing in mind the kind of movement there can be in any particular given year, but yes the answer would be that once this exercise is finished, hopefully in the next few months, we will have very accurate figures of contracts, hopefully in existing contracts, subject to certain variation of termination which the employer might notify us at the end of the year.

HON J J BOSSANO

Is there a system in that of the 14,700 contracts that they have got recorded, if the contracts are annually renewable, does the ETB identify the ones that ought to be renewed and have gone past the 12 months?

HON J J NETTO

Well, this will be happening now as a result of the new procedures, because we are talking about in relation to all employees in one period as opposed to the previous system which was on anniversary of the employment of the person. So if a company had 10 employees and the start date of the 10 were all different periods, it will mean that the contribution of the Insolvency Fund was at different times during the year. The new system will be all of the employees in relation to one date. So at the end of that particular year, there will be a reconciliation effect in relation to the contribution the employer has to pay and obviously it is an incentive for the employer to pass the information to us in the new system.

HON J J BOSSANO

I do not see how the new system is going to improve the situation. Is it the case that in the new system the employer pays at the beginning of the year and there is no way of knowing whether the people are still there until the same date the following year, that is to say, people have paid at the beginning of January 1998, is it the case that from the answer that has been provided that it will be on 1st January 2000 when the ETB will know whether those employees are still there or not?

HON J J NETTO

It is in the interests of the employer to provide information so that if a person leaves halfway through the year he would get a credit as opposed to not getting the credit for the following year.

HON J J BOSSANO

That is not a new element, that was there all the time. What I am asking is, in the new system, in the old system if he cares to go back and check he will be able to confirm to the House that it is correct. The law has always provided that if a person starts working in February the employer was required to pay for 12 months in advance and from the moment they came back and notified that the person was no longer working then they got a credit. But if they fail to come back and notify they did not get a credit so the incentive was that they stood to lose money by not coming back and informing the ETB. Presumably, what we are being told is that that will apply.

HON J J NETTO

That might well be the case but I can say that very few employers ever inform the department and the Department get the credits.

HON J J BOSSANO

Presumably the Department got the credits in the past and presumably they may well continue to keep the credits if the employer does not think it's worth the 50p or whatever to take the trouble of notifying it. Independent of that, what I am trying to establish, is the quality of the information provided. I have put four questions and I have been given one figure in answer to the four questions. The point I am trying to establish is, are we being told that the 14,700 open contracts at the moment at the end of March are, as I understand from the answer we have been given are, therefore 14,700 contracts in respect of which a contribution has been made to the Insolvency Fund by employers at the beginning of the year, is that correct?

HON J J NETTO

Yes.

HON J C PEREZ

The Minister asked whether I had any idea of the number of the question that was being discussed here on the list of contractors. From our papers it was No. 264 of 1998 if he wants to check it, and he will see that the wording of the question was exactly the same as it was this year except that last year it was answered by the Chief Minister. I have a copy for the Minister here.

NO. 330 OF 1999THE HON J L BALDACHINO**SOCIAL SECURITY - INSURANCE CARDS.**

Can Government state what was the number of social insurance cards in issue to males and females not previously in employment from 28th February 1999 to 30th April 1999 broken down for each month and giving the nationality?

ANSWERTHE HON THE MINISTER FOR SOCIAL AFFAIRS

The last figures given in answer to Question No. 102 of 1999 were for the period ending 31st January 1999. Therefore, for the period 1st February 1999 to 30th April 1999 the number of social insurance cards in issue to males and females not previously in employment from 1st February 1999 to 30th April 1999 giving nationality is as follows:-

		<u>Males</u>	<u>Females</u>
<b>Feb '99</b>	British/Gibraltarians	48	30
	Spanish	38	11
	Belgian	1	-
	Pakistani	3	-
	Irish	-	2
	Moroccan	1	-
	Egyptian	1	-
	<b>Total</b>		
		<u>Males</u>	<u>Females</u>
<b>March '99</b>	British/Gibraltarians	50	27
	Spanish	30	21
	German	1	-
	Moroccan	1	-
	Pakistani	2	-
	Cypriot	2	-
	Dutch	1	-
	Danish	1	-
	Indian	2	-
	Russian	1	-
	<b>Total</b>		
		<u>Males</u>	<u>Females</u>
<b>April '99</b>	British/Gibraltarians	28	31
	Spanish	19	21
	Malaysian	1	-
	Pakistani	1	-
<b>Total</b>			<b>101</b>

ORAL

NO. 331 OF 1999

THE HON J L BALDACHINO

**SOCIAL SECURITY - PENSIONERS.**

Can Government state what was the number of pensioners being paid or with entitlement to payment since 30th September 1998, broken down for each month from the Closed Long-Term Benefits Fund giving a breakdown of pre-1969 Spanish pensions and locally funded pensions showing the number of Gibraltarians/UK nationals, Moroccans and other nationalities?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

The following pensioners were in receipt of payments from the Closed Long-Term Benefits Fund from September 1998 to April 1999:-

	<u>Sept'98</u>	<u>Oct'98</u>	<u>Nov'98</u>	<u>Dec'98</u>	<u>Jan'99</u>	<u>Feb'99</u>	<u>Mar'99</u>	<u>Apr'99</u>
Pre-1969 Spanish Pensioners	8881	8958	8978	8980	8981	8982	8984	8988
British pensioners (Gib/UK nat)	4713	4706	4765	4760	4759	4756	4758	4759
Moroccan Pensioners	919	920	927	937	970	995	1023	1034
Other nationalities	256	258	274	271	276	282	281	284
<b>Total</b>	<b>14769</b>	<b>14842</b>	<b>14944</b>	<b>14948</b>	<b>14986</b>	<b>15015</b>	<b>15046</b>	<b>15065</b>

SUPPLEMENTARY TO QUESTION NO. 331 OF 1999

HON J L BALDACHINO

On the pre-1969 Spanish pensioners pensions being paid when will we expect the numbers to be falling. What year is it expected that we will have less people?

HON CHIEF MINISTER

The hon Member cannot possibly expect Government to know that without conducting an actuarial survey. I understand this is conducted from time to time but I cannot tell him off the cuff what the position is at the moment but we can certainly look at the latest one to see if it throws up the information that he seeks.

NO. 332 OF 1999

THE HON J L BALDACHINO

**SOCIAL SECURITY - OPEN/CLOSED LONG-TERM BENEFITS FUND.**

Can Government state what transfers have been made from the Open Long-Term Benefits Fund to the Closed Long-Term Benefits Fund giving the amounts and the month of each transfer since 30th September 1998?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

The transfers made from the Open Long-Term Benefits Fund to the Closed Long-Term Benefits Fund by month since 30th September 1998 are as follows:

September 1998	£850,000
October 1998	£950,000
November 1998	£750,000
December 1998	£1,100,000
January 1999	£250,000
February 1999	£950,000
March 1999	£800,000
	<u>£5,650,000</u>

NO. 333 OF 1999THE HON J L BALDACHINO**SOCIAL SECURITY - CLOSED LONG-TERM BENEFITS FUND.**

Can Government state what was the balance of the Closed Long-Term Benefits Fund since the 30th September 1998 for each month showing the amount from UK and local funds and the expenditure to former Spanish workers and to pensioners from local funds?

ANSWERTHE HON THE MINISTER FOR SOCIAL AFFAIRS

The information requested amounts to a long and complex table of dates and figures. It is too long and laborious to read out. I shall therefore hand a copy of it to the hon Member.

	<u>30-Sep-98</u>	<u>31-Oct-98</u>	<u>30-Nov-98</u>	<u>31-Dec-98</u>	<u>31-Jan-99</u>	<u>28-Feb-99</u>	<u>31-Mar-99</u>	<u>Total</u>
Opening Balance	£497,299	£522,891	£631,333	£546,458	£782,198	£241,491	£357,833	
Receipts from O.D.A.	£1,150,000	£500,000	£300,000	£1,520,000	£300,000	£410,000	£1,070,000	£5,250,000
Other Receipts	£3,693	£9,161	£6,124	£6,981	£4,083	£3,309	£2,704	£36,055
Spanish Pensions	(£1,109,058)	(£495,718)	(£308,258)	(£1,436,399)	(£329,758)	(£432,457)	(£1,060,113)	(£5,171,761)
Local Pensions	(£869,043)	(£855,001)	(£832,741)	(£954,842)	(£765,032)	(£814,510)	(£968,950)	(£6,060,119)
Transfers from the Open Long-Term Benefits Fund	£850,000	£950,000	£750,000	£1,100,000	£250,000	£950,000	£800,000	£5,650,000
Closing Balance	£522,891	£631,333	£546,458	£782,198	£241,491	£357,833	£201,474	

ORAL

NO. 334 OF 1999

THE HON J L BALDACHINO

**HOUSING - HOSPITAL HILL.**

Can Government state if the Housing Unit recently refurbished at Hospital Hill which rear faces the Old Police Barracks patio has been allocated?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

The unit in question has not yet been allocated.

SUPPLEMENTARY TO QUESTION NO. 334 OF 1999

HON J L BALDACHINO

Will it be allocated?

HON H CORBY

I asked for a report on the property concerned from Buildings and Works. My stand is to allocate and not to refurbish and I have been told by them that there is an initiative scheme that has been prepared to rectify the defects. I will be consulting with the Buildings and Works Department in order to assess if that is possible. If that is possible yes if it is not, then no.

HON J L BALDACHINO

But at one time the flat in question or the house in question because it is an independent house, was on offer to somebody was it not?

HON H CORBY

It was on offer to somebody and we are still waiting for that flat to be allocated. If that is not the case, we will issue a flat which is compatible to the family composition.

HON J L BALDACHINO

The person that the flat was offered to, did he refuse it for any particular reason?

HON H CORBY

No, he did not refuse. It was just that information came through of the dampness concerned and I did not want to allocate it to anybody in that state.

HON J L BALDACHINO

So the refurbishment that was carried out, what was it, it was not sufficient and therefore additional things have to be done to the flat? But once those are carried out it will be ready for allocation, is that correct? Is that analysis correct?



HON H CORBY

This is what I have to ascertain from the people in Buildings and Works who are the experts on it.

HON J J NETTO

My understanding from the information available in the Department is that the main problem in that particular house is that it is attached to a retaining wall and as a result of that there is a lot of humidity which has occurred in the house. There is an estimate already prepared with all the things that would need to be done hopefully to rectify that situation, and once that is done it will hopefully revert back to Housing and be allocated. That is the intention although we will have to wait and see whether the treatment in order to rectify that humidity will mean that the house will be habitable once the works have been completed.

HON J L BALDACHINO

But these problems came up after the Buildings and Works had passed the house to the Housing Department, is that correct?

HON H CORBY

That is correct, yes.

HON J L BALDACHINO

Therefore, am I also correct in assuming then that the cost initially that was allocated for refurbishment was spent on the house but after it went back then somebody came back and said it was not up to the standards required, is that correct?

HON J J NETTO

Yes, that is correct.

HON J L BALDACHINO

I do not know if the Minister has got the information there, but what was the initial cost that has been spent?

HON J J NETTO

I will have to find out and provide it to the hon Member. I have not got that with me here.

HON J L BALDACHINO

Seeing that he is so kind to provide me with the cost could he also provide me with what will be the cost of carrying out the repairs to the retaining wall?

HON J J NETTO

There is not such a thing Mr Speaker.

ORAL

NO. 335 OF 1999

THE HON J L BALDACHINO

**HOUSING - PRE-WAR FLATS.**

Can Government state how many pre-war flats have been allocated since 20th February 1999 broken down for each month to date?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

Since February 1999 to date a total of 11 pre-war flats have been allocated.

These can be broken down by month as follows;

February	-	2
March	-	5
April	-	4

ORAL

NO. 336 OF 1999

THE HON J L BALDACHINO

**HOUSING - POST-WAR FLATS.**

Can Government state how many of 47 vacant post-war flats stated in Question No. 111 of 1999 have been allocated giving room composition, area and method of allocation, e.g. waiting list, medical etc?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

Of the 47 vacant post-war flats stated in Question No. 111 of 1999, a total of 5 have been allocated.

The breakdown requested is as follows:

<b>Area</b>	<b>Room Composition</b>	<b>Method of Allocation</b>
North	3RKB	Approved Exchange
North	5RKB	Waiting List
West	2RKB	Medical 'A'
Town	3/4RKB	Decanting
South	3RKB	Waiting List

SUPPLEMENTARY TO QUESTION NO. 336 OF 1999

HON J L BALDACHINO

The remaining flats, have they been offered? The remaining from the 47 that have already been allocated, the Minister said 5, the 42 are they being offered? Are they with the Housing Agencies?

HON H CORBY

I have not got that with me but I will find out and give it to the hon Member for his information.

ORAL

NO. 337 OF 1999

THE HON J L BALDACHINO

Can Government state how many post-war housing units have been allocated since 20<sup>th</sup> February 1999 to date, broken down for each month and room composition?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

For the period 20<sup>th</sup> February 1999 to date a total of 17 post-war flats have been allocated.

These allocations can be broken down as follows:

February	-	1	1 X 2RKB
March	-	12	3 X 1RKB 2 X 2 RKB 5 X 3RKB 1 X 3/4RKB 1 X 5RKB
April	-	4	2 X 3RKB 1 X 3/4RKB 1 X 4RKB

ORAL

NO. 338 OF 1999

THE HON J L BALDACHINO

**HOUSING - APPLICATIONS.**

Can Government state how many housing applicants are medically recommended giving a breakdown of their room requirements and their medical category recommendation?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

There are 10 housing applicants that are also medically categorised. Of these 1 is medically categorised 'A', 2 are, medically categorised 'B' and 7 are medically categorised 'C'.

Their housing requirements are:

Medical 'A'	-	1 x 4RKB
Medical 'B'	-	1 x 3RKB 1 x 4RKB
Medical 'C'	-	2 x 2RKB 2 x 3RKB 2 x 4RKB 1 x 6RKB

SUPPLEMENTARY TO QUESTION NO. 338 OF 1999

HON J L BALDACHINO

Of the medical case 'A', none of the remaining of the 47 answered previously in Question No. 336 is suitable for this medical case?

HON H CORBY

I have not understood the question.

HON J L BALDACHINO

Seeing that we have got flats which are still vacant, especially in the Town area and the West, not the Town but the West and the North, none of them are suitable for the one medical categorised 'A'?

HON H CORBY

No. I am afraid not.

HON J L BALDACHINO

And none are suitable for those people who are at least medically recommended 'B'?

HON H CORBY

As the hon Member well knows, only people in category 'A' are given priority to housing. 'B's and 'C's are not.

HON J L BALDACHINO

I was not aware of that. I thought that the Housing Allocation Committee, because that is what the Scheme says and what the Housing Special Powers Ordinance says, that they are able to allocate in any of the categories according to their criteria.

HON H CORBY

They have not on the 'B's and 'C's.

NO. 339 OF 1999

THE HON J L BALDACHINO

**HOUSING - APPLICATIONS.**

Can Government state how many applicants are in the Housing Pensioner Exchange List?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

There are 375 persons on the Pensioner Exchange List.

SUPPLEMENTARY TO QUESTION NO. 339 OF 1999

HON J L BALDACHINO

Obviously, the flats that are being newly-built for the health list will not be able to cater for all of them.

HON H CORBY

No. What we do is if they are pensioners, we try to deal with it through the Housing Section as well but some of them will come into the category level, they will be given houses in the Bishop Canilla House when that is ready. But we sympathise with these people and we try our utmost to accommodate them when there are flats available.

HON J L BALDACHINO

These are not only persons who are on the waiting list but these are the people that because of their age, there might be some who are not on the waiting list but living in private accommodation. In other words there are some people who might not release anything to the Government.

HON H CORBY

No that has been taken into account and in our press release we said that we would take into account people of that calibre which would go to Bishop Canilla if the case merits sending them to Bishop Canilla even if they are in private accommodation.

ORAL

NO. 340 OF 1999

THE HON J L BALDACHINO

**HOUSING - EDINBURGH HOUSE.**

Can Government state the total and living areas in sq ft or m<sup>2</sup> for each of the categories of the flats at Edinburgh House?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

There are 111 x 3RKB flats with average living area of 552 sq ft, 93 x 4RKB flats with an average living area of 654 sq ft and 4 x 5RKB flats with an average living area of 891 sq ft.

SUPPLEMENTARY TO QUESTION NO. 340 OF 1999

HON J L BALDACHINO

Are the figures the Minister has given the total of the areas?

HON H CORBY

The total of the areas.

HON J L BALDACHINO

Because my question asked for the total on living area. The living area excludes the corridors, kitchen and the bathroom and the balcony.

HON H CORBY

Well, the living area is the living area where the people live. Those are living areas as far as I am concerned.

HON J L BALDACHINO

The living area is the only one that counts for rents and rates, has the Minister got the information and can he get it if he has not got it and pass it on to me?

HON H CORBY

I thought the living area is where one lives in the house.

HON J L BALDACHINO

I will explain. A flat of 3RKB, for example, the total area is what the Minister thinks should be the living area, in other words the whole of the house and the living areas are those that exclude corridors, bathroom, kitchen and the balcony. This is what the



rent is based on. All I want is the living area which the Housing Agency will base its rent on.

HON H CORBY

I will give that information to the hon Member.

NO. 341 OF 1999

THE HON J L BALDACHINO

**HOUSING - EDINBURGH HOUSE.**

Can Government state when the allocation of Edinburgh House will start?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

The contract that was signed by the Government and the successful tenderer envisaged that the external works to 176 flats will be completed by July 1999. Subsequent to this, the MOD released two blocks of a further 32 flats and these works are scheduled to be completed by September 1999.

It is the policy of the Government to allocate the 176 flats as soon as the works are completed and the same applies to the other 32 flats. Although I will not commit myself to a date because there are other issues in as far as parking, lighting, wastage and all the rest.

SUPPLEMENTARY TO QUESTION NO. 341 OF 1999

HON J L BALDACHINO

The date of July, which is the date that the Minister gives, did he say that the flats would be allocated not all in one go? In a press release, I think it was, or in an interview, he said that they would be allocated as the blocks were finished. That is no longer the case is it?

HON H CORBY

No, we are doing it in one phase and then the second phase which is the other two blocks that were given.

HON J L BALDACHINO

Is this because of the inconvenience of having people being allocated a flat there whilst works are carried out or is it because of another reason?

HON H CORBY

There are reasons for it. The reasons are first of all the security in as far as giving two blocks and the men still working in the area which can cause an accident. The other is that we had to put in all the infrastructure in as far as lighting, parkings, green areas and all the rest and that also has slowed down the process of allocation.

HON J L BALDACHINO

Is there any block which has been completed at this stage or they are still all being worked on?

HON H CORBY

There is one block which was the one holding the show flats which has been completed but there are still works being carried on in the blocks and outside the blocks, the water piping and all that electricity, meters and all the rest.

ORAL

NO. 342 OF 1999

THE HON J L BALDACHINO

**PRISON - NUMBER OF INMATES.**

Can Government state what was the number of Gibraltarians and other different nationalities held in Prison since 30th September 1998, broken down for each month?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

The information requested amounts to a long and complex table of dates and figures. It is too long and laborious to read out. I shall therefore now hand a copy of it to the hon Member.

NATIONALITY	Sep-98	Oct-98	Nov-98	Dec-98	Jan-99	Feb-99	Mar-99	Apr-99	May-99
British (Local)	10	10	11	7	7	7	6	2	1
British (U.K.)	5	5	3	1	1	3	5	3	4
Spanish	11	11	11	9	9	11	9	11	12
French	1	1	1	1	1				
Moroccan	6	3	1	3	2	1	1	1	1
Belgian								1	
German		1					1		
Portuguese						1			
Austrian							1		1
Italian	2	2							
U.S.A.							1	1	1
Algerian					1	1			
Sierra Leone								1	1
<b>TOTALS</b>	<b>35</b>	<b>33</b>	<b>27</b>	<b>21</b>	<b>21</b>	<b>24</b>	<b>24</b>	<b>20</b>	<b>21</b>

ORAL

NO. 343 OF 1999

THE HON DR J J GARCIA

**TOURISM - ALGECIRAS PORT AUTHORITY.**

Has any approach been made to Government or are Government aware of any approach being made to the tourist trade in Gibraltar by the President of the Algeciras Port Authority to work together to attract cruise business?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The Government have not been approached nor is it aware of any approach being made to the tourist trade by the President of the Algeciras Port Authority to work together to attract cruise business.

SUPPLEMENTARY TO QUESTION NO. 343 OF 1999

HON DR J J GARCIA

The question was tabled because of the general feeling that any development of Algeciras in this field would be to the detriment of Gibraltar. Do the Government agree with that?

HON CHIEF MINISTER

Well, to the extent that there is a finite amount of cruise business about. The more ports there are competing to attract those cruise ships the more competition to which each port is subjected. On the other hand, I do not think that Algeciras as a touristically attractive port of call is going to represent a tremendous challenge or competition to Gibraltar. Clearly it could be used as a port of call from which passengers then bus to elsewhere, that sort of call. Gibraltar I think still holds its own, I do not see Algeciras taking business away just as today the business that Algeciras could do of that sort is today being done by Cadiz and Malaga where cruise ships put in. Tourists do not stay in the city of Malaga, they get bussed from there and other places far away.

HON DR J J GARCIA

I thank the Chief Minister for his reply. Do Government think what the President of the Port Authority had in mind was actually the opposite, that is to say, to bring people to Gibraltar and then bus them to Algeciras which for me was a ridiculous concept because if people come here one wants them to stay here and that was really the purpose of the question just to see whether any approach had been made.

HON CHIEF MINISTER

Yes, that would be a different factor altogether. I think that ships that are now presently calling in at Gibraltar to allow their passengers to visit Gibraltar suddenly started putting in at the port of Algeciras and that passengers were then bussed into Gibraltar, that would be a matter of concern. The Government have no reason to suppose that that is on the cards and ways will have to found to frustrate it if it became a serious threat but my understanding is that the service that is offered in the Port of Gibraltar, with the exception of the transport issue which remains outstanding, other than that, the service that is offered in the Port of Gibraltar compares very favourably with the service offered in Algeciras.

ORAL

NO. 344 OF 1999

THE HON DR J J GARCIA

**TOURISM - SCHEDULED FLIGHTS.**

What was the number of seats used by arrivals on scheduled flights from UK in each month of 1998?

ANSWER

THE HON MINISTER FOR TOURISM AND TRANSPORT

Answered together with Question No. 347 of 1999.

ORAL

NO. 345 OF 1999

THE HON DR J J GARCIA

**TOURISM - SCHEDULED FLIGHTS.**

What was the number of seats used by arrivals on scheduled flights from UK in February, March and April 1999?

ANSWER

THE HON MINISTER FOR TOURISM AND TRANSPORT

Answered together with Question No. 346 of 1999.



NO. 346 OF 1999

THE HON DR J J GARCIA

**TOURISM - SCHEDULED FLIGHTS.**

What was the number of seats used by departures on scheduled flights from UK in February, March and April 1999?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The number of seats used in respect of arrivals and departures on scheduled flights from UK between February and April 1999 were as follows:

<u>000's</u>	<u>Arrivals</u>	<u>Departures</u>
February	6.3	5.6
March	8.1	7.0
April	7.8	8.7

ORAL

NO. 347 OF 1999

THE HON DR J J GARCIA

**TOURISM - SCHEDULED FLIGHTS.**

What was the number of seats used in departures by scheduled flights from UK in each month of 1998.

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The information requested is contained in the 1998 Air Traffic Survey which has just been laid in the House.

ORAL

NO. 348 OF 1999

THE HON DR J J GARCIA

**TOURISM - ARRIVALS BY AIR.**

What was the number of tourist arrivals by air staying in Gibraltar for February, March and April 1999?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

Answered together with Question No. 349 of 1999.

ORAL

NO. 349 OF 1999

THE HON DR J J GARCIA

**TOURISM - ARRIVALS BY AIR.**

What was the number of tourist arrivals by air in transit for February, March and April 1999?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The number of tourists who arrived by air and stayed in Gibraltar between February and April 1999 were as follows;

VISITOR ARRIVALS BY AIR

1999

February	2,715
March	3,167
April	3,042

The number of tourists arriving by air in transit between February and April 1999 were as follows:

IN TRANSIT PASSENGERS

1999

February	2,386
March	3,399
April	3,255

SUPPLEMENTARY TO QUESTION NO. 349 OF 1999

HON J J BOSSANO

In respect of the information in the report that has been tabled, can the Minister confirm whether there is any change in the numbers that are excluded because they are in transit from the way the table has been calculated for previous years or is it being done in exactly the same way, so as to be able to compare?

HON J J HOLLIDAY

As far as I am aware they have been calculated in exactly the same way.

ORAL

NO. 350 OF 1999

THE HON DR J J GARCIA

**TOURISM - HOTEL BED NIGHTS SOLD.**

Can Government give the hotel bed nights sold in August 1998?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

Answered together with Questions Nos. 351 to 354 of 1999.

ORAL

NO. 351 OF 1999

THE HON DR J J GARCIA

**TOURISM - HOTEL BED NIGHTS SOLD.**

Can Government give the hotel bed nights sold by month in January, February, March and April 1999?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

Answered together with Questions Nos. 350 and 352 to 354 of 1999.

ORAL

NO. 352 OF 1999

THE HON DR J J GARCIA

**TOURISM - NUMBER OF ARRIVALS IN HOTELS.**

Can Government give the total number of guest arrivals in hotels for 1998 on a monthly basis and the total for the year?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

Answered together with Questions Nos. 350, 351, 353 and 354 of 1999.

ORAL

NO. 353 OF 1999

THE HON DR J J GARCIA

**TOURISM - AVERAGE LENGTH OF STAY IN HOTELS.**

Can Government state the average length of stay in hotels for each month of 1998 and the global average for the year?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

Answered together with Questions Nos. 350 to 352 and 354 of 1999.



NO. 354 OF 1999THE HON DR J J GARCIA**TOURISM - PERCENTAGE OCCUPANCY IN HOTELS.**

Can Government give the percentage occupancy of hotels for each month of 1998 and the total average percentage occupancy for the year?

ANSWERTHE HON THE MINISTER FOR TOURISM AND TRANSPORT

The guest nights sold at hotels for August 1998 stood at 15,571.

Hotel bed nights sold between January and April 1999 were as follows:

January 1999	8,447
February 1999	8,976
March 1999	13,250

The April 1999 figure is not yet available since all hotels have not made the relevant returns as yet.

The number of arrivals at hotels, their average length of stay and the percentage occupancy of each month of 1998 were as follows:

Arrivals

January	2,998
February	2,764
March	3,016
April	3,369
May	3,756
June	3,519
July	3,355
August	4,180
September	4,163
October	4,158
November	3,602
December	2,750
TOTAL	41,620

The average length of stay per night per person is as follows:-

January	2.48
February	3.20
March	3.65
April	3.21
May	3.30
June	3.65
July	3.74
August	3.73
September	4.05
October	3.49

November	3.46
December	3.34
Annual Average	3.47 (rounded up)

Length of Stay  
The percentage occupancy:

January	24.8
February	35.4
March	38.8
April	42.4
May	45.6
June	45.9
July	43.9
August	54.4
September	59.6
October	50.2
November	43.8
December	32
Annual Average	43.1

SUPPLEMENTARY TO QUESTION NOS. 350 TO 354 OF 1999

HON J J BOSSANO

Is the average number of days in the hotels based on the bed nights sold recorded by the hotels or on the response from questionnaires of people coming in?

HON J J HOLLIDAY

My understanding is that it is based on the report that has been sent by the hotels which is precisely why earlier on in the answer I did say that the figures for April were not available. Some hotels have actually not made relevant returns.

NO. 355 OF 1999

THE HON DR J J GARCIA

**TOURISM - HOTEL ASSISTANCE SCHEME.**

How much money have Government paid to hotels to 31st March 1999 in loans and grants from the Hotel Assistance Scheme in chronological order with a breakdown giving the name of the hotels and the amounts paid?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The total amount paid to hotels by Government up to 31st March 1999 in loans and grants under the Hotel Assistance Scheme is as follows:

Loans	£ 450,574
Grants	£2,619,722
TOTAL	£3,070,296

I do not consider it proper to give the detailed information requested by the hon Member. Different hotels have been assisted to a different degree. I can nevertheless write to the hon Member and provide him with the details he requests, on a confidential basis.

SUPPLEMENTARY TO QUESTION NO. 355 OF 1999

HON DR J J GARCIA

I would be grateful if the Minister could write with the information.

HON A ISOLA

Am I right in saying that the Minister said £450,000 in loans and £2m in grants.

HON J J HOLLIDAY

The hon Member is correct. I am afraid that there has been a typing error when typing out the answers. The loans total should be £2,619,722.

ORAL

NO. 356 OF 1999

THE HON DR J J GARCIA

**TOURISM - INTERVIEWS.**

Can Government state the number of persons who have been interviewed since February 1999 who said they had stayed in an hotel, how many were interviewed at the airport and how many were interviewed at the land frontier, and in each case what was the average length of stay in hotels?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

Answered together with Question No. 357 of 1999.

NO. 357 OF 1999

THE HON DR J J GARCIA

**TOURISM - INTERVIEWS.**

Can Government state how many interviews with persons staying at hotels have been carried out since February 1999, giving the number of persons interviewed and the date of such interviews?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The number of persons who have been interviewed since February 1999, who said they had stayed in an hotel, interviewed at the airport and land frontier, together with their average length of stay in hotels was as follows:

At the Frontier, number of interviews and average length of stay:

February	2 persons	2.5 days
March	7 persons	2.6 days
April	1 person	2.0 days

At the Airport, number of interviews and average length of stay:

February	20 persons	5.5 days
March	20 persons	7.2 days
April	20 persons	6.5 days

The number of interviews with persons staying at hotels carried out since February 1999, giving the number of persons interviewed was as follows:

February 1999	22
March 1999	29
April 1999	23
TOTAL	74

Insofar as the date of the interviews were concerned It has not been the practice to give such detail in response to similar questions asked in the past on this matter. I do not believe the information is material. What I can assure the hon Member is that interviews are now being carried out at more regular intervals during each statistical period, as I am informed that this was the case prior to 1996.

SUPPLEMENTARY TO QUESTION NOS. 356 AND 357 OF 1999

HON J J BOSSANO

Given the controversy surrounding the reliability of the tourist expenditure figure on the basis of responses to interviews, would the Minister not agree that the numbers, particularly at the frontier, do not provide a basis upon which reliable estimates of hotel occupancy can be made?

HON J J HOLLIDAY

I think that possibly the number of people that are being interviewed is not as high as one would like but at least there is a spread of interviews being carried out over a period of time, whilst in the past I am led to believe that the number of interviews actually being carried out was possibly not as high as these, I would not be able to give a concrete statement on this, but at least they are not consolidated into one particular period like they were in the past. I understand that the practice before was to select two or three days and carry out a number of interviews over a period which basically does not give weighted averages over a period of time. So although I accept that possibly the number of interviews should be higher in order to give a more accurate representation of the statistics the actual spread is probably more adequate than it was in the past.

HON J J BOSSANO

Given that a very long time ago the Minister studied economics I do not see how he can talk about weighted averages when we are talking about one person in one month and two persons in another. The weighted average would presumably be one and a half person. The point I am making is that if we are talking about five million people crossing the frontier and asks one person out of, or even five or ten or twenty or even 100, would he not agree that the established statistical methods always indicate a very high level of potential error when the sample is very small in relation to the population. Therefore, on the basis of these samples, does the Minister not agree that if there is a discrepancy between this and the information provided by hoteliers, it is not unreasonable to assume that the information of the hotelier is more accurate than what one person said or two people said at the frontier.

HON J J HOLLIDAY

I think this is possibly correct but the reality of the situation is that I do not think that this is any better or worse than it has been in the past. Obviously the sample being as small as it is increases the chances of not having proper reliable statistics available but that is unfortunately what the numbers are in terms of interviews and it is something that is being addressed. I am not satisfied with the level of interviews that are being carried out in order to provide reliable statistics but obviously that will be improvements for the future. As we report today on this matter, it is no better and no worse than it has been in the past.

HON J J BOSSANO

Given that it has been done by the same people or by the same person I am not surprised that it is no better and no worse but the whole point is not whether it is better or worse, it is that if in fact the results of the interviews happen to be fairly close to the result of the response of the hoteliers then one would say that probably it is right but if there is a huge gap in the results, would the Minister not agree that on the basis of this information, it would indicate from people across the frontier a drop in hotel occupancy because I think the average last time was 4 days, in the last figures that we discussed in this House when the discrepancy was that there was supposedly 200,000 bed nights sold in hotels and can I also ask him whether the extrapolation of this to visitors from Morocco is still the practice? That is, that we ask one man at the frontier and not only do we assume that five million have done the same as he has but also all the people who arrived from Morocco by ferry did the same as that one person did when he crossed the frontier. Is that still the methodology?

HON CHIEF MINISTER

It is all very well for the hon Member to start by saying that is not the point, the point is that as he quite rightly says, these statistics are produced by the same person that used to produce them in his time using the same techniques and that we put them to the same use we publish them as automatically as he used to publish them, because the law requires them to be published and I suppose that he regards the figures, or he used to regard the figures when he used to use them publicly, with the same jaundiced eye as he is now inviting us to look at them. Therefore, the issue really is not who prepares the figures but whether it is fair. I can see that is always legitimate for an Opposition even if they have in the recent past been in government to say, "well look, the fact that we did not do something to improve a system is not a good reason why you should not do it", and of course I can accept that. But it is I think less than fair for the hon Member to implicitly aim criticism at a system over which he presided for eight years and for one reason or another did not get round to improving. We are now trying to improve it we accept we have not yet made any significant headway in the improvement of the statistics, there is a question later on in the order paper which will give us an opportunity to discuss further what the Government are doing by way of improving generally the economic reporting and the statistical reporting of Government but in the meantime we are all Government, Opposition and everybody in this House, stuck with a rather unsophisticated system of information collation and analysis that we have always had.

HON J J BOSSANO

I am not disputing that but what we have not always had have been statements assuming that there was almost a biblical truth in these figures accusing anybody that questions their legitimacy or accuracy as being all sorts of heinous crimes at misleading public opinion, distorting information and all the rest In fact all I am saying is that because there is no difference in the reliability now to the eight years when the GSLP was there or the 20 years when the AACR were there before what nobody else did before but what was done in the last years by the Minister for Tourism, was to say the figures of this grossed up are a reflection of the wonderful success of our strategy. Well if they were a reflection of the wonderful success of their strategy then they would have had to have had a degree of accuracy that they have never had before in the history of Gibraltar. If in fact he were to attach this year, from the early indications which I am inviting him not to but if he were to attach the same reliability to the figures he would have to announce a disastrous regression from his height of achievement of last year because, as I said, even just talking about the difference between an average of 2.4 staying the night and 4 staying the night when the record is replied by hundreds of thousands, the figures would show that this year the results have been very poor. It would be a bigger mistake, I would put it to the Member to suggest that it is collapse of tourism this year as it was last year when we were quarrelling about it, that it was a huge success that is the point.

HON CHIEF MINISTER

There are two points. First of all the exchange that we are now having about the reliability or the degree of reliability of these statistics should not be confused. There are different figures of different degrees of reliability in these statistics. We are discussing specifically statistics which emerge from samples which are sought but there are other statistics in the Employment Surveys which are accurate. So, I just want to say that as a caveat lest anyone should report us subsequently, as Government and Opposition agreeing that all statistics are inaccurate, the Government do not conceive that all statistics are inaccurate. The Government consider that most statistics are accurate. Some statistics, this one for example, by virtue of the technique by which they are collated, are necessarily less reliable than others.

As I recall what he calls the quarrel last year, it stemmed from the fact that the hon Members were pretending that there had been no improvement or no significant improvement in the tourism performance and I think the political position of the Government at that time was that everybody else appeared to be recognising that there was and from then we found ourselves very quickly in a statistical debate about whether the progress could have been as large as the figures they used towards the statistics the report suggests. Well, that is a matter of degree, Government are satisfied that its tourism policies are yielding results. Most operators in the industry believe that that is so and frankly the statistical debate may be of great interest to the hon Member. What is important to the Government principally, is that the industry should recognise that there is momentum in the progress of the Government's tourism policy.

HON J J BOSSANO

Would the Chief Minister not agree that the reference which I made before was that the Minister for Tourism told the House last year, "of greater significance is the fact that tourism staying for the same period by persons staying in our hotels more than doubled from 8 million to 17 million". It is not simply a question of degree if it goes up from 8 to 9 or 8 to 17, it is 110 per cent increase which is being claimed, particularly if the claim is that such results are not the consequence of shaky statistical collections but the result of hard work, effort and commitment. Now, if he imports 17 million last year by his hard work, effort and commitment than I am going to put it to him that the implications of the figures he has given today is that it is now back at eight or nine million, it would presumably mean that he has worked half as hard this year as he did last year.

HON CHIEF MINISTER

The important thing to bear in mind is that these are not extrapolations that the Government make at a political level, the fact is that these are published statistics, published by the administrative machinery that collates them and they are in the public domain to be used and to be criticised in equal measure when they fall into one category or the other. We have covered this ground on many occasions before. I do not know whether the improvement that has been delivered by the Government's economic policy has resulted in the increase to 17 million or whether the figure is something lower. He knows jolly well that all figures that are quoted in terms of national accounting and measurement of economic indicators in Gibraltar are very unsophisticated and therefore need to be treated with a health warning but they may establish a trend but they do not indicate, they are not a scientific measure of what they purport to measure.

What we are saying is that we are trying to correct that and a lot of expert advice is being obtained in the UK in order to try and establish, in the Government of Gibraltar for the first time ever, a reliable system of economic data collation so that in future years, when the hon Members from the Opposition benches continue to ask for such information, I hope from this side of the House to be in a position to give them much more accurate information than governments in Gibraltar have ever been able to give Oppositions before. Now, we are not there yet and in the meantime we can quarrel about the reliability of the existing statistics. They are the statistics produced by the system that Gibraltar has now, had when he was in office, and I acknowledge had before he was in office when there was another government.

HON J J BOSSANO

Does the Chief Minister not agree that if the reliability is as shaky as it is then it is not wise to make the kind of claims based on those statistics because in fact that



statement will not be possible to repeat this year. The statistics this year will show the opposite picture.

HON CHIEF MINISTER

If hon Members remember, last year, my Colleague the Minister for Tourism was not making assumptions, this is what I tried to explain in my last intervention two minutes ago, this was not the Minister getting information and squeezing assumptions out of it. The figures that he quoted, whether they are right or wrong, regardless of their degree of accuracy or inaccuracy, the figures that he quoted in his Budget speech are the figures published in a survey in a public document. I say that because the hon Member said that the Minister drew conclusions, or words to that effect, he said as an aside. The Minister did not draw assumptions from figures, the Minister quoted figures which are published in statutory reports, collated and put into the public domain by the Government's Statistics Office. Now, we can by all means have a debate on whether again on the extent to which they are accurate but it is not fair, and the Government do not accept, that the Government were drawing conclusions from figures. The Government were putting into its own press statements figures and conclusions which are drawn in the statistics.

HON J J BOSSANO

Is it not the case that when those figures were quoted as the Chief Minister said, on the basis that they were in a published Government report, which of course does not make them any more accurate than if they were published in any other form, but when they were quoted it was pointed out to the Government, not by way of criticism but by way of unsolicited advice, no more than that initially, that there appeared to be something wrong with the figures and that would it not be a good thing to go back and re-examine them. There was nothing more than that said by Opposition Members.

HON CHIEF MINISTER

He did do that.

HON J J BOSSANO

No he came back saying we had it all wrong, they had it all right and that in fact it was just us trying to undermine the system, undermine the success and undermine his efforts and his hard work.

HON CHIEF MINISTER

Well, he was right in that as well.

HON J J BOSSANO

Would the Chief Minister not accept that it took six or seven months before we gave up giving unsolicited advice and suddenly becoming highly critical because the advice was falling on deaf ears. In fact it was only subsequent to that that there was a recognition that the apparent thousands of Moroccan tourists flooding around hotels, of which the hotels had no knowledge, which accounted for the discrepancy between the 141,000 bed nights the hotels claimed to have got paid for, and the 200,000 that the Statistics Office said had been sold, I do not know whether it was just that the Moroccan tourists were not only invisible but they ran away without, paying the bill. It was only then that apparently the exercise was done, the Minister will remember that I asked him in particular to go back and check whether the figures of all the people getting off the boat from Morocco, including all the workers and all the pensioners, were being counted as tourists and it turned out to be the case. Now, all

they were pointing out was that on this occasion we would think it wise not to go down the same route, having had that experience. I would have thought it was a wise thing not to repeat the exercise.

HON A ISOLA

The Minister has stated that there were 22, 23 and 29 in each extra month and that he could not give us a date. Does he know if those questionnaires were asked on the same day or different days. Forget the dates but was it as a result of one inspection or more than one, does he know that?

HON J J HOLLIDAY

I can not really confirm.

ORAL

NO. 358 OF 1999

THE HON DR J J GARCIA

**TOURISM - CRUISE CALLS.**

Can Government give detailed figures of the actual number of cruise calls to Gibraltar in chronological order during 1998 listing the name of ships, the date of the call, the number of passengers on board each ship and the number of hours that each ship remained in port?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

Answered together with Question No. 359 of 1999.

NO. 359 OF 1999

THE HON DR J J GARCIA

**TOURISM - CRUISE CALLS.**

Can Government give detailed figures of the actual number of cruise calls to Gibraltar in chronological order so far during 1999, listing the name of ships, the date of the call, the number of passengers on board each ship and the number of hours that each ship remained in port?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The actual number of cruise calls to Gibraltar in chronological order during 1998 and up to 15th May 1999, listing the name of each ship, the date of the call, the number of passengers aboard each vessel and the number of hours that each ship remained in port are contained in a 9-page list and a 2-page list respectively which I hereby request the Clerk to pass to you Mr Speaker, and also to the hon Member.

I would like to comment at this stage that it is unrealistic to ask such a question in an oral form. It would be much more helpful if the hon Members when they require such information, should write to me and I would supply them with that information without any problem.

SUPPLEMENTARY TO QUESTION NOS. 358 AND 359 OF 1999

HON DR J J GARCIA

If I can just clarify, if the information is requested in written form, how long will it take to receive a reply. Is there a time limit as there is here?

HON J J HOLLIDAY

Normally the majority of letters are answered within 2 or 3 days in my Ministry.

HON DR J J GARCIA

Perhaps the Minister could make them available on a monthly basis and then there would be no need to write.

HON CHIEF MINISTER

The Government are willing to share information with the Opposition Members on a regular and reasonable basis. We are not going to have the administrative machinery working to produce information at more regular intervals than the hon Member really needs. I mean at the moment the law provides for annual publication of statistics but if the Government have the information on a quarterly basis we have no difficulty in making it available and I think quarterly is a perfectly reasonable interval. In any case, monthly does not help the hon Member very much.

HON DR J J GARCIA

Having said that, if arrangements were made to supply them on a quarterly basis it would certainly be acceptable to the Opposition.

**CRUISE SHIP MOVEMENT REPORT 1998**

<b>JANUARY 1998</b>			
	<b>DATE OF ARRIVAL</b>	<b>NAME OF VESSEL</b>	<b>PAX ON BOARD</b>
1.	04/01/1998	THE AZUR 1530/1900 3.5 hrs	710
2.	14/01/1998	THE AZUR 0900/1300 4 hrs	721
3.	24/01/1998	SEAWING 0900/1700 8 hrs	850
4.	25/01/1998	THE AZUR 0900/1300 4 hrs	721
<b>TOTAL</b>		<b>4 CALLS/19.5 hrs</b>	<b>3002</b>

<b>FEBRUARY 1998</b>			
	<b>DATE OF ARRIVAL</b>	<b>NAME OF VESSEL</b>	<b>PAX ON BOARD</b>
5.	05/02/1998	THE AZUR 0900/1300 4 hrs	605
6.	16/02/1998	THE AZUR 0900/1300 4 hrs	760
7.	27/02/1998	THE AZUR 0900/1300 4 hrs	698
<b>TOTAL</b>		<b>3 CALLS/12 hrs</b>	<b>2063</b>

<b>MARCH 1998</b>			
	<b>DATE OF ARRIVAL</b>	<b>NAME OF VESSEL</b>	<b>PAX ON BOARD</b>
8.	09/03/1998	THE AZUR 0900/1300 4 hrs	722
9.	20/03/1998	PACIFIC PRINCESS 1200/1800 6 hrs	610
10.	21/03/1998	THE AZUR 0900/1300 4 hrs	700
11.	22/03/1998 (UP TO 23rd)	LILY MARLEEN 1730/1400 20.5 hrs	37
<b>TOTAL</b>		<b>4 CALLS/34.5 hrs</b>	<b>2069</b>

<b>APRIL 1998</b>			
	<b>DATE OF ARRIVAL</b>	<b>NAME OF VESSEL</b>	<b>PAX ON BOARD</b>
12.	01/04/1998	THE AZUR 0900/1300 4 hrs	700
13.	04/04/1998	ADRIANA 1000/1400 4 hrs	244
14.	05/04/1998	COSTA MARINA 0800/1300 5 hrs	765
15.	06/04/1998 (Up to 7th)	FUNCHAL 1400/0800 18 hrs	210
16.	07/04/1998	ROYAL PRINCESS 1100/2300 12 hrs	1260
17.	15/04/1998	WIND STAR 1000/1700 7 hrs	128
18.	17/04/1998	CLIPPER ADVENTURER * 1100/2200 11 hrs	122
19.	19/04/1998	ROYAL PRINCESS 0900/1700 8 hrs	1260
20.	20/04/1998	FUNCHAL 0800/1300 5 hrs	414
21.	21/04/1998 (Up to 21st)	CLIPPER ADVENTURER 1500/1300 22 hrs	120
22.	21/04/1998	ARCADIA 1200/1700 5 hrs	1380
23.	21/04/1998	WIND SPIRIT 0800/1700 9 hrs	140
24.	23/04/1998	ASUKA * 0800/1400 6 hrs	384
25.	22/04/1998	TOPAZ * 0700/2030 13.5 hrs	161
26.	26/04/1998	ADRIANA 0800/1200 4 hrs	196
27.	28/04/1998	RENAISSANCE VII 0900/1900 10 hrs	80
28.	28/04/1998	VISTAMAR 0700/1100 4 hrs	109
29.	29/04/1998	COLUMBUS *	360

		0700/1300 16 hrs	
<b>TOTAL</b>		<b>18 CALLS/151.5 hrs</b>	<b>8033</b>

<b>MAY 1998</b>			
	<b>DATE OF ARRIVAL</b>	<b>NAME OF VESSEL</b>	<b>PAX ON BOARD</b>
30.	02/05/1998	CALEDONIAN STAR 0600/1600 10 hrs	49
31.	02/05/1998	FUNCHAL 0800/1400 6 hrs	400
32.	98	ROTTERDAM * 1200/2000 8 hrs	1277
33.	06/05/1998	EDINBURGH CASTLE * 0800/1830 10.5 hrs	1000
34.	07/05/1998	CAROUSEL 1000/1700 7 hrs	1200
35.	07/05/1998	VISION OF THE SEAS * 1300/1800 5 hrs	1600
36.	08/05/1998	RENAISSANCE VII 0900/1900 10 hrs	114
37.	14/05/1998	ROYAL PRINCESS 0700/1300 6 hrs	1260
38.	15/05/1998	ARCADIA 1400/1800 4 hrs	1400
39.	17/05/1998	FLAMENCO 0830/1300 4.5 hrs	812
40.	19/05/1998	ORIANA 1400/2030 6.5 hrs	1789
41.	19/05/1998	OCEAN MAJESTY 1300/1830 5.5 hrs	500
42.	21/05/1998	DELPHIN 0800/1300 5 hrs	430
43.	21/05/1998 (Up to 22nd)	ALBATROS 1200/0400 16 hrs	890
44.	22/05/1998	PACIFIC PRINCESS 0600/2359 17.59 hrs	645
45.	23/05/1998	SILVER CLOUD 1300/1900 6 hrs	260



46.	25/05/1998	BLACK WATCH 1300/1800 5 hrs	564
47.	27/05/1998	COSTA MARINA 0630/1200 5.5 hrs	774
48.	27/05/1998	EUROPA 0700/1300 6 hrs	600
49.	29/05/1998	ORIANA 0800/1400 6 hrs	1800
50.	31/05/1998	RHAPSODY * 0800/1200 4 hrs	772
<b>TOTAL</b>		<b>21 CALLS/154.09 hrs</b>	<b>17577</b>

<b>JUNE 1998</b>			
	<b>DATE OF ARRIVAL</b>	<b>NAME OF VESSEL</b>	<b>PAX ON BOARD</b>
51.	02/06/1998	EDINBURGH CASTLE 1110/2359 12.49 hrs	700
52.	04/06/1998	ROTTERDAM 0800/1300 5 hrs	1343
53.	04/06/1998	COSTA RIVIERA 0900/1400 5 hrs	936
54.	08/06/1998	MONTEREY * 1400/1800 4 hrs	549
55.	14/06/1998	VICTORIA 0930/0600 6.5 hrs	710
56.	14/06/1998	MONTEREY 1400/1800 4 hrs	469
57.	25/06/1998	COSTA RIVIERA 0900/1400 5 hrs	877
58.	30/06/1998	WORLD RENAISSANCE 0800/1600 8 hrs	457
<b>TOTAL</b>		<b>8 CALLS/49.9 hrs</b>	<b>6041</b>

<b>JULY 1998</b>			
	<b>DATE OF ARRIVAL</b>	<b>NAME OF VESSEL</b>	<b>PAX ON BOARD</b>
59.	07/07/1998	ORIANA 0700/1700 10 hrs	1825
60.	16/07/1998	EDINBURGH CASTLE 1030/1700 6.5 hrs	896

61.	23/07/1998	VICTORIA 1200/1600 4 hrs	705
62.	30/07/1998	EDINBURGH CASTLE 1000/1800 8 hrs	700
<b>TOTAL</b>		<b>4 CALLS/28.5 hrs</b>	<b>4126</b>

<b>AUGUST 1998</b>			
	<b>DATE OF ARRIVAL</b>	<b>NAME OF VESSEL</b>	<b>PAX ON BOARD</b>
63.	07/08/1998	RHAPSODY 0700/1200 5 hrs	813
64.	11/08/1998 (Up to 12th)	CLELIA II 1945/0330 7.45 hrs	54
65.	12/08/1998	ALBATROS 0800/1500 7 hrs	1071
66.	13/08/1998 (Up to 14th)	EDINBURGH CASTLE 1400/0100 11 hrs	1100
67.	14/08/1998	APOLLO 1200/2000 8 hrs	772
68.	21/08/1998	RENAISSANCE EIGHT 0900/1900 10 hrs	116
69.	25/08/1998	BLACK WATCH 1200/1800 6 hrs	775
70.	25/08/1998	WORLD RENAISSANCE 1400/1900 5 hrs	468
71.	28/08/1998	VICTORIA 1200/1700 5 hrs	727
72.	31/08/1998	IASON 0800/2200 14 hrs	199
73.	31/08/1998	VISION OF THE SEAS 0700/1400 7 hrs	2098
<b>TOTAL</b>		<b>11 CALLS/85.45 hrs</b>	<b>8193</b>

<b>SEPTEMBER 1998</b>			
	<b>DATE OF ARRIVAL</b>	<b>NAME OF VESSEL</b>	<b>PAX ON BOARD</b>
74.	02/09/1998	RENAISSANCE SEVEN 0700/2359 16.59 hrs	114
75.	02/09/1998	APOLLO 1100/1500 4 hrs	700
76.	04/09/1998	DELPHIN 1330/1700 3.5 hrs	232
77.	06/09/1998	NORWEGIAN DREAM 1600/2000 4 hrs	638
78.	06/09/1998	RENAISSANCE EIGHT 0700/2359 16.59 hrs	114
79.	07/09/1998	SILVERWIND 0900/1500 6 hrs	290
80.	09/09/1998	ARCADIA 1200/1700 5 hrs	1420
81.	09/09/1998	CALEDONIAN STAR 0730/1400 6.5 hrs	96
82.	10/09/1998	PACIFIC PRINCESS 0900/1800 9 hrs	629
83.	10/09/1998	EDINBURGH CASTLE 1200/1600 4 hrs	600
84.	11/09/1998	FUNCHAL 0800/1230 4.5 hrs	489
85.	12/09/1998	ROTTERDAM VI 1200/1730 5.5 hrs	1292
86.	13/09/1998	BLACK PRINCE 1400/2359 9.59 hrs	416
87.	13/09/1998	FUNCHAL 1400/1900 5 hrs	423
88.	14/09/1998	MONTEREY 0700/1300 6 hrs	420
89.	14/09/1998 to 15/09/98	RENAISSANCE SEVEN 0700/2359 16.59 hrs	114
90.	15/109/1998 (Up to 16th)	APOLLO 1700/1200 19 hrs	900
91.	16/09/1998	ORIANA 1200/1830	1800

		6.5 hrs	
92.	16/09/1998	PRINCESS DANAE 1400/2359 9.59 hrs	568
93.	ARR 19/09/98 DEP 20/09/98	RENAISSANCE EIGHT 0700/2359 16.59 hrs	108
94.	20/09/1998	SPLENDOUR OF THE SEAS 1200/1800 6 hrs	1763
95.	22/09/1998	QUEEN ELIZABETH II 0630/1700 10.5 hrs	1603
96.	25/09/1998 (Up to 26th)	OCEAN MAJESTY 1400/0100 11 hrs	500
97.	28/09/1998	FUNCHAL 1300/2359 10.59 hrs	361
<b>TOTAL</b>		<b>24 calls/212.13 hrs</b>	<b>15590</b>

<b>OCTOBER 1998</b>			
	<b>DATE OF ARRIVAL</b>	<b>NAME OF VESSEL</b>	<b>PAX ON BOARD</b>
98.	05/10/1998	ORIANA 0900/1800 9 hrs	1800
99.	08/10/1998	ARCADIA 1200/1700 5 hrs	1390
100.	10/10/1998	SAGA ROSE 0800/1800 10 hrs	527
101.	10/10/1998	DELPHIN 1600/1900 3 hrs	600
102.	12/10/1998	FUNCHAL 0800/1400 6 hrs	419
103.	13/10/1998	BLACK PRINCE 1400/2000 6 hrs	424
104.	21/10/1998	REMBRANDT 0700/1300 6 hrs	948
105.	26/10/1998	MELODY 1500/200 5 hrs	1181
106.	29/10/1998	ORIANA (142 PAX EMBARKED (39 PAX DISEMBARKED) 0800/1300 5 hrs	1581
107.	29/10/1998	ALBATROS 1700/2359 6.59 hrs	462
108.	30/10/1998	SPLENDOUR OF THE SEAS 0800/1500 7 hrs	1717
109.	31/10/1998	ISLAND BREEZE 0700/2359 16.59 hrs	982
<b>TOTAL</b>		<b>12 CALLS/85.18 hrs</b>	<b>12031</b>

<b>NOVEMBER 1998</b>			
	<b>DATE OF ARRIVAL</b>	<b>NAME OF VESSEL</b>	<b>PAX ON BOARD</b>
110.	03/11/1998	BREMEN 0700/1200 5 hrs	145
111.	03/11/1998	ARCADIA 1200/1800 6 hrs	1259
112.	04/11/1998	CAROUSEL 0900/1700 8 hrs	1035
113.	04/11/1998	LILI MARLEEN 1200/1800 6 hrs	28
114.	06/11/1998	BLACK PRINCE 0800/1400 6 hrs	374
115.	06/11/1998	WIND SPIRIT 0800/1600 8 hrs	137
116.	ARR 06/11/1998 DEP 07/11/1998	SEA CLOUD 0800/1300 5 hrs	140
117.	07/11/1998	THE EMERALD 0600/1200 6 hrs	892
118.	08/11/1998	COSTA VICTORIA 1145/1900 7.15 hrs	1672
119.	09/11/1998	MERMOZ 0800/1700 9 hrs	334
120.	25/11/1998	COSTA RIVIERA (5 CREW JOINED) 1300/1900 6 hrs	952
121.	26/11/1998	THE AZUR 0900/1300 4 hrs	671
122.	27/11/1998	BLACK PRINCE 1200/1800 6 hrs	429
123.	29/11/1998	ARCADIA 1200/1700 5 hrs	1155
124.	30/11/1998	VICTORIA TURNAROUND CALL 0800/2359 15.59 hrs	640
<b>TOTAL</b>		<b>15 CALLS/102.74 hrs</b>	<b>9863</b>

<b>DECEMBER 1998</b>			
	<b>DATE OF ARRIVAL</b>	<b>NAME OF VESSEL</b>	<b>PAX ON BOARD</b>
125.	03/12/1998	ASTOR 1330/1730 4 hrs	535
126.	04/12/1998	VISTAMAR 0730/1200 4.5 hrs	250
127.	04/12/1998	WINDSTAR 0900/1600 7 hrs	81
128.	07/12/1998	THE AZUR 0730/1300 5.5 hrs	306
129.	09/12/1998	STELLA SOLARIS 0700/1200 5 hrs	551
130.	09/12/1998	R TWO 0800/2000 12 hrs	539
131.	11/12/1998	BLACK PRINCE 1600/2359 7.59 hrs	433
132.	18/12/1998	R TWO 0800/2000 12 hrs	625
133.	23/12/1998	BLACK PRINCE 0800/1800 10 hrs	348
134.	27/12/1998	ASTRA II 0800/1300 5 hrs	299
135.	28/12/1998	R TWO 0800/2000 12 hrs	659
<b>TOTAL</b>		<b>11 CALLS/84.59 hrs</b>	<b>4626</b>

**CRUISE SHIP ARRIVALS REPORT - JANUARY 1999**

	<u>DATE</u>	<u>NAME OF VESSEL</u>	<u>HOURS IN PORT</u>	<u>TOTAL HOURS</u>	<u>PAX ON BOARD</u>
1.	4	THE AZUR	1530/1900	3.5	580
2.	7	R TWO	0800/200	12	640
3.	8	COSTA RIVIERA	1300/1900	6	926
4.	17	R TWO	0800/2000	12	667
5.	27	R TWO	0800/2000	12	676
<b>TOTAL</b>		<b>5</b>		<b>45.5</b>	<b>3489</b>

**CRUISE SHIP ARRIVALS REPORT - FEBRUARY 1999**

	<u>DATE</u>	<u>NAME OF VESSEL</u>	<u>HOURS IN PORT</u>	<u>TOTAL HOURS</u>	<u>PAX ON BOARD</u>
6.	6	R TWO	0800/2000	12	669
7.	16	R TWO	0800/2000	12	673
8.	26	R TWO	0800/2000	12	668
<b>TOTAL</b>		<b>3</b>		<b>36</b>	<b>2010</b>

**CRUISE SHIP ARRIVALS REPORT - MARCH 1999**

	<u>DATE</u>	<u>NAME OF VESSEL</u>	<u>HOURS IN PORT</u>	<u>TOTAL HOURS</u>	<u>PAX ON BOARD</u>
9.	8	R TWO	0800/2000	12	671
10.	18	R TWO	0800/2000	12	673
11.	27	SWITZERLAND	1100/1900	8	358
12.	28	R TWO	0800/2000	12	674
<b>TOTAL</b>		<b>4</b>		<b>44</b>	<b>2376</b>



<b>CRUISE SHIP ARRIVALS REPORT - APRIL 1999</b>					
	<u>DATE</u>	<u>NAME OF VESSEL</u>	<u>HOURS IN PORT</u>	<u>TOTAL HOURS</u>	<u>PAX ON BOARD</u>
13.	2	PACIFIC PRINCESS	1000/1800	8	517
14.	4	BLACK PRINCE	0800/1500	7	389
15.	6	LILY MARLEEN	1530/1830	3	44
16.	7	R TWO	0800/2000	12	678
17.	10	MAASDAM	0900/1530	4.5	1206
18.	13	DELPHIN	0800/1400	6	382
19.	13	ROYAL PRINCESS	1135/2300	11.65	1021
20.	16	ROTTERDAM	0700/1700	10	794
21.	17	R TWO	0800/2000	12	659
22.	17	SEAWING	0830/1700	8.5	728
23.	18	SEA CLOUD	0800/1600	8	54
24.	18	COSTA MARINA	1630/2300	6.5	710
25.	18	WIND SPIRIT	0700/1300	5	141
26.	23	ASUKA	0700/1400	7	379
27.	25	ROYAL PRINCESS	0930/1800	8.5	1161
28.	26	CRYSTAL SYMPHONY	0700/1300	6	720
29.	27	R TWO	0800/2000	12	674
30.	28	COSTA MARINA	1230/1900	4.5	683
31.	29	VISTAMAR	0645/1230	5.75	106
<b>TOTAL</b>		<b>19</b>		<b>145.9</b>	<b>11046</b>

<b>CRUISE SHIP ARRIVAL REPORT - MAY 1999</b>					
	<u>DATE</u>	<u>NAME OF VESSEL</u>	<u>HOURS IN PORT</u>	<u>TOTAL HOURS</u>	<u>PAX ON BOARD</u>
32.	3	APOLLO	0845/1850	10.05	768
33.	4	THE TOPAZ	0800/1300	5	979
34.	4	ARCADIA	1410/1910	5	1426
35.	7	R TWO	0800/2000	12	673
36.	8	SAPPHIRE*	0715/2359	16.44	527
37.	8	ROTTERDAM	1100/1900	8	1284
38.	8	OCEAN MAJESTY	1200/1830	6.5	471
39.	10	DON JUAN	1400/2000	6	291
40.	13	DON JUAN	0800/1400	6	312
41.	13	CAROUSEL	1325/1700	3.35	845
62.	13	SAGA ROSE	1600/2300	7	554
63.	15	SAPPHIRE	0700/2359	16.59	528
<b>TOTAL</b>		<b>11</b>		<b>101.93</b>	<b>8658</b>

PLEASE NOTE THAT MAY 1999 IS STILL NOT FINALISED. THERE ARE MORE CRUISE CALLS WHICH WILL BE INCLUDED ACCORDINGLY.

NO. 360 OF 1999THE HON DR J J GARCIA**TOURISM - CRUISE LINER VISITOR ARRIVALS.**

what was the number of cruise liner visitor arrivals for each month for February, March and April 1999?

ANSWERTHE HON THE MINISTER FOR TOURISM AND TRANSPORT

I am unclear as to what the hon Member requires in reply to this question. It is possible he wishes to know the number of cruise calls or the number of visitors aboard cruise calls arriving at Gibraltar. Therefore, I am supplying him with both.

	Cruise Calls	No. of Passengers
February	3	2,010
March	4	2,346
April	19	11,046

SUPPLEMENTARY TO QUESTION NO. 360 OF 1999

HON DR J J GARCIA

Do we have a way of determining the number of people that actually get off the ship?

HON J J HOLLIDAY

No, we do not keep records of the passengers that actually come off the ship. We do accept the report that is given to us by the cruise liner itself with the number of passengers in that particular vessel, which they report to each port as they call. That is what we base our passenger facts for example on.

HON J J BOSSANO

Is it correct that the payment they are passing you is based on the numbers on the ship irrespective of whether they come ashore or not?

HON J J HOLLIDAY

That is correct.

ORAL

NO. 361 OF 1999

THE HON DR J J GARCIA

**TOURISM - YACHT ARRIVALS.**

What was the number of yachts calling at Gibraltar in February, March and April 1999?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

Answered together with Question No. 390 of 1999.

ORAL

NO. 362 OF 1999

THE HON DR J J GARCIA

**TOURISM - YACHT VISITORS.**

What was the number of yacht visitors to Gibraltar each month in February, March and April 1999?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The number of yachts and yacht visitors calling at Gibraltar were as follows:

	<u>No. of Yachts</u>	<u>No. of Yacht Visitors</u>
February	75	339
March	177	652
April	289	1239
<b>TOTAL</b>	<b>541</b>	<b>2230</b>

SUPPLEMENTARY TO QUESTION NO. 362 OF 1999

HON DR J J GARCIA

Are these figures actual or are they from the survey?

HON J J HOLLIDAY

These figures are actual figures which have been recorded and these will now be used for the Tourist Survey. Obviously these figures will not be tabled in the House until the early part of the year 2000.

ORAL

NO. 363 OF 1999

THE HON DR J J GARCIA

**TOURISM - ARRIVALS BY SEA.**

What was the number of other visitors by sea in February, March and April 1999?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

Answered together with Question Nos. 364 to 367 and 370 of 1999.

ORAL

NO. 364 OF 1999

THE HON DR J J GARCIA

**TOURISM - ARRIVALS BY COACH.**

What was the number of visitors arriving by coach in Gibraltar by month in February, March and April 1999?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

Answered together with Question Nos. 363, 365 to 367 and 370 of 1999.

ORAL

NO. 365 OF 1999

THE HON DR J J GARCIA

**TOURISM - NUMBER OF PRIVATE MOTOR VEHICLES ENTERING GIBRALTAR.**

What was the number of private motor vehicles entering Gibraltar in February, March and April 1999?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

Answered together with Question Nos. 363, 364, 366, 367 and 370 of 1999.

ORAL

NO. 366 OF 1999

THE HON DR J J GARCIA

**TOURISM - NUMBER OF PRIVATE MOTOR VEHICLES ENTERING GIBRALTAR.**

What was the number of private motor vehicles and the number of persons in such vehicles entering Gibraltar in February, March and April 1999, and the comparable figure for 1998?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

Answered together with Question Nos. 363 to 365, 367 and 370 of 1999.



ORAL

NO. 367 OF 1999

THE HON DR J J GARCIA

**TOURISM - NUMBER OF COACHES.**

What was the number of coaches entering Gibraltar by month in February, March and April 1999?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

Answered together with Question Nos. 363 to 366 and 370 of 1999.

ORAL

NO. 368 OF 1999

THE HON DR J J GARCIA

**TRANSPORT - NUMBER OF MOTOR VEHICLES IMPORTED.**

What was the value and the number of motor vehicles imported by licensed dealers in the period October 1998 to March 1999?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

Answered together with Question No. 369 of 1999.

ORAL

NO. 369 OF 1999

THE HON DR J J GARCIA

**TRANSPORT - NUMBER OF MOTOR VEHICLES IMPORTED.**

What was the value and the number of motor vehicles imported by individuals in the period October 1998 to March 1999?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The value and number of motor vehicles imported by licensed dealers between October 1998 and March 1999 were £30,437,380 in respect of 2,535 vehicles.

The value of motor vehicles imported by individuals over this period was £250,824.22. This was in respect of 51 motor vehicles.

ORAL

NO. 370 OF 1999

THE HON DR J J GARCIA

**TOURISM - NUMBER OF PEDESTRIAN VISITORS.**

What were the number of pedestrian visitors to Gibraltar in February, March and April 1999?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The number of visitors by sea is as follows:

	<u>1999</u>
February	116
March	135
April	141
<b>TOTAL</b>	<b>392</b>

\*The figure for April is provisional, as it does not include arrivals for the period 28 April to 30 April. Therefore these figures will shortly be available.

The number of visitors arriving by coach in each month was as follows:

	<u>1999</u>
February	19,082
March	34,972
April	43,015
<b>TOTAL</b>	<b>97,069</b>

The number of private motor vehicles entering Gibraltar in February, March and April 1999 was as follows:

	<u>1999</u>
February	58,864
March	80,796
April	109,243
<b>TOTAL</b>	<b>246,903</b>

The number of private motor vehicles and the number of persons in each vehicle entering Gibraltar in February, March and April 1999 and the comparable figures for 1998 are as follows:

	<u>1998</u>		<u>1999</u>	
	<u>Motor Vehicles</u>	<u>Persons</u>	<u>Motor Vehicles</u>	<u>Persons</u>
February	142,887	396,933	56,864	119,444
March	166,764	467,147	80,796	193,124
April	165,930	492,617	109,243	269,617

The number of coaches entering Gibraltar was as follows:

	<u>1999</u>
February	495
March	947
April	1,139
<b>TOTAL</b>	<b>2,581</b>

The number of pedestrian visitors to Gibraltar was as follows:

	<u>1999</u>
February	182,023
March	236,812
April	178,993
<b>TOTAL</b>	<b>597,828</b>

SUPPLEMENTARY TO QUESTION NOS 363 TO 367 AND 370 OF 1999

HON J J BOSSANO

Can the Minister say whether in fact there was in these months a higher level of pedestrians as a consequence of less private vehicles crossing? Is that a trend that has been noticed, I think that was mentioned at one stage in the House as something that was happening, I think it was mentioned in January. Has that continued?

HON J J HOLLIDAY

Yes, the trend was that because there was a substantial decrease of motor vehicles entering Gibraltar, the number of pedestrians increased over that particular period, but as time goes by that is less of a trend.

ORAL

NO. 371 OF 1999

THE HON DR J J GARCIA

**PORT - CRUISE LINER TERMINAL.**

What are the new security measures being put in place around the cruise liner terminal?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The security round the Cruise Terminal should not be viewed in isolation, but as part of the security measures being introduced in the Port. There are two types of security areas: the controlled area and the restricted zone.

A security guard post and fencing will control entry into the Port Area. This post will be situated close to the office of the Port Department.

However, the size of the cruise ship and its berth will determine the level of security which needs to be put in place and implemented. Additional security, when required, will be provided by closing off the access to the Western Arm on either side of the Cruise Terminal by using gates.

SUPPLEMENTARY TO QUESTION NO. 371 OF 1999

HON DR J J GARCIA

Is that similar to what happens at present, where a temporary fence is erected near the Port Office?

HON J J HOLLIDAY

Well, I presume the principle is similar but obviously the security provisions that are going to be made in terms of actual restricted zoning is obviously going to be slightly more sophisticated and having proper fencing and security posts in place.

HON DR J J GARCIA

Will these measures only be put in place when there is a cruise liner in Port or will they be permanent?

HON J J HOLLIDAY

The Port will become a controlled zone 24 hours a day, every day whether there is a cruise liner in Port or not. The restricted zone is only applicable when the cruise liner is in Port. These restrictions are led by the general Port Security standards that are implemented in all ports where cruise liners operate. We have been in contact with the

Department of the Environment Transport and the Regions in the UK who have been advising on the level of examination and our recommendations on what needs to be implemented here in order to meet these international standards.

HON CHIEF MINISTER

Let me just add to that, the point being made is that there is a difference between a restricted zone regime and a controlled zone regime. One applies permanently, the other which is much stricter applies only when there is a cruise ship alongside the Port. So the whole Port Area will become a controlled zone all the time but the restricted zone regime applies to a smaller area and only whilst there is a cruise ship in Port.

HON DR J J GARCIA

Does that mean that if the whole Port becomes a controlled zone on a permanent basis that people will not have access to the Port as they do now?

HON CHIEF MINISTER

It means precisely that. The Port will cease to be general public highway where people can go on car rides which is a source of danger not just to themselves but also to people going about their work there. Special arrangements obviously will be made to allow fishermen to be able to continue to enter the Port to fish as they presently do for recreational purposes, that will remain unaffected - there will be some system of permits or licences that will enable them to come and go freely for purposes such as that.

HON J J BOSSANO

Is the reference to cars an indication that pedestrians will not have the same impediments?

HON CHIEF MINISTER

The hon Member is stretching my recollection of the detail now but my understanding is that the restricted zone is certainly restricted to everybody. In other words, unless one is connected with the presence of the ship, one will not be able to approach the wharf either on foot or by car where a ship is berthed around the terminal. As far as the controlled zone is concerned I believe that the system will be one of entry into the Port Area requiring identification, some connection with the Port or some permit to enter or a fishing permit. I would like to confirm that point to the hon Member but I think it is right in saying it applies to pedestrians as well.

HON J J BOSSANO

If it is intended to apply to pedestrians presumably the matter is still under consideration. Am I right in thinking that or has a decision been taken?

HON CHIEF MINISTER

The decision has been taken and legislation has been drafted, I think it may even have been published in green paper form as the Maritime Security Bill.

HON J J BOSSANO

There was a Maritime Security Bill which was brought to the House and not proceeded with, is it in there?

HON CHIEF MINISTER

That is basically the regime although it may require regulations made under it which raises the detail that the hon Member is saying. But yes, more or less the decisions have been made and it is at some stage of implementation.

HON J J BOSSANO

So if this is based on some international requirement or practices where are the parameters by which one can make a judgement on what it is intended to do?

HON CHIEF MINISTER

There are two aspects driving this. It is not just international. There is an international convention called I think the Chicago Convention which deals with provisions to protect ships from hijacking just as there is in relation to aeroplanes. Well, the hon Member might laugh but he should be aware that American cruise companies are hypersensitive about this since the incident surrounding the Achille Laura. The Americans draw no distinction between cruise liners and aeroplanes when it comes to anti-hijacking security measures. The purpose of introducing this regime into Gibraltar is to make out Gibraltar a more attractive port to American cruising companies who will not visit ports that refuse to implement these security standards. That part of it is, if one likes, the voluntary implementation of an international convention, but because it has an economic value to Gibraltar to attract American cruise ship companies to come to Gibraltar.

But there is another aspect of this which the hon Member can not compare against any international criteria which is the Government's desire to make the Port a safer place for people to work in for people to go in when they have got lawful business there and the Government have judged that the time has now come that the Port should stop being as much public highway as Main Street or Line Wall Road, which is really the position at the moment. There have been accidents and port users have complained that they are at risk of accidents with civilians or non-port users and half of it is driven by port safety and port management considerations, and the other half is driven by the anti-hijacking provisions mainly to comply with the requirements of the American cruise market.



HON J J BOSSANO

Can I then ask, the anti-hijacking element, which I think is what was reflected in the Maritime Security Bill that was brought to the House and not proceeded with, is that Bill still there?

HON CHIEF MINISTER

Part of the Bill as published deals with whatever this convention is called, let us call it the Chicago Convention but it may not be Chicago it may be something else, but the rest of the Bill also deals with the other aspects of the matter that I have been describing. That will be proceeded with at some stage. It is just a question of when and when we are ready to actually implement.

HON J J BOSSANO

And that Bill which was in fact making provision I think for the Minister to be responsible for protecting people against hijackers, that is still therefore the intention, to proceed with that?

HON CHIEF MINISTER

No, the part of the Bill that related to things that created criminal offences never had references to the Minister. That is why I say to the hon Gentleman that there is a part of the Bill that dealt with that and the creation of hijacking offences and things like that, that was never ministerial. There is an issue which is under discussion with London which is the extent to which it is necessary in giving legislation powers to a Minister in areas which are grey. In other words, when Port Management overlaps with security issues, the Foreign Office is concerned that it should be made perfectly clear that any powers that the Minister has under the Bill is without prejudice to the over-riding constitutional powers of His Excellency for matters of internal security. The Government have no difficulty in that and one of the things that is being looked at in the White Paper is the extent to which comfort can be given in respect of that matter. In any case is not the Government's intention to deal with matters of internal security of that sort.

HON J J BOSSANO

He lies very well, Mr Speaker.

HON CHIEF MINISTER

One of my hon Colleagues heard him use the word of four letters beginning with "L", which if he did, Mr Speaker should call the hon Member to order.

HON J J BOSSANO

I can assure him that the Rules of the House provide, that when I want to call hon 'Members' names standing on my feet, for the record, then you will make sure that I keep to the Rules. But if you are going to start correcting all the comments that are made from the benches this could be never ending.

MR SPEAKER

Let us get one thing clear I am perfectly entitled to call the attention of any Members of the House whether he is standing or sitting down or even walking out of the Chamber, so that is clear. But I have not heard anything so let us continue.

HON DR J J GARCIA

Just one more question. What local bodies and organisations which might be affected by this closure of the Port have the Government consulted in drafting the legislation?

HON CHIEF MINISTER

There has been a wide process of consultation with port users in relation to this issue.

ORAL

NO. 372 OF 1999

THE HON DR J J GARCIA

**LONDON CRUISE AND FERRY EXHIBITION.**

What was the cost of participating in the London Cruise and Ferry Exhibition "Cruise and Ferry 99"?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

Answered together with Question Nos. 373 to 377 of 1999.

ORAL

NO. 373 OF 1999

THE HON DR J J GARCIA

**LONDON BOAT SHOW.**

Can Government give a detailed breakdown of the cost of participating in the London Boat Show?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

Answered together with Question Nos. 372 and 374 to 377 of 1999.

ORAL

NO. 374 OF 1999

THE HON DR J J GARCIA

**FITUR.**

Can Government give a detailed breakdown of the cost of participating in FITUR?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

Answered together with Question Nos. 372, 373 and 375 to 377 of 1999.

ORAL

NO. 375 OF 1999

THE HON DR J J GARCIA

**WORLD TRAVEL MARKET.**

Can Government give a detailed breakdown of the cost of participating in the World Travel Market?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

Answered together with Question Nos. 372 to 374, 376 and 377 of 1999.

ORAL

NO. 376 OF 1999

THE HON DR J J GARCIA

**SITC.**

What was the cost of participating in the "Salo Internacional Del Turisme A Catalunya (SITC)" in Barcelona?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

Answered together with Question Nos. 372 to 375 and 377 of 1999.

ORAL

NO. 377 OF 1999

THE HON DR J J GARCIA

**CRUISE LINER "ASUKA".**

What was the total cost of supplying roses and photographs to passengers from the Japanese cruise liner "Asuka" during its call to Gibraltar on Friday 23rd April?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The Cruise and Ferry 1999 exhibition only took place last week and all the costs have not yet been billed. However, it is estimated that the cost will be approximately £3,300.

The cost of participating in the London Boat Show was £17,778.88.

This amount is made up as follows:

£

Stand Hire and set-up costs	12,213.03
Brochure delivery	261.50
Special uniforms for staff manning stand	255.00
Point of sale material	664.42
Sundry expenses	210.96
Flights for GTB staff	1,618.00
Subsistence of GTB staff	1,639.97
Hotel expenses (bed only)	916.00

The cost of participating in FITUR was £13,936.23.

This amount is made up as follows:

£

Stand Hire and set-up costs	6,235.00
Brochure delivery	570.00
Mail shot	793.17
Point of sale material	1,448.63
Advertising	462.00
Entertainment	234.16
Sundries	280.71
Travel for GTB staff manning stand	1,009.92
Subsistence for GTB staff	2,553.14
Hotel expenses (bed only)	350.42



The cost of participating in the World Travel Market was £41 982.12.

This amount was made up as follows:

	£
Stand Hire and set-up	34,420.17
Advertising	871.56
Brochure delivery	245.60
Reception	1,867.55
Sundries	360.23
Flights for GTB staff manning stand	1,112.00
Subsistence/Hotel	3,105.01

The cost of participating in the Salo Internacional del Turisme was £4,468.57.

This amount is made up as follows:

	£
Stand Hire and set-up	1,531.89
Point of sale material	179.74
Sundries	142.00
Flights for GTB staff	530.20
Subsistence for GTB staff	1,621.18
Hotel (bed only)	663.56

The "Asuka" is the only Japanese cruise ship calling at Gibraltar. It represents an interesting marketing opportunity, which we would like to maximise to the full.

The roses were paid for by the ship's agent Smith Imossi & Co Ltd. The total cost of supplying the photographs was borne by the GTB marketing vote in the sum of £900.

SUPPLEMENTARY TO QUESTION NOS. 373 TO 377 OF 1999

HON DR J J GARCIA

On this last question what exactly were the roses and photographs commemorating?

HON J J HOLLIDAY

The roses were paid for by Smith Imossi & Co so obviously although we did this in coordination with them they were meant to be as a gesture of welcome to Gibraltar it is something that a lot of other ports do and the Japanese are extremely attracted to roses as a form of welcome.

In terms of the photographs, they were meant to commemorate the landing of the Emperor of Japan I think in 1921 when Hirohito landed in Gibraltar and it was just a gesture to say that, "the Emperor had landed here in 1921 and you have landed in Gibraltar in 1999". We did this last year and the shipping company wrote congratulating us on something which had been very welcomed by the passengers and obviously it was repeated this year. If they are coming back next year, which we hope in larger numbers, we obviously will be doing more of these.

HON DR J J GARCIA

The media reported, and it sounded rather odd at the time, that the photographs were commemorating the War time visit of the Emperor and obviously it was very odd because we were actually at war with Japan. How could the Emperor have come here in the middle of the war? So that information emanates from the Tourist Department?

HON J J HOLLIDAY

Yes.

HON DR J J GARCIA

I am sorry, I was under the impression it was World War II.

MR SPEAKER

World War II was in 1939.

NO. 378 OF 1999THE HON DR J J GARCIA**VALUE OF COMMERCIAL FREIGHT.**

What was the value of commercial freight set down and picked up by air in 1998?

ANSWERTHE HON THE MINISTER FOR TOURISM AND TRANSPORT

I actually did answer this question at the last meeting of the House under Question No. 114 of 1999 but I will repeat it for the sake of the record. The value of commercial freight set down and picked up by air in 1998 was as follows:

Incoming freight (excluding banknotes)	£20,201,374
Incoming freight in transit	£4,976,423
Total value of incoming freight	£25,177,797
Outgoing freight	£1,955,546

SUPPLEMENTARY TO QUESTION NO. 378 OF 1999

HON DR J J GARCIA

We have actually looked at Question No. 114 here and the answer given at the time was that figures were not available by air.

HON J J HOLLIDAY

Correct at the time but then the Leader of the Opposition asked and said why we could not obtain these I believe from Customs and I undertook to get back the next day and on the next day it will probably be recorded hopefully in the minutes that I actually gave the information.

HON J J BOSSANO

The volumes which are given in the report tabled today shows that there was a recovery from the very low figure of 1997, is that an indication that air freight has now sort of stabilised?

HON J J HOLLIDAY

That is correct, the figure for 1998 shows an increase in the freight and we hope that that is the trend for the future.

HON J J BOSSANO

I know what the figure says, the point I am making is that it has been coming down, does the Minister have an indication that it has now sort of bottomed-out? He may not have looked into it.

HON J J HOLLIDAY

I cannot really scientifically reply to that, the only thing I am aware of is that there are now much more ship spares coming through by air freight for use in the Port than there were in the past. We have made provisions to have a slightly more efficient system of clearance through Customs of these spare parts and I believe that this has led to encourage a number of Port users to air freight some of the spare parts out to Gibraltar.

NO. 379 OF 1999THE HON DR J J GARCIA**TOURISM - HOTEL ARREARS.**

What amounts are due and Owing to Government by hotels broken down by items and in respect of which periods these monies become due as at the end of April 1999?

ANSWERTHE HON THE MINISTER FOR TOURISM AND TRANSPORT

The arrears due by hotels at the end of April 1999 stood at £926,114.62. These arrears are in respect of amounts which fell due over a number of years dating back to 1991. The breakdown of this figure is as follows:

Electricity	£346,653.68
Rates	64,376.58
Social Insurance	312,495.38
PAYE Tax	202,588.98

I must make the point that agreements have been entered into during the last year for the payments of most of these arrears as well as for ensuring that the current bills are settled as and when due, in fact they do form part of the Hotel Assistance Scheme package and as conditioned in the Agreement.

However, Government will not be providing the information requested broken down by hotels as it is felt that this would be inappropriate.

SUPPLEMENTARY TO QUESTION NO. 379 OF 1999

HON J J BOSSANO

Taking the figure which was £966,000 in answer to Question No. 135, there seems to have been very little change in the amounts owed since the House was first told that there was this Agreement. For example, if we take the electricity, the difference between the last figure given and this one is that it has gone down from £350,000 to £346,000. At what sort of rate are these arrears supposed to be eliminated? Is this an indication of how small the payments are?

HON J J HOLLIDAY

I believe and I am not 100 per cent sure, but I think that most of the agreements that have been entered to by the hotels stretch over a period of five years and therefore that has a reflection on the amounts that are due. So possibly that is why the slight change.

NO. 380 OF 1999

THE HON DR J J GARCIA

**TOURISM - NEW AIRLINE.**

Can Government state whether there has been any progress in attracting a new airline to Gibraltar?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

Government are in discussion with various airlines and talks are in progress. However, Government are unable to give details due to the commercial sensitivity of these negotiations. An announcement will be made once discussions are concluded satisfactorily.

SUPPLEMENTARY TO QUESTION NO. 380 OF 1999

HON DR J J GARCIA

The Government have been in discussion with airlines since 1997 and nothing seems to materialise. After the Routes 97 Conference it was believed to be British Midland then after the Routes 98 we were told there were 17 airlines interested in coming to Gibraltar and yet nobody appears to have come. Does the Minister have an explanation for that?

HON J J HOLLIDAY

In 1997 British Midlands did have an interest in coming to Gibraltar, in fact I think it was the Hon Albert Isola who said in this House that he had learned that some of the British Midlands pilots were trying to sort of test learners licence landings in Gibraltar which was new to me. But those negotiations have not progressed what I said subsequent I think in 1998 as quoted is that we had been in discussions and in contact with 17 airlines. That does not mean that they were all interested in coming in. But we were in contact with them. In fact I have been in contact with every airline that I could find my hands on because obviously we believe as a Government that it is important to promote and open up new routes to Gibraltar be it from the UK, non-London airport, London airport or even European destination.

As I speak today I can say that we are in formal discussions with a handful of airlines but I think that making comments in the House and reporting to the media is not helpful in negotiations. Sometimes this can lead to the negotiations coming to an end because of the sensitivity of their other interests, there are wider implications so I feel for the sake of trying to materialise any of this that we keep this under wraps until negotiations have been concluded.

HON DR J J GARCIA

Without revealing the names of the airlines for the reasons which the Minister has just outlined can he perhaps say how many of the 17 airlines we remain under negotiation with, we are discussing with?

HON J J HOLLIDAY

We are in negotiations with five different airlines.

HON J C PEREZ

Is the Minister able to say which routes are being negotiated or is that aspect also sensitive? Is it the name of the airline that is sensitive or is it the route or is it both?

HON J J HOLLIDAY

I am afraid that both are actually sensitive. I would refrain to making any further comments on this particular issue.

HON DR J J GARCIA

Is there any prospects of any of these airlines re-opening their links to Heathrow?

HON J J HOLLIDAY

I am afraid that I do not think that this is a possibility in the short term.

HON CHIEF MINISTER

The hon Member is aware that whether airlines fly from Gatwick or Heathrow is not a matter for the Government. It is a matter for the slots that they use and that they own at one airport or the other and it is really not a subject which the Government ought to be questioned about. The hon Member could ask the Government whether the Government agree that it would be better for Gibraltar if the flight were from Heathrow and whether the Government have tried to persuade the commercial airline, that would be a legitimate question. But to keep on putting questions to see whether airlines are coming from Gatwick or Heathrow suggests that this is a matter of Government policy or Government intervention or Government action and it is not.

If I could just take him back to the other point just so that he bears it in mind, he talks about dialogue, negotiation, discussions with airlines, let us be clear, they do not need the permission of the Government of Gibraltar to fly to Gibraltar. When they engage the Gibraltar Government in dialogue, negotiation or discussion what they are after is some degree or other of financial assistance. The Government evaluate the various offers on the basis of the cost to opportunity ratios factor of the what the airline expects by way of publically funded support. That is the only element of discussion. For the rest of it these are private sector commercial operations which make their own decisions and it is not a matter for Government.

HON DR J J GARCIA

With respect to the first part of the Chief Minister's reply that was precisely the question which I asked - whether any of the five currently in discussion with the Government would open the link to Heathrow. It was precisely that question.

HON J J BOSSANO

In fact, any airline that wants to come to Gibraltar would need to apply to the CAA and in turn the CAA would consult the Government of Gibraltar. That is still the position is it not?

HON CHIEF MINISTER

That is the practice. In other words, an airline would be hard put to get an operation running if the Gibraltar Government were opposed, but it is not that the Gibraltar Government does not licence it; it is done as the hon Member knows by the CAA. It is not a Gibraltar Government runway as he knows.

HON J J BOSSANO

Sometimes the impression is given when one talks about commercial arrangements for using the runway (which I do not do very frequently myself but other people do), it is as if the runway were ours to bargain with. The point I am making is that if an airline wanted to know that they would not be facing opposition, maybe because of lobbying by competitors that the Government of Gibraltar would be supportive. Independent of financial support, they still look for political support, do they not?

HON CHIEF MINISTER

Yes, that would not take 12 months to establish. The Government immediately indicates that the Government are in favour of competition on the route, subject only to the caveat that we want competitors to demonstrate staying power because otherwise what happens is one gets people in just to ream off the lucrative part of the market, undermine the established operators with commitment and then go off and we get left holding the pieces.

HON A J ISOLA

Are the Government aware of any applications being made to the CAA at the moment? Are they aware if any application has been made?

HON J J HOLLIDAY

I do not think that they have yet, but I think that something will happen fairly soon.

HON DR J J GARCIA

If it is all subject to the general consideration of secrecy of the national interest or whatever it is, can the Government confirm whether one of these five would re-open the air link to Morocco, although I know it is out of the question?

HON CHIEF MINISTER

What the hon Members can not do by a process of elimination is get to the point of what routes are in question. They should just take us at our word, they can sit there patiently, when it happens they will no doubt need to congratulate the Government for achieving it. In the meantime there is nothing to be gained by unnecessary public discussion of this which can only prejudice the thing happening in the first place.



ORAL

NO. 381 OF 1999

THE HON DR J J GARCIA

**TOURISM - UK TRAVEL AGENTS.**

How were the members selected for the group of UK travel agents who were brought out to Gibraltar around the weekend of 13-14 March this year?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The group was selected by the Gibraltar Tourist Board office in London.

It is one of the 13 groups of travel clerks already hosted under project 25 zero. The aim is to host 250 agents over one year on educationals.

SUPPLEMENTARY TO QUESTION NO. 381 OF 1999

HON DR J J GARCIA

The actual selection of the delegates that come to Gibraltar as opposed to the companies which is probably what the Tourist Board would target, is that decided by individual firms?

HON J J HOLLIDAY

This initiative is a UK GTA initiative and basically the procedure is that we have selected a number of these travel educationals to Gibraltar and each one of them have been allocated to one particular tour operator. In the one in question of 13-14 March I believe was a Cosmos trip to Gibraltar and they basically selected, in this case I think it was 10 travel agents to come out to Gibraltar. Then the travel agents select their own employees, whoever they feel is suited to come out. The selection at that level I presume is done by the travel agent itself but initially the travel agents are selected by the particular tour operator and the tour operator in turn have been selected by the London Office of the Gibraltar Tourist Board.

HON DR J J GARCIA

So the Government then do not monitor or control the level within the organisation or within the travel agency that the delegate has actually reached. Because information we have is that many of the people who came on that particular trip were not actually managers or people in a decision-making position.

HON J J HOLLIDAY

I think the hon Member has been misinformed in this particular event. There was one particular trip on 26 February in which two of the people that came as members of travel agents were actually trainees and when we heard about them (obviously these people were in Gibraltar already) and we were not very happy because obviously their long term future within that particular firm was not good. We did nothing about it because it could only have a negative impact on us and possibly the travel trade but we have diplomatically put in now a proviso which stipulates that whoever comes representing a particular travel agent should have at least three years experience and be in actual employment and not as a trainee in that particular travel agent. But we have done that as a matter of course rather than referring to that particular incident.

NO. 382 OF 1999

THE HON DR J J GARCIA

**TOURISM - AIR/MARITIME LINKS WITH MOROCCO.**

What steps have Government taken towards the re-establishment of air and maritime links between Gibraltar and Morocco?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

It is not for Government to make commercial arrangements to operate either an air service or sea service between Gibraltar and Morocco.

However, Government are particularly keen that there should be a regular service re-established for the benefit of Moroccan workers, pensions and obviously for tourists. To this end, the Government have been discussing with potential operators the re-establishment of air and maritime links on this route.

SUPPLEMENTARY TO QUESTION NO. 382 OF 1999

HON DR J J GARCIA

Have Government investigated the possibility of EU funding for such an enterprise?

HON P C MONTEGRIFFO

We have no proposal that involves any reference to EU funding and I could not tell hon Members whether a proposal of this type would be eligible per se. My instinct is that it would probably not be because one of the overriding rules of eligibility is that expenditure has to be undertaken within the territory that is the recipient of the funds. So in the major schemes that apply to Gibraltar I do not think that they would extend to a ferry or air service quite apart from any other rule.

There is of course the Interreg programme and that is a different matter. The Interreg programme does exist for cross-frontier cooperation in this case with Morocco and indeed a large part of our Interreg has been dedicated for the conversion of the ferry terminal. So there has already been ferry related expenditure from the EU spent in the way I have suggested. There is certainly money for feasibility studies for example in support of such a link if that was to be desirable but we are not aware of any proposition being put to the Government to access further funding either in Interreg or otherwise in respect of the links that the hon Member is now enquiring about.

HON DR J J GARCIA

Given the Government's trade mission to Morocco last year, is it not a matter of urgency that these links do get under way as we probably have hundreds of businesses and investors waiting on the other side to cross the Straits.

HON P C MONTEGRIFFO

There was not a trade mission to Morocco last year. The trade mission that the hon Member describes is simply a visit of myself and the Commercial Director of the DTI going to Morocco for the first time in the tenure of this Government to investigate primarily how we could give impetus to our Interreg programme with Morocco. Because indeed the Moroccans generally, the Moroccan government, the Moroccan authorities, the Moroccan Chamber of Commerce, have been quite slow to take up the opportunities offered by the Interreg programme. Our visit was therefore very much one to push that initiative forward, also to reciprocate various visits the Moroccan businessmen had made to Gibraltar. It did persuade us indeed of the opportunities open to Gibraltar in Morocco in the medium term. I think that at short term they are difficult to exploit but in the medium term they are very real, and I think the Government do agree that the establishment of a permanent reliable transport link is a vital ingredient to them. Frankly, there are two vital ingredients, one is a transport link and the second is the vex and difficult issue of visas which currently prevents much greater exchange between Gibraltar and Morocco.

If unless those two issues are substantively resolved in the future, the full potential of that contact will never be realised.

HON DR J J GARCIA

Following on from the Minister's reply, perhaps he could advise what the latest situation is regarding the visas, precisely regarding that situation.

HON P C MONTEGRIFFO

I do not think that arises from this question and I think that frankly that is not a matter that is proper for me to comment on the question on the re-establishment of maritime communications.

NO. 383 OF 1999

THE HON DR J J GARCIA

**TOURISM - VISITORS FROM MOROCCO.**

Can Government say what is the estimated negative impact on tourist expenditure of the non-arrival of visitors from Morocco during the period of the suspension of the ferry services?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

To date, it is estimated that the expenditure loss has not been particularly significant. The total number of visitors from Morocco over the period January to April 1999 was 590. It is expected that the suspension of the ferry service could have resulted in a drop in these numbers of some 70 to 80.

SUPPLEMENTARY TO QUESTION NO. 383 OF 1999

HON DR J J GARCIA

The 70 or 80 refers to 70 or 80 visitors?

HON J J HOLLIDAY

That is correct, yes.

ORAL

NO. 384 OF 1999

THE HON DR J J GARCIA

**TOURISM - MISS GIBRALTAR SHOW.**

Can Government say who has been the successful tenderer for the Miss Gibraltar Show?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The successful tenderer has been Film Exhibitors Limited.

SUPPLEMENTARY TO QUESTION NO. 384 OF 1999

HON DR J J GARCIA

Can the Minister say how much they paid for staging this or what the procedure is?

HON J J HOLLIDAY

Film Exhibitors Limited have been awarded the tender in the sum of £17000.

HON DR J J GARCIA

Was there only one tenderer or were there more than one? If so who were the others and how much did they bid?

HON J J HOLLIDAY

I believe there were two tenders. The successful and one other.

HON DR J J GARCIA

Who was the other tenderer?

HON J J HOLLIDAY

GBC.

ORAL

NO. 385 OF 1999

THE HON DR J J GARCIA

**TOURISM - COACH PARK.**

What toilet facilities are being planned for the new Coach Park?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The following toilet facilities are being planned at the new Coach Park.

Within the Coach Terminus:

Ladies: 8 toilets and 3 washbasins and 1 toilet for the disabled

Gents: 5 toilets, 3 urinals; 3 washbasins and 1 toilet for the disabled.

At the building nearby, next to the Ferry Terminal:

Ladies: 7 toilets and 4 washbasins and 1 toilet for the disabled

Gents: 5 toilets, 6 urinals, 4 washbasins and 1 toilet for the disabled.

SUPPLEMENTARY TO QUESTION NO. 385 OF 1999

HON J J GABAY

May I ask the Minister whether in fact there will be a ceremonial opening and inauguration of the toilet facilities?

HON CHIEF MINISTER

I will certainly be happy to invite the hon Member to do the ribbon cutting. He can do the ribbon cutting for that.

HON DR J J GARCIA

The question may seem trivial or light-hearted but I am sure to the many hundreds of tourists stuck in coaches and who want to avail themselves of the facility it is an important matter. Does the Minister think that those facilities are adequate given the volumes we get every day?

HON J J HOLLIDAY

Let me say that what I quoted as being what was going to be available at the building nearby was the facilities which were going to be put in place prior to 1996. What we have done is that we have obviously gone ahead with the building of a Coach Terminus which will have the required facilities which have been detailed here and the nearby building will be additional.

We are advised by the Quantity Surveyors who did the plan and layout of the buildings and work on this project that the facilities within the Coach Terminus will actually be sufficient considering the number and normal flow of passengers through the Terminus. It is something that I hold a lot of importance to and therefore I wanted to ensure that we did not have any problems.



NO. 386 OF 1999

THE HON J L BALDACHINO

**GIBRALTAR DEVELOPMENT CORPORATION/SIGHTS MANAGEMENT.**

Can Government state how many employees were transferred from Sights Management to the Gibraltar Development Corporation in February this year and can it confirm that these were included in the figure published of vacancies filled in that month?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

A total of 35 employees were transferred from Sights Management to the Gibraltar Development Corporation in February 1999.

Since the transfer arose as a result of a "Transfer of Undertakings" the vacancies were not published and were, therefore, not included in the figure for vacancies filled that month.

SUPPLEMENTARY TO QUESTION NO. 386 OF 1999

HON J J BOSSANO

When the Minister says they were not published is he in fact saying that they were not registered as vacancies with the Employment and Training Board and therefore they do not appear as part of vacancies filled in the month by the Employment and Training Board. Is that what he means by published?

HON CHIEF MINISTER

Yes, they were not dealt with as vacancies at all. They were just a transfer of an activity with the staff in place.

HON J J BOSSANO

Is this in fact something that was done on this occasion or is this standard practice when there have been other transfers in other employments. Was this something that was done on the initiative of the employing department as it were rather than the ETB? That is the point that I am making.

HON CHIEF MINISTER

I think it just happens in that way I am not sure it is anybody's initiative. The hon Member speaks of previous examples, it probably also happened at the time of SOS and Calpe Cleaning Services. I do not think there have been any others.

No, there has been one other. There were two small companies (I do not remember their names) that used to provide sub-contract labour to JBS. Yes, one of them was called Western Isles or something. Their staff was incorporated directly into the staff of JBS.

HON J L BALDACHINO

But they do have now a term of engagement with the Gibraltar Development Corporation, is that correct?

HON CHIEF MINISTER

Yes.

HON J L BALDACHINO

And that has been registered with the ETB I suppose? Otherwise the Government would get fined.

HON CHIEF MINISTER

Yes, one would not expect the Inspectors to start with us.

ORAL

NO. 387 OF 1999

THE HON J J GABAY

**EDUCATION - ST MARTIN'S SCHOOL.**

Does the Minister of Education intend to take action with respect to the dangerous traffic situation in front of St Mary's School?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The Minister for Education is not responsible for taking action with respect to traffic matters. These are my responsibility as Minister for Transport. The traffic situation in front of St Mary's School is no worse at present than it has been for many years. However, the Government do have plans to make the whole of Town Range, from its junction from George's Lane to the Department of Education safer for pedestrians by providing a pedestrian walkway on both sides of the road. This project should commence shortly.

SUPPLEMENTARY TO QUESTION NO. 387 OF 1999

HON J J GABAY

Since it is now the responsibility of another Minister, could I ask the Minister for Transport whether he has received any representations from the Minister of Education as to the dangers posed to the children who really walk out onto a main road and the traffic jams that tend to occur there? Particularly during the lunch hour, which has attracted of course even press correspondence in fact.

HON CHIEF MINISTER

In the first place the question relates to the situation in front of St Mary's School. In front of St Mary's School children do not walk straight into a main road because there are railings there. The danger is not in front of St Mary's School the danger is when the children get to the end of the railings and they have to come out onto a road with no pavements and that is what the answer addresses.

The situation in front of St Mary's School is not one where children walk straight onto a road.

HON J J GABAY

I think that the Chief Minister is under-estimating the adventurous nature of some children who actually climb over it. This is really part of the danger.

HON CHIEF MINISTER

If the hon Member thinks that the danger lies in the fact that children jump over fences, that would then be a problem in front of every school in Gibraltar. In fact if that is the problem I can think of much more dangerous places than St Mary's. Notre Dame for example, where there is only one fence between the school gate and a two-lane carriageway, which is one of the major thoroughfares in Gibraltar.

HON J J GABAY

All I can say is that perhaps the situation there should also be investigated with the intention of taking perhaps steps to secure the children.

HON CHIEF MINISTER

No, the hon Member should not misunderstand the nature of our answers. The nature of our answers is not that we are satisfied with the safety of pedestrians in the area of St Mary's School, it is just that his question related to the position in front of St Mary's School and that is not where the problem lies. The problem does not lie in front of the school the problem lies in the access, both ends for that matter, to the school and that is being addressed. The Government do agree that there are difficulties, I mean the pavement really begin until one is within 15 yards of the front door of the school. How does one get to that pavement in the first place? Only by coming along a road with no pavement and that is being addressed for that very reason.

HON J J GABAY

If it is being addressed we look forward to seeing how it is going to be addressed.

ORAL

NO. 388 OF 1999

THE HON J J GABAY

**REPAIR TO PUBLIC HIGHWAYS.**

Do Government intend to repair the dilapidated and derelict condition of many of our ramps and alleyways of which Frazer's Ramp is but a glaring example?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The dilapidated state of many of our public highways, including ramps and alleyways, is the result of many years of neglect and lack of investment. Government have already started to tackle this matter vigorously, introducing an on-going programme of refurbishment and embellishment of our highways. The great improvements in this area are self evident. Government will shortly announce details of a programme of similar embellishment for the Upper Town area as part of an urban renewal programme.

SUPPLEMENTARY TO QUESTION NO. 388 OF 1999

HON J J GABAY

There are two dimensions in respect of this problem. One is the element of beautification which may well take a longer period of time and I am sure that the Minister is aware that English Heritage has described our ramps and alleyways in the upper part of the town as perhaps unique in Europe if properly repaired and beautified. That is one aspect of a long-term nature. But there are some really like Frazer's Ramp which are hazardous to people and it has been illustrated in photographs in the press as well and I was wondering whether there is a plan for immediate tackling of areas like Frazer's Ramp?

HON CHIEF MINISTER

It was once famously and I think most unfairly said of me that I would need a map to find the Laguna Estate. That was not true but it would certainly be true that I would need a map to know where Frazer's Ramp is and perhaps the hon Member could educate me on that.

HON J J GABAY

The answer is very simpler He should read all articles in the Gibraltar Chronicle not just those that compliment him.

HON CHIEF MINISTER

So is he going to educate me or not? Perhaps he does not know where it is. Does the hon Member know where it is?

HON J J GABAY

I thought that the Government were here to answer questions not to ask them.

What was said about the Chief Minister and his lack of knowledge of the topography of the place had connotations more serious than whether I know the exact location of a particular ramp. Since I am not here to answer the question I still will not.

HON CHIEF MINISTER

Does the hon Member know or does he not know that it is a dilapidated and derelict condition, and if he does not know where it is he can not have visited it and if he has not visited it how does he know it is in a dilapidated and derelict condition?

HON J J GABAY

It is up to the Chief Minister with his newly acquired knowledge of local topography and friendliness with the mass of the people that he should know about it or find out about it.

NO. 389 OF 1999

THE HON J J GABAY

**CULLING OF APES.**

Can Government confirm that 25 apes have been killed in order to reduce numbers?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

A pack of apes established itself in the Catalan Bay area towards the end of last year and was causing damage to property in the area.

After consultation with the Gibraltar Ornithological and Natural History Society it was decided that the only humane way to remove these animals was to have the pack put down.

This was done humanely by experts with the exercise cleared by the Zurich University team who have been working with GONHS on the apes. Minimum distress was caused to the animals from which samples were taken for genetic research on the origins of the Rock Apes.

Twenty four animals were culled. These could not be moved elsewhere as they would have returned and no institution which wanted them overseas was found.

Culling as a method may need to be used again but the requirement for this will reduce once the prepared management plan is implemented. The intention is to stabilise the population at about 180 animals in 6 groups of about 30.

SUPPLEMENTARY TO QUESTION NO. 389 OF 1999

HON J J GABAY

I am aware of most of the facts that have been given in answer I appreciate the fact that the particular pack that had gone down to settle around Catalan Bay was causing a problem to visitors and tourists and that something had to be done. Talking about public reaction, I think it was very welcome when it was known that a very humane approach had been taken on the previous occasion by exporting 25 or 26 apes. That was well advertised and I think rightly so.

The killing of the last lot did not receive equal attention and I think it has actually upset, particularly members of the younger generation who are animal lovers, this is actually a fact that I know at first instance. Nevertheless, coming back to the point I agree with the Minister that something has to be done when they pose a problem.

The question that I would like to ask in fact further to that introduction is since the GONHS seems to be the more appropriate for undertaking this task and I believe that they have written in to the Government with some project that would avoid these occasions when they have to be culled, by actually applying a scientific approach of management of the apes. I would like to know if the Minister feels this is possible and whether he might do something in that direction?

HON J J HOLLIDAY

I think that it goes a bit beyond what the hon Member has said. We have negotiated a programme to manage the apes and although an agreement has not yet been signed because it is now part of a legal document, we are actually in agreement with GONHS that they should take over the management of the apes with suitable veterinary care taken by Mark Pizarro who will take care of the medical aspects of the apes, in order to have a proper management programme in place. This is what I have referred to in my answer when I have said that once the prepared management plan is implemented it should avoid culling so long as we keep the numbers down to about 180 which I think is a manageable number to take care of.

HON J C PEREZ

In order to bring the numbers down to 180 is it the intention of the Government to carry out more culls in order to arrive at that number or have they already arrived at that number?

HON J J HOLLIDAY

My understanding is that the number is slightly higher than 180 but what they would like to do as part of this prepared management plan is to obviously medically assess each individual animal and then take a decision as to which are the ones we should try and preserve and which are the ones which may be subject to culling, export or we will have to go down the route of possible contraception in the future, but that is an expensive way of keeping numbers down. So the options are being considered for the future.

HON J C PEREZ

If I remember correctly when the Government issued the press release praising the Minister for the fact that instead of culling them we were exporting them to zoos, something which has not happened with the change of policy, it was stated then that contraception and other forms of methods by the same professor which the Minister has mentioned from Switzerland was a method which was to be implemented in order that the culling should only be as a last resort. Can the Minister state whether all these things happened before the decision to kill the apes was taken?

HON J J HOLLIDAY

At the time of the problem of Catalan Bay I can confirm that GONHS were in touch with a number of possible places where these animals could be exported and unfortunately, as I have said in my answer, we were not able to find anybody wanting them. At the same time, the time of the year was not right. At the last time we exported the animals and I think it was in October we were basically coming up to the period where in Germany, obviously the temperatures drop, and the animals needed a certain amount of transitional time at the right temperature and therefore exporting them beyond October was not an option. That is why we had to take very quick decisions in October to export the animals at that point in time, delaying the export of these animals by a few weeks would have meant that it would have been detrimental to the animals themselves so we would have had to take the decision of culling them then. This was not an option in December because of the temperature, it was impossible for the zoos where these animals would have gone to, but in any case, we asked around but nobody really wanted the animals at that point in time.

Let me say that there has not been a change of policy, our preference is to export rather than cull them but it is not always possible to export as was the case in December.



HON J C PEREZ

The way the Minister is speaking, the possibility of exporting apes has still not been exhausted it seems. There are still possibilities of exporting them instead of having to kill them. Fine. But if the opportunity arises in the winter not in the summer, it might be an opportune thing to leave them alive for the summer period and then export them in the winter. That is what I am saying. But I think that every step should be taken to try and not kill them if that is at all a possibility. The Minister might be joking about it but there are very many people that feel very strongly about killing apes.

HON CHIEF MINISTER

Let us be clear, if they feel very strongly about it as do we all, apes have always been culled in Gibraltar as the hon Member knows. That is why the problem has arisen and that is why we now have the problem that we have. It is all very well to avoid taking unpleasant decisions to manage a problem, the result is that the problem becomes unmanageable and the solution needs to be more extreme. Nobody enjoys issuing an instruction that animals be culled but seagulls are culled and sometimes it is necessary. The question is, I agree with the hon Member, that culling should be the last resort and that indeed is the Government's policy. All other avenues are exhausted before culling is resorted to and even when culling is resorted to, the question of humanity and humaneness arises from the way in which the culling is done. That is the principal aspect in humaneness.

HON LT COL E M BRITTO

I think what Opposition Members cannot shy away from is the direct responsibility that they had when they were in Government to have created the situation of the large increase in the ape population. I stood up in this House as a Member of the Opposition from those benches and I warned the then Government, and it was a subject I had had hands on practical experience about as Commanding Officer of the Gibraltar Regiment, I warned them that if they persisted in the policy that they had of allowing the ape population to increase uncontrolled, we would end up with the situation that we have now. Not just the large numbers but the packs splitting up and new sub-packs being created throughout Gibraltar. That is exactly what has happened because Mr Pilcher as the Minister for Tourism at the time, said from these benches that it was Government policy not to control the ape population. Not to control, never mind kill them, not to control them and therefore it was a declared policy to let the ape population increase. As a direct result of their policy, which I warned them about on those benches at the time, what has happened is a direct result of their policy. It is established scientific fact from the American Universities who reported to the Gibraltar Regiment and which I told them about and which I said the reports were available, that the ape maximum size (the maximum size recommended of an ape pack) is about 40. The moment the ape pack increases beyond the number of 40 there is an increasing risk of the pack splitting. And what happens the moment the pack splits is that one gets two leaders, two packs and obviously the size of the Rock is limited, the amount of vegetation for food is limited and one gets the packs coming down into town, into Moorish Castle and into Catalan Bay.

HON J J BOSSANO

Without going into competition for the leadership amongst competing leaders in a pack which is not a problem we experience very often in the Opposition but sometimes happens on that side, I am told without going into that aspect or indeed the fact that the military propensity for going round killing people like the Government Member who was not able to be satisfied when he was in Opposition and now feels that he has been able to satisfy them in government. I mean, have we not just heard from the

Minister for Tourism that they can stabilise a population of 180 and that he does not even know if it is above that number and the Minister is saying that they killed 25, not because they became a nuisance in Catalan Bay but because presumably, the numbers got too big. As far as he is concerned he would have killed them whether they were in Catalan Bay or not simply because there were too many of them. Culling is a way of hiding genocide.

NO. 390 OF 1999THE HON A J ISOLA**TOURISM - YACHT ARRIVALS.**

How many yacht arrivals have been registered in each of the months of January, February, March and April of 1999?

ANSWERTHE HON THE MINISTER FOR TOURISM AND TRANSPORT

There is a subtle distinction which the questionnaires are perhaps trying to draw between the yacht arrivals, as requested in Question No. 361, and the number of yacht arrivals "registered" at Gibraltar, requested in Question No. 390. The figures which are usually recorded as yacht arrivals, and which are published in the Tourist Survey Report, which is laid before the House, consists solely of visiting yacht arrivals.

However, the Port Department registers yacht arrivals and they record in their register not only visiting yacht arrivals but also arrivals of home-based yachts which have been away from Gibraltar.

Therefore, in order for clarity's sake, the two sets of figures are as follows:

January	87 visiting yacht arrivals plus 12 home-based yacht arrivals total 99 yacht arrivals registered
February	75 visiting yacht arrivals plus 18 home-based yacht arrivals total 93 yacht arrivals registered
March	177 visiting yacht arrivals plus 28 home-based yacht arrivals total 205 yacht arrivals registered
April	289 visiting yacht arrivals plus 18 home-based yacht arrivals total 307 yacht arrivals registered.

SUPPLEMENTARY TO QUESTION NOS. 361 AND 390 OF 1999

HON A J ISOLA

Did I hear the Minister correctly In saying that the figure that is used in the Government statistics 5 the yacht arrivals not registered, in other words exclusive home returns.

HON J J HOLLIDAY

That is correct. The home-based yachts are not included in the Tourist Survey.

NO. 391 OF 1999

THE HON A J ISOLA

**GIBRALTAR PORT AUTHORITY.**

Can Government state what is its target date for setting up the Gibraltar Port Authority?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The target date for the setting up of the Gibraltar Port Authority is September 1999.

SUPPLEMENTARY TO QUESTION NO. 391 OF 1999

HON A J ISOLA

Could the Minister tell this House what he intends the new Port Authority to do in the sense that we have a Port Department and it should be replaced by a Port Authority which from what I read of what I think is in an interview I am not sure if it is in the shipping supplement, it indicates that there will be structural changes and that this will be on a more commercial footing I understand. What exactly does that mean? What changes does the Minister propose?

HON J J HOLLIDAY

The recommendations that were made by MBS were transferrable and subsequently considered by the steering committee are in the process of now being put into a policy paper which should shortly be considered by Ministers.

The Gibraltar Port Authority obviously will involve a re-structure of the present format of the Port Department and in that new structure there will be a commercial division to the Port because Government does feel that we should have a far more pro-active role within the Gibraltar Port Authority in order to promote and sell the Port services internationally. That is basically the re-structure that we are following. We have had some discussions with the Unions in respect of the re-structure, no formal negotiations have commenced because obviously we will need to get clearance from Ministers in respect of the proposed structure before we can actually proceed with formal negotiations. I am hopeful that that will happen shortly and we hope the negotiations will allow us to be able to constitute the Gibraltar Port Authority.

HON A J ISOLA

Can I draw from that that in fact the Chief Executive of the Port Authority will be a new recruit whose primary role will be the marketing and development of the Port? Is that what his primary function will be?

HON J J HOLLIDAY

Yes, I feel that the idea of having a Chief Executive within the Gibraltar Port Authority to basically control the financial and sales side of the Port and have the existing structure or the existing personnel more related towards nautical and maritime related operational and navigational control and have the Chief Executive and a possible small team of people working in a more' commercial framework of actually going out rather

than have myself trying to sell the Port at different areas, which I will continue to do, but actually have support of having a permanent active position in place to be able to undertake that role from a more professional way.

HON A J ISOLA

Would the Captain of the Port retain a position within the authority, obviously he would not be the senior officer, I imagine the Chief Executive would be, would the Captain of the Port still retain his statutory responsibilities and other responsibilities?

HON CHIEF MINISTER

In respect of the navigational safety of shipping and type functions these will not change.

HON J J BOSSANO

The Port Authority is envisaged as a statutory body like the Health Authority?

HON J J HOLLIDAY

That is correct.

HON J J BOSSANO

There would be an ordinance setting it up as was the case with the Health Authority?

HON J J HOLLIDAY

That is correct.

NO. 392 OF 1999

THE HON A J ISOLA

**CONTAINER TRANSHIPMENT FACILITY.**

Can Government confirm whether it has received firm proposals for a container transshipment facility?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

Government can confirm that firm proposals for a container transshipment facility have not been received, even though there has been contact with possible developers and operators who are keen on this project.

SUPPLEMENTARY TO QUESTION NO. 392 OF 1999

HON A J ISOLA

Are Government considering in any way the investment of the reported £180 million investment necessary to create this transshipment facility independently of any commercial operator?

HON J J HOLLIDAY

That is one of the options that Government have considered and is still open to us. The feeling is that we should go down the route of rebuild rather than developing the facilities ourselves. That is the way and the route that most of these container transshipment are developed. If it makes commercial sense to the developer and the operators who develop the container then it is much more feasible to get the project off to fruition.

HON A J ISOLA

So the position then is, in fact, if an operator who is satisfied of the commercial viability of the transshipment facility were to make a proposal to Government to do what the Minister has said that is to rebuild and operate, this sort of proposal the Government would be happy to receive but it has not yet received at this stage?

HON J J HOLLIDAY

Government would be very happy to receive any proposals that any commercial entity wished to put forward. I can tell the hon Gentleman that I have had discussions with such interested parties and Government have gone down the route that it must put the project out to tender. I believe that in the market we are in and the possibilities and potential that Gibraltar has, I do not think that we can come to an agreement with any particular operator without actually putting the project out to tender. However, in order to prepare suitable tender documents we have to identify a suitable financial institution which the Government need appointed to be able to coordinate such tender process. It is a complicated issue and we do not have the expertise readily available. There are not many institutions that have that capability and these tender documents must include both an engineering feasibility study in order for tenderers to actually consider what the cost of bringing the project to fruition is like. In addition to that we

have been advised that it is important that we should have a market potential feasibility study also done, especially as there are other locations in the vicinity of Gibraltar who are either actively pursuing this type of project or are actually going down the road of developing the actual container transshipment facility.

Therefore, we are at the stage at the moment when all this is now going to start to be put together in order to bring these into tender process. It is also a possibility that EU funds could be available for a project of this nature and therefore we would have to go down the route of meeting European legislation in terms of tendering publications and advertising of public tender procedures. So, that is at the stage that the Government are at the moment.

HON A J ISOLA

As a final question, do Government have any idea by when it will be in a position to invite tenders. When it would expect to be in a position to invite tenders?

HON J J HOLLIDAY

The reality of the situation is that it is a complex project and therefore it is not something that can be brought to fruition very quickly. There are lots of legal advice that needs to be sought in this matter, advice outside Gibraltar as well, therefore it is a matter that is progressing but not progressing at the rate that we would like to see it. But it is something that we are very much on top and we recognise the importance of this project to Gibraltar and therefore we wish to continue pursuing it, as I have said publically in the media, that if it is commercially viable then obviously the project would be coming to fruition quickly.

HON J J BOSSANO

In this indicative figure of £180 million investment, is a substantial part of that investment in new reclamation?

HON J J HOLLIDAY

Yes, that is the figure. I have spoken to more than one possible developer/operator and that is the figure that has been floated around. Obviously they judge this on the engineering requirements that would be needed to put in place additional land which would need to be available for this project to come to reality.

HON J J BOSSANO

In relation to the possibility of EU funding, would that be dependent on further new funding beyond 1999, that is presumably what is available from the 1995/1999 programme would not be something that could be used for this.

HON J J HOLLIDAY

That is correct. I mean it is nothing to do with the current 1995/1999 EU funding project it will be a completely different funding at source of EU funds.

NO. 393 OF 1999

THE HON A J ISOLA

**ELECTRONIC TRANSPORT.**

What plans do Government have, if any, for the introduction of electronic transport in Gibraltar?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

Government have no plans to introduce electronic transport in Gibraltar. Indeed Government do not know what electronic transport is.

SUPPLEMENTARY TO QUESTION NO. 393 OF 1999

HON A J ISOLA

I am surprised that Government should not be aware what electronic transport is, bearing in mind it paid £7,652 for an eco-motion survey which they told in answer to Question, no, the answer says "to assess the potential benefits and cost of introducing electronic transport in Gibraltar" and that is an answer the Chief Minister gave me, so if he does not know what it is perhaps he can tell us what he paid £7,500 for. The answer says electronic transport. Do they have any proposals in respect of electric transport if they do not understand what the word electronic means?

HON CHIEF MINISTER

Only indirectly. One of the issues being considered under the provision of public transport, is whether some of the services should be operated by electric vehicles to minimise pollution in the centre of town.

HON A J ISOLA

Is that something that is then under consideration at present? Is that what the Chief Minister has said, I am not sure I caught it.

HON CHIEF MINISTER

It is an idea. It is subject to cost. Electric vehicles are much more expensive. It is one of the ideas, one of the concepts being considered for a new public transport system.

HON A J ISOLA

I assume the recommendations of the report by a Dutch or Danish company, did they provide recommendations which Government have considered? And did they provide a cost tag to that proposal?

HON CHIEF MINISTER

I am afraid I have no knowledge of that.



ORAL

NO. 394 OF 1999

THE HON J C PEREZ

**PUBLIC BUS SERVICE.**

Have the Government now considered the recommendations of the Review Team on the Public Bus Service in Gibraltar?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

Government are still considering the recommendations and especially how they can be implemented.

SUPPLEMENTARY TO QUESTION NO. 394 OF 1999

HON J C PEREZ

Can the Minister give us an Indication of when the Government are prepared to allow action on this given that the Chief Minister has been boasting for three minutes now that we are going to have a superb bus service that is going to be the envy of the world. Can the Minister state when it would be in a position perhaps to disclose, I asked the last time whether he would disclose at least on confidential basis what those recommendations were or whether when he would be in a position to state what action Government intend to take as a result of those recommendations?

HON CHIEF MINISTER

There is a difference between the review team's recommendation on the one hand and the Government's ideas for a new public transport system on the other. The review team dealt mainly with operational matters, routes, ticketing structures, fare structures, things of that sort. The Government's proposals, which we are trying to consider side by side with, is for a complete replacement of the infrastructure of the public transport system, in other words, a large investment in a new and different type of fleet of buses. That in turn raises the question of whether the existing licensees can afford the investment. If they can not it raises questions of how the Government restructures the licensing system, what happens to the existing licences. It really is not just a matter of financial resources involved but indeed also of the accrued commercial rights of established operators and how they can be married to a new investment on which they can not participate. I can not give the hon Member an indication but I suppose it will be some time before the next elections. It is a priority because the Government believe the public transport system with one or two exceptions, one or two of the services are quite well run, but most of it is pretty shocking and as part of what I referred to some time ago as an integrated transport policy, partly encouraging people to use their cars less, part of that jigsaw is a reliable, efficient easy-to-use public transport system and I do not believe that that is what we have got.

NO. 395 OF 1999

THE HON J C PEREZ

**TRAFFIC FLOW - LOWER TOWN AREA.**

Other than encouraging people to use their cars less have Government any plans to alleviate the traffic congestion in the lower town area?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

Recent changes to rights of way at the Trafalgar Cemetery junction have greatly improved congestion of traffic travelling from the south district into the town area and Queensway.

Government will shortly introduce changes to traffic control and flow arrangements to accelerate traffic flows at the Winston Churchill Avenue/Glaciis Road/Corral Road/Smith Dorrien Avenue junction.

Government are also studying ways of improving traffic flows at peak times out of Europort Avenue into Queensway.

The opening of Lovers' Lane will also improve the southbound traffic through Line Wall Road and enable the reversal of traffic flow at Secretary's Lane.

These Plans are expected to alleviate the traffic flow in the lower town area.

SUPPLEMENTARY TO QUESTION NO. 395 OF 1999

HON J C PEREZ

We would just have to wait and see to what extent it alleviates the present chaos if at all. I mean I am glad that the Chief Minister has at long last admitted that there is chaos.

HON CHIEF MINISTER

I was just congratulating myself on the fact that whereas a few months ago he used to use the word "chaos" I am gratified that in the question he no longer uses the word "chaos" which suggests to me that he thinks the situation is vastly improved.

HON J C PEREZ

No I do not but I am glad that he recognises that there is chaos.

NO. 396 OF 1999

THE HON J C PEREZ

**TRANSPORT - TINT OF REAR WINDSCREENS.**

Have Government now taken a decision over the representations made by some car dealers about the tint of rear windscreens on vehicles manufactured to EU specifications?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

At the present time the Government are taking legal advice on this matter.

SUPPLEMENTARY TO QUESTION NO. 396 OF 1999

HON J C PEREZ

Can the Minister expand on it, I know it is illegal because we passed the law but when we amended the law for the taxis to be exempt from the tint of the rear window the Minister said that he had received representations from certain car dealers and that this was being looked into as well. What is the legal problem other than our own legislation?

HON J J HOLLIDAY

As the hon Member has said, we received representations from more than one car dealer in respect of some vehicles that do not meet the local legal requirements and we have passed this on for legal advice because we wish to know whether the law as it stands today is in line with European Union specification or whether there is a need for us to reconsider the position in respect of it. Once I receive the legal advice obviously then a decision can be taken.

HON J C PEREZ

Does the Minister not realise that he does not need to take legal advice to find that out, he only has to read Hansard. When the Bill was introduced the Chief Minister said that we wanted to be better and more than Europe and that we were going to go one step further than Europe. That is what has brought about the problem that whereas the cars are manufactured to European Union standards our legislation has in fact gone further than what the European Union advised Member countries to do. It was a deliberate thing that was done and defended by the Chief Minister in his contribution to the Bill.

HON CHIEF MINISTER

That is only partially right. It is not that the Gibraltar law goes further than the European Union. Incidentally, that particular European Union directive does not apply to Gibraltar because it is adopted under Article 100 relating to the Single Market and the freedom in goods and directives adopted under that legal base do not apply in Gibraltar. We nevertheless used it as a model for tinted windows legislation because we wanted to introduce tinted windows legislation as a matter of domestic policy even though we were not obliged to implement that particular directive.

Our legislation did not go beyond the EU requirement insofar as the percentage of translucency is concerned. In other words, our legislation permits windows or rather our legislation prohibits windows of less translucency the same as the EU law does. The difference where we have gone further is that we have extended it to windows to which the European Union directive does not apply. In other words, whereas the European Union directive applies for windows from the middle of the car forward, because we were introducing this legislation for a completely different reason, we all know what that reason is, we extended it to all the windows of the car. That is the extent to which the Gibraltar law goes further than EU law. Ours applies to all the windows of the car, front, back whereas the European Union directive only applies to the front passenger side and the driver side window and the front windscreen and our applies to the two back passenger windows and the rear window. That is the position.

HON J C PEREZ

Nothing that the Chief Minister has said contradicts anything that I have said. What I am asking the Minister is what is it that has gone to legal advice? We know what the problem is. The problem is that we legislated over and above the requirements. Not in the density but in the windows that have been included. So we know what the problem is, what is it that is being looked at legally now?

HON CHIEF MINISTER

I would rather not answer that question in the public domain. I do not mind briefing the hon Member privately. There are other issues to do with whether people that had cars with those windows are entitled to be compensated for the cost of changing them. There are all sorts of ancillary issues. It is a subject of a global legal view of the whole thing and until the legal advice is made available to Ministers, which has not yet occurred, I would rather not comment publically on it.

HON J J BOSSANO

Were the Government aware at the time they introduced the legislation into the House that it did not have to introduce such legislation as a matter of community obligation because that was not said at the time we debated it. The impression that was given was the opposite.

HON CHIEF MINISTER

I can not recall whether we said it or whether we did not but I certainly do not remember giving the opposite impression. My recollection is that we actually said we were not bound by it. The Government were aware of it, indeed we considered it from the other point of view. If Gibraltar did not adopt an Article 100a directive, would this prejudice the argument that Article 100a directives did not apply to Gibraltar, which I also told the hon Members was now under challenge by the Commission itself. Therefore we considered if at the same time we are arguing that Article 100a directives do not apply to Gibraltar, if we go off and apply one, albeit because we want to do it for some other reason, does this somehow weaken our argument about the general applicability of Article 100a. So we were definitely aware of this. It was considered very carefully. Actually advice was taken on this very point that I am now putting to the hon Member as to whether it would prejudice.

HON J J BOSSANO

I believe speaking from memory that in fact the very point that was made was are we required to do this by Community law and the reply was no we are going beyond what we are required to do. This is why I am saying this is the first time we have heard that we are not to do anything at all.

HON CHIEF MINISTER

I am not prepared to contradict the hon Member's memory nor am I willing to concede to it. What he can not do is create an impression on the basis of the recollection of which he himself has little confidence in.

HON J J BOSSANO

Sufficient confidence to ask the question.

HON CHIEF MINISTER

No, but the hon Member is repeatedly saying that he does not recall it being said. I am sorry that the hon Member does not recall it being said I can not say with certainty whether it was said or not. My recollection is the opposite of the hon Member's that is, that it was said, but that is what Hansard is for, so that no one has to rely on the recollection of either of us.

ORAL

NO. 397 OF 1999

THE HON J C PEREZ

**TRANSPORT - MOT TEST CENTRE**

Can Government state whether the works for the extension of the MOT Test Centre at Eastern Beach Road have now commenced?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

These works have not commenced as yet.

Building contractors have recently been invited to tender for these works and the closing date for receipt of such tenders is Friday 11th June 1999.

SUPPLEMENTARY TO QUESTION NO. 397 OF 1999

HON J C PEREZ

Yes I did notice that the tender notice came out after the question had been submitted.

HON J J BOSSANO

Like so many other things.

ORAL

NO. 398 OF 1999

THE HON J C PEREZ

**TRANSPORT - MOT CERTIFICATES.**

Will owners of vehicles liable to an MOT test be required, this year, to produce an MOT test certificate at the time of renewing their road tax disc?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

Owners of motor vehicles liable to a roadworthiness test will be required to produce a Roadworthiness Certificate or documentary evidence that an appointment has been made to have the vehicle tested.

SUPPLEMENTARY TO QUESTION NO. 398 OF 1999

HON J C PEREZ

So if for example the appointment for any reason is not met one could have a situation where there is a vehicle which has not undergone the MOT test but has already got the disc with him. That is a possibility, one has got an appointment with the MOT Test Centre, one cancels for any reason then one does not go again and the disc is already in the possession of the owner of that vehicle.

HON J J HOLLIDAY

Yes that can happen. However, when one goes to book a test one has to pay to get the appointment done, so we hope that that will be a deterrent for those who wish to not put their vehicles to a road worthy state.

HON J C PEREZ

Is it as we suggested last year, that at the time of the renewal of the disc there is a rush to get appointments and that is why the system has had to be done like this, because people by nature do not do it until the last minute when they have to, and there is now a rush and therefore the appointments have been spread out over a longer period. Is that the reason why the evidence of the appointment matter has been introduced?

HON J J HOLLIDAY

Well this was introduced to ensure that those that have not been able to have the roadworthiness certificate or their car examined prior to the MOT disc expiring or their road disc expiring, would have the opportunity to be able to renew their road disc so long as they do have the roadworthiness test booked and paid for. Obviously, once people have made appointments it will be a matter for the administration to ensure that these people are followed up so that the test is actually undertaken.

HON A J ISOLA

Without wanting to put ideas into anybody's head, this fee that the Minister mentioned for appointments, is that fee lost if one postpones the appointment?

HON J J HOLLIDAY

I believe that one does not lose everything. I think one can change it once and the second time is when one has to pay a small amount to have it changed.



NO. 399 OF 1999

THE HON J C PEREZ

**TOURISM - LIFEGUARDS AND CLEANERS.**

Can Government state what arrangements are being made this year for the provision of lifeguards and cleaners at our beaches?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

A total of 12 lifeguards will be provided with the same training and facilities as in previous years.

Full cleaning facilities will be provided by 2 ex-Sights cleaners as well as by 12 extra seasonal beach cleaners that will be employed for the bathing season only.

Responsibility for lifeguards and cleaners for the beaches will be assumed by the Gibraltar Tourist Board.

SUPPLEMENTARY TO QUESTION NO. 399 OF 1999

HON J C PEREZ

Will these temporary employees be employed by the Tourism Board or by the Development Corporation?

HON J J HOLLIDAY

They will be employed by the Gibraltar Development Corporation.

HON J C PEREZ

So the figures that the Minister has mentioned of the seasonal ones, they are I presume the same amount of people that would have normally been taken on by Sights for this function.

HON J J HOLLIDAY

That is correct. On this occasion we are following the same procedure as Sights Management followed in previous years and obviously we will then assess what the needs are thereafter.

HON J C PEREZ

Obviously if Camp Bay is open to the public one might possibly need more people given that last year I think it was partially closed and that could have resulted in less seasonal people being employed.

HON J J HOLLIDAY

Obviously I leave that to the Product Manager who has responsibility for this to decide what the requirements are and if the need arises, obviously he will adjust the volume.

NO. 400 OF 1999

THE HON J C PEREZ

**PHASE 1 OF PEDESTRIANISATION WORKS.**

Has Phase 1 of the pedestrianisation works now been passed on to the Government by the contractor?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

I am unclear what the hon Member means by this question as he does not define the term "the pedestrianisation works".

SUPPLEMENTARY TO QUESTION NO. 400 OF 1999

HON J C PEREZ

I did ask a similar question some time ago and the Minister told me that the problem in passing on for example, Tuckey's Lane pedestrianisation to the Government, which is part of Phase 1, was that there were certain problems with the actual neighbours there that the contractor was negotiating with and that was why the Minister said the works had not been passed to the Government. I am asking whether those problems have now been resolved and whether the works have now been passed on by the contractor to the Government because they have finished them completely and the problems have been resolved.

HON J J HOLLIDAY

I was under the impression that the hon Member may have been asking the question in respect of Main Street. If he is referring to Phase 1 of Irish Town, that has not yet been formally handed over to the Government. No, there are still a number of issues that need to be addressed by the contractor.

HON J C PEREZ

Can the Minister say whether there is litigation between the Government and the contractor and some of the tenants in the area? Because the Minister told me I think it was between 6 and 9 months ago that that was the problem then and it does not seem to have been resolved. Has he got an update of the situation?

HON J J HOLLIDAY

There is a list of pending matters which have not been addressed as yet. Some of them are being addressed at present and some of them will have been addressed at the time of completing Irish Town, a section which now looks complete. I think we are now reaching the point where our own adviser on this will be examining the list of pending matters and will be advising us whether we are in a position to accept responsibility for the hand over of this particular phase. But as we speak today the project has not been handed over as yet. There are still pending matters on the list.

ORAL

NO. 401 OF 1999

THE HON J C PEREZ

**LOVER'S LANE.**

Can Government state whether the works at Lover's Lane are on schedule and when they expect the road to be open to vehicular traffic?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The works along the stretch of Line Wall Road commonly known as Lover's Lane is six weeks behind programme. As a result of this delay the revised completion date for the contract is now the end of June 1999.

SUPPLEMENTARY TO QUESTION NO. 401 OF 1999

HON J C PEREZ

Which is when they expect the road to be opened to the general public?

HON J J HOLLIDAY

That is correct.

HON J C PEREZ

I would advise the Minister not to do like the toilets and not to ask my hon Colleague to break the ribbon at Lover's Lane.

HON CHIEF MINISTER

I am determined that we should do that one ourselves but I am confident that even he will think when he has seen the finished product that it is a worthwhile improvement and embellishment to the area without having damaged any of the heritage. I am confident of our ability to persuade him even of that.

HON J J GABAY

I would not want to recall the heated and varied exchanges we had on the subject but I am afraid I do not agree.

NO. 402 OF 1999

THE HON J J GABAY

**EDUCATION - QUALIFIED TEACHER STATUS.**

Has the Minister for Education taken a decision in respect of the UK Government's policy whereby every newly qualified teacher employed on or after 1st September 1999 must satisfactorily complete an induction period in order to retain Qualified Teacher Status (QTS)?

ANSWER

THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE AND YOUTH

The question as stated does not quite reflect the new UK arrangements for newly qualified teachers (NQTs) though there is those who qualify after 7th May 1999.

The situation as described in Circular 5/99 of the DFE issued on the 12th of this month is as follows (and I quote) :-

"The new arrangements do not change the fact that Qualified Teacher Status is awarded at the successful completion of initial teacher training. However, Newly Qualified Teachers who do not satisfactorily complete a statutory induction period (of 3 school terms or equivalent) will not be eligible for employment in a maintained school ...".

This, Mr Speaker, is almost exactly the position which has always existed in Gibraltar, namely, that newly qualified teachers are required to undergo a one year probationary period before their permanent appointment is confirmed.

SUPPLEMENTARY TO QUESTION NO. 402 OF 1999

HON J J GABAY

Since this has been described in education circles in the United Kingdom as a turning point in education and a radical change, are we to believe that the probationary year in Gibraltar lives up to the very exacting standards that have been included in the United Kingdom for this induction year?

HON DR B LINARES

Yes, the hon Member is right. The circular that I have quoted actually sets out in great detail the methods of assessment and monitoring. It is intended to be a positive approach not an inspectorial negative approach. It is a way of developing the skills in a practical way of newly qualified teachers, and I agree that the circular and the instructions there will be of great use to our head teachers and our advisers when assessing teachers locally during their probationary year.

I meant that in principle, whereas in Britain the probationary year was dropped a number of years ago, they are now reinstating it but we have kept it throughout. What we need now is actually to fine-tune the methods of assessment for our new teachers. The circular and the instructions in the UK will certainly be very useful.

HON J J GABAY

Does that mean to say that locally as happens under the induction year now, that the headmaster of a school will have the right to remove the teacher training status if dissatisfied at the end of the year. Because this is one of the major points as well in the induction year in England.

HON DR B LINARES

I do not quite agree. The qualified teacher status as such is not removed. The status is intrinsic and the circular makes it clear it is given at the end of the initial period of training. It is the employability aspect which can be jeopardised by a failure exceptionally.

The circular also makes it clear that normally it is very unlikely that qualified teachers, because as the hon Member knows, the qualifying period, the training period, includes an element of teaching practice which would have revealed whether an individual teacher is up to the job or not.

HON J J GABAY

So really the induction year as specified in the United Kingdom in all its various details, is not to be introduced into Gibraltar and the Minister feels the probationary year, which I assume is of a far more general and personal nature, will continue to prevail. If this is so, how will it affect for example a teacher or a student who gets PGCE then comes to teach in Gibraltar but for some reason or another may wish to change to the United Kingdom, will he be handicapped as a result of that. If so, can any steps be taken to see whether a linkage can be done with the United Kingdom system of education?

HON DR B LINARES

That is a very real issue, whether the induction period or the equivalent here locally will (I do not like to use the word qualify) but will enable the local teacher who wishes to practise in the UK, whether that will be accepted by the DFE in the UK as a valid period of induction for employability in the UK. We are certainly pursuing that one, there is some guidance in the circular, there is reference to how the instructions apply to teachers from outside England and more specifically to the European Economic Area. It states that they will be exempt after training for 3 years in a UK establishment, teachers from the European Economic Area may be exempt from induction in two circumstances. When they have successfully completed an adaptation period or an aptitude test and when they have been assessed as not needing to complete an adaptation period or aptitude test. This is a matter that the Department of Education is currently pursuing and investigating with the DFE. But it is an important issue.

HON J J GABAY

I am pleased with that information. One other further question that comes to mind. With regard to the induction year, special funds are to be provided to the schools so that the load being given to a newly qualified teacher is not such that will dis-allow or handicap the performance under the tutorship so to say of a more experienced head of department. Is this part of our probationary system? I would like to return to the point as well, does a headmaster during this probationary year have the right to withdraw the employability of a teacher who has already passed the PGCE?

HON DR B LINARES

The decision is not solely that of a head teacher. The head teacher will be an assessor but there will also be a personal tutor, mentor for the individual teacher, the advisers themselves in an inspectorial role will also have opportunity and have in fact in the probationary year a duty to assess the teachers in practice. There are quite a number of factors that go into the final assessment of the probationary teacher, not just the head teacher but the question that the hon Member mentions about the timetabling of that particular student teacher not student teacher but probationary teacher, actually it is specified in the circular as 90%. It has been the practice in Gibraltar during the probationary year to give the probationary teachers a lighter load precisely so that they have time to come to the department's offices and be inducted by the advisers in various aspects of teaching in practical terms. So it has been the practice but now it would become statutory as required in the instructions from the DFE if we apply them entirely as I think we will probably have to, to the situation in Gibraltar.

HON J J BOSSANO

What the Minister is calling an induction period, is this not in fact the probationary year that every Civil Servant has when they join the Civil Service? I mean, is it not true that every Civil Servant is on probation for one year before he is confirmed as permanent and that in fact any teacher whether in qualified status or irrespective of the grade, in what way is a teacher being treated differently from any other Civil Servant?

HON DR B LINARES

I was precisely saying that, that in Gibraltar teachers, I was focusing on teachers because that is what is under discussion, but I do agree that all Civil Servants have to go through a period of probation. In the case of teachers of course that induction and that probation and that assessment is of a more specific nature because of the nature of the profession. As I was admitting and accepting from the hon Member, the guidelines now given by the DFE are very specific are very useful actually for the assessors to be able to monitor and guide and support the probationary teachers. But in principle or structurally or whatever, I agree that that probationary period I believe, I am not an expert in that field, it applies to all Civil Servants.

HON J J BOSSANO

Yes but then it is not accurate to give the impression that in fact the United Kingdom is now introducing a system which we have been applying here because what we have been applying here has been that every new recruit into the Government Service is on probation for one year irrespective of whether he is a teacher or a typist. So if something is going to be done new it is not because we pioneered the system and the UK is following us but because in fact the Government may be considering now whether they should apply the system the UK is bringing in. Which would imply more onerous hurdles, more onerous criteria surely in the first year. As I understand it, the standard practice has been that as long as the employee proves to be a reliable, competent person then that is what is looked for in the first year, no, before they are confirmed.

I have, I do not know whether the Minister can correct me, but I have no recollection of anybody ever not being confirmed at the end of the first year.

HON DR B LINARES

I am sorry if I gave the opposite impression, I entirely agree with what the hon Member is saying but I do recollect some teachers having failed the probationary period.

HON J J GABAY

Would the Minister agree that the probationary year probably in the Civil Service as my hon Colleague has stated, and indeed the teaching profession, has been a rather general process, as I recall it even in England. This is an entirely new system that is being imposed with some very good points but probably some points which are a little questionable. And I come back to this point of the headmaster being able to decide, if that were to be right that he has assessors and helpers and so on but it does give the headmaster rather monolithic powers in those circulars to really decide that this teacher can not be allowed to teach. Which is almost like a contradiction in the sense of the PGCE is an extremely practical course when most of that time is spent monitors in a variety of schools. It also seems a little draconian that if the status is removed or curtailed employment-wise that there is only a ten day period in which to appeal. It seems a little much. But really my question was will the Government consider in fact incorporating the major structure of this induction year that may improve upon the more general probationary year and perhaps remove some of the draconian elements and also try to establish a linkage with England so that our teachers are not handicapped after qualifying at University in their degrees and in a College as well for a teacher's training certificate?

HON DR B LINARES

I thought I had agreed with that sentiment. The question of general probation, my impression is that for teachers it has been less general than for other Civil Servants but nevertheless I did say right from the beginning that the guidelines and the specific instructions established in the circular are very useful so that we can actually fine-tune the assessment process of our teachers now and not allow it to continue to be general. However, there are as the hon Member says, draconian aspects of it but we should have to be careful in tailoring our needs in Gibraltar. Nevertheless, we have to be careful as he rightly says we do not handicap the chances of employability of a local teacher who may wish to transfer to a school in the UK. So in that sense we would have to comply with whatever DFE, and as I said we are in discussion and in negotiation with the DFE on that respect.

NO. 403 OF 1999THE HON J J GABAY**EDUCATION - SCHOOL LEAVERS.**

Will Government state how many pupils left school at the statutory school-leaving age of 15 at the end of the last school year?

ANSWERTHE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE AND YOUTH

In July 1998, 30 pupils (18 boys and 12 girls) left school at the end of year 10, that is, once they had reached the statutory school-leaving age of 15. Five more pupils (all girls) left during that school year once they were 15. All these pupils had opted in year 9 for a special one-year non-GCSE course as opposed to the two-year course which leads to the GCSE at the end of year 11.

These statistics must be seen against the total initial intake for that year of 354 pupils (190 boys and 164 girls).

SUPPLEMENTARY TO QUESTION NO. 403 OF 1999

HON J J GABAY

My concern in asking this question was that there are times when a 15 year old will leave school and really one tends to wonder what it is that happens to them. If there are such amongst these 30 - 35 that have left school at the age of 15, is there any system of research or follow-up that will account for future progress or is it that at times they are removed from school through uneducated parents, and it does happen, or parents who lack understanding, or children who at times are not really quite aware of what it means for their future. I ask this question because in the UK they are really, and rightly so, very concerned at people who leave at the age of 16 and are considering at the moment paying an allowance of I believe £40 a week in order to try and keep them at school, where it is probably the means of the parents that makes them leave school in the hope that they are going to contribute to the family budget.

HON DR B LINARES

We do keep a watchful eye on the progress of these pupils who leave at 16 or at the end of the year 10 when they are 15 and we are satisfied that most of them are, to use the hon Member's expression, catered for in other schemes, training schemes and College of Further Education and other basic numeracy and literacy provisions. The deeper problem is the introduction of vocational courses in the schools parallel to the GCSEs which at the moment are, as I am sure the hon Member knows, heavily loaded on the academic side and therefore it is really counter-productive to expect from a non-academic pupil to be channelled into an academic course which will only lead to disaffection, disinterest and as things stand, what we are doing is actually enabling and giving the opportunity of training to these young pupils after the age of 15. We are satisfied that non of them are stranded and roaming around without any form of skills development.



HON J J GABAY

If in the analysis there are some that stray, is there any system of follow-up? I mean, does one actually look at the numbers and the names and say I wonder what has happened to this one since we are talking about the tender age of 15.

HON DR B LINARES

Yes, Mr Speaker, we have to remember in a realistic way that we are talking about very few pupils. I take this opportunity actually of establishing that the stay-on rate after 15 (which is about 90%) extraordinarily good and whilst congratulating the teachers and the support services, I hasten to pre-empt the customary accusation of complacency. The stay-on rate has been increasing every year and reaching a peak this year and that is not an indicator of complacency the House will agree. But anyway, more seriously, it is easy to manage and to actually identify any individual pupil who feels lost although sometimes it is not possible to actually motivate them to come back into a useful and educational system.

HON J L BALDACHINO

If a pupil then goes to the College of Further Education, would it be of the 190 boys or 164 girls or would it be from the 18 boys and 12 girls. Does the figure that the Minister said of 190 that have stayed behind of boys and 164 of girls, will they also be in the College of Further Education or some of the 18 boys or the 12 girls would be in the College of Further Education, which of the two?

HON DR B LINARES

The entry into the College of Further Education is after year 11 and that will be the 190 boys and 164 girls. It is after year 11 that they will then qualify for entry into the College of Further Education courses. These other children who leave at 15 will have to find ways of finding training schemes, and they are assisted as I said a moment ago by the Department.

ORAL

NO. 404 OF 1999

THE HON J J GABAY

**EDUCATION - SIXTH FORM STUDIES.**

Has the Minister of Education taken a decision as to whether the UK Government's reforms to broaden Sixth Form Studies will apply in Gibraltar?

ANSWER

THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE AND YOUTH

Answered together with Question Nos. 405 and 406 of 1999.

ORAL

NO. 405 OF 1999

THE HON J J GABAY

**EDUCATION - SIXTH FORM REFORMS.**

Have Government fully analysed the controversy over the new Sixth Form Reforms and investigated any possible alternatives?

ANSWER

THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE AND YOUTH

Answered together with Question Nos. 404 and 406 of 1999.

NO. 406 OF 1999

THE HON J J GABAY

**EDUCATION - SIXTH FORM REFORMS.**

In the event of proceeding with the Sixth Form Reforms do Government feel that the time-scale will allow for a satisfactory start by next September?

ANSWER

THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE AND YOUTH

The proposed reforms are not due to be introduced in the UK until September 2000 - (not next September as stated in the hon Member's question). So the time lapse is more generous.

The reforms are varied and wide-ranging. Essentially they involve among other things a new Advanced Subsidiary qualification (AS) in a wider range of subjects in the first year of the sixth form, changes to the A level syllabuses, introduction of Advanced GNVQs and of Key Skills qualifications to encourage basic skills in communication, application of number and information technology for all pupils among other things.

As the hon Member has suggested, these proposals are still in the UK the subject of debate and, indeed, of controversy. Our Department of Education is keeping a close watch on this debate and on these developments and conducting a process of consultation with the headteachers and the relevant teachers in the Comprehensive Schools. Decisions will be taken in due course and at the appropriate time.

SUPPLEMENTARY TO QUESTION NOS. 404, 405 AND 406 OF 1999

HON J J GABAY

To make the question in the way of some interest, would it not be possible for the Minister to state some aspects of his policy in this on-going controversy in which everybody is participating in the United Kingdom, headmasters, the Unions, the Government and so on, since there happens to be every intention of promoting this. Of course, even by September 2000 the NUT claims that there will be problems in respect of the time-scale. There are also financial aspects to be considered. This is why perhaps the Minister would be kind enough to expand a little on his views on this subject.

HON DR B LINARES

I would like to actually. I would enjoy a general discussion of all as the hon Member has suggested. There are many aspects involved in this, the financial aspects, the academic aspects I think I have to discipline myself and resist the temptation to indulge in a general debate of this nature in this particular forum at this particular moment of Question Time. Nevertheless, I have repeatedly invited the hon Member, he is always welcome to come to our offices and share his insights and ideas with myself and with my advisers. After all, we are dealing here with something which is above the cut and thrust of political debate and I am sure that it is a common concern that we do the best for our children within this reform that is taking place in the UK.

So I hope he will understand, that said Mr Speaker, that I have to out of deference to the House at this stage, resist the debate. It would actually take us, as he has admitted, into many aspects which I think is not proper at this particular moment.

HON J J GABAY

I was not inviting the Minister to a debate on this subject. I was simply asking whether he could give his viewpoint on the matter. Since there are some very positive merits and some very dangerous contras to establishing this. Particularly as is well known some distinguished schools and well-known people in the education field in the United Kingdom are actually seriously considering dropping the A levels and turning into international baccalaureate. Because of these constant changes that are taking place and the idea of making in fact the A levels modular, which may be very good for the NVQs but not necessarily to maintain academic standards, and the chief inspector in England has actually said that it will destroy the academic and intellectual calibre of the A levels that have been known as the golden standard. So this is not a debate but simply a response from the Minister on this on-going policy.

HON DR B LINARES

I try to be as generous as possible in responding to the appeals from the hon Member to discuss and debate it is just that I want to assure him that we are familiar with all these aspects. Not only are some of the ideas positive but they are going to be necessary for us, remember we are dealing with exams which actually are the passport entry to University. So therefore we will have to comply with many of the requirements once they become statutory in the UK precisely to open the door for our own students to be accepted by admissions tutors.

HON J J GABAY

I am pleased that I have drawn the Minister to make that comment because one of the things that is being questioned in the United Kingdom is that the new A levels will probably not be a good basis upon which to judge adequately university entrants. A statement was made recently by some of the heads of colleges at Oxford saying that the likelihood is that they will re-introduce their own entrance examinations. To that extent do they feel that there will be a dilution again of the academic standards even though on a general global statement it sounds the right thing to broaden the syllabus at A level. But as we have seen with GCSEs and elsewhere, broadening seems to be in the United Kingdom, lowering the standards. At least this is what it appears to be.

ORAL

NO. 407 OF 1999

THE HON J J GABAY

**EDUCATION - SCHOOL OF TOURISM.**

Will the Minister for Education state how many of the 20 trainees at the School of Tourism (Bleak House Training Institute) have now successfully completed their one-year course?

ANSWER

THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE AND YOUTH

Answered together with Question No. 408 of 1999.

NO. 408 OF 1999

THE HON J J GABAY

**EDUCATION - SCHOOL OF TOURISM.**

Will the Minister for Education state how many places were on offer for the next intake at the School of Tourism and how many applications were received by the closing date of 12 April 1999.

ANSWER

THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE AND YOUTH

None of the trainees in the School of Tourism have as yet completed their one-year course, they started in September 1998. Nine trainees will complete the course by September this year and three others have succeeded in finding permanent full-time employment in the tourism industry.

By the closing date of 12 April 1999 there were 28 applications for places in the School of Tourism for this next intake and 12 of these applicants have been selected and offered places in the course due to start on 31st May.

SUPPLEMENTARY TO QUESTION NOS. 407 AND 408 OF 1999

HON J J GABAY

Perhaps I have missed the point but how many of the current intake are still following the course in the School of Tourism? We had 20 and then there were 10 and I am wondering how many there are now?

HON DR B LINARES

Nine trainees will complete the course by September this year and three have opted out because they found employment.

HON J J GABAY

Our feeling is that the School of Tourism is a failure. I remember the remarks of the hon Chief Minister who in some sort of anxious bravado said that the whole project would be worthwhile even if only one were left, obviously I was wondering if the Chief Minister's dream had come true and that there was only one. May I ask the Minister, does he actually feel that given the costly nature of instituting these courses, that the number of trainees that exist at this moment, I mean in relation to what was paid to Julia Sibley and the £70,000 for the training of monitors and so on, whether this could be justified on any grounds, whether educational, training or financially?

HON DR B LINARES

The failure of the School of Tourism may be the perception of Opposition Members opposite but certainly it is not the perception of the trainees, of their parents and of the industry. They find that the School of Tourism is very successful in an area which was largely unexplored within the local labour force. The fact that there is a number of withdrawals was to be expected. I do not think the number is inordinate in that there are many young people, finding their way after school into areas of training

and skills development, well this is one of them. Nevertheless the very exacting nature of this type of job very often prompts them that this is not for them but nevertheless the fact that some are taking on very seriously and developing their skills and finding employment as I have had occasion to state, is certainly not our perception or our impression that this is a failure. It is money well spent.

HON J J GABAY

May I insist that we do not consider it to be money well spent with a 50 per cent drop-out rate. And a point that I would really like to make, perhaps the Minister may agree with me, is really that there was a certain presumptuous approach in the whole presentation of this programme. To begin with to call a few courses in tourism a School of Tourism is in itself presumptuous. It may be of interest from the political impact it can make but certainly it can also lead to disappointment of those involved in it because their expectations have been raised so there is a lot really on the surface and very little under it, simply because when you establish programmes like this, I am sure that there is an education as the Minister would agree, one has the problem of motivation. To say, surely, that local youngsters are not accustomed to working the hotel trade as the Chief Minister said at the time that I raised this, look we consider the project laudable and we said so and we also said at the beginning that it may not succeed because I do not think that the necessary motivation or process has encouraged the trainees to feel that they are doing something special. Because if we knew from the beginning that they are not accustomed then why on earth institute this.

HON CHIEF MINISTER

The Government do not agree with a solitary word of what the hon Member has said. It really is quite tragic that for the simple expediency of levelling political criticism at the Government, the hon Member should be levelling this degree of criticism at professionals involved in the field, should be denigrating and minimising the achievements of the nine students that have kept on the course and I think that the message that this sends out to the community is that in the unlikely event that the hon Members should find themselves on this side of the House any time soon, that is the sort of attitude that the community can expect from the Opposition Members to matters of training. Everything has got a pound note sign next to it and if they do not think that enough pound notes can be generated from the one pound note that they invest well it is not done. Well that is not the approach of Government to this matter. We consider that the Tourism School has been a great success. If this community can train nine people a year in the hotel industry, it would be a great achievement.

Over three or four years we could have 30 or 40 people employed. The hon Member may think that that is completely meaningless and he may wish to put it in the balance of pound notes but the reality of it is that that is the stuff that meaningful targeted training opportunities consist of. Therefore we do not agree with the hon Member and it gives us great pleasure to disagree with the hon Member's mercenary approach to what is equipping youngsters to a better economic lifestyle than his approach would give them in 20 years.

HON J J GABAY

What the Chief Minister has said has absolutely nothing to do with education. We said that a project of that nature was laudable but they can be mishandled. This is what he is not making allowances for. It can be mishandled and badly-run and overpaid and I think it is our duty to question that.



HON CHIEF MINISTER

Of course it can be as most of the training facilities that they set up were badly run. But I suspect that this is like the Frazer's Ramp incident of an hour ago. I think the hon Member is pontificating without having been anywhere near the Tourism School. He is levelling hypothetical criticism at professional trainers and young trainees on the basis that it is possible, and he is converting the possible into the actual, without having been to see the thing for himself. I have to say the hon Member is as always immersed in his world of woolly theory and he constructs cases in his own mind.

I suggest that he takes the opportunity of the invitation extended to him by my hon Colleague to go to the School of Tourism to see the place at work, to see the motivation of the trainers and the youngsters and when he is in a position to talk from factual knowledge as opposed to pure pontification, he is then better qualified to come to this House to express a meaningful opinion. Until he has done this if he does not mind my saying so, he is criticising for criticism's sake.

HON J J GABAY

I went to the opening of the School of Tourism. But this is where the Government does most of its work, during cocktail parties.

HON DR B LINARES

I do not do my business at cocktail parties with regard to the School of Tourism. I have been repeatedly there talking to the people.

HON J J GABAY

How on earth can the Chief Minister talk about motivation and talking about going to the School and one thing and another when the figures speak for themselves. Twenty, ten, nine. There lies lack of motivation. I am not saying that the product is not worth it. As for my living in a world of visions, one day I live in a world of visions, now I am living in a mercenary world. The Chief Minister should decide which one of them it is. But I am certainly not living, as he might be, in the world of Macchiavelli. There I do not belong.

HON CHIEF MINISTER

I do not think it makes any difference to the hon Member because he is not interested in objective facts. What he is interested in is frankly listening to the sound of his own voice.

The pity for the rest of us is that he does not exercise his voice to make more constructive observations to the ones that he does. Because then we could enjoy the sound of his voice as well as opposed to just him enjoying it. He may also be interested, although I doubt it would make any difference in his mathematical assessment of the success of Bleak House, that there has not been a drop out of 11 there has been a drop out of seven. There are 12 people, eight people have dropped out, nine are left because three have already obtained jobs. So that is not a drop out from 20 to nine. That is premature success. People have been found suitable for employment in the hotel industry even before they had finished their course.

Now, the hon Member thinks that because 20 people enrol and at the end of the first year one has only got 12 left, that what we should do is close up and send the rest of the 12 home. Well, let me tell the hon Member, if only eight people had enrolled in the first place for the course, we would still have found it worth doing and indeed we would have done it.

HON J J BOSSANO

Mr Speaker, the three people who opted out to take jobs, we have just been told that they were found suitable for employment in the hotel industry. But in fact the Minister said that he did not know whether they had been employed in the hotel industry. Does he know where they have been employed?

HON CHIEF MINISTER

I assume that that is the case but I do not know for a fact that they are even in the hotel industry. We are told they are in the tourism industry but we do not know.

HON J J BOSSANO

Unless we are being told what the tourism industry consists of, which can consist of anything from being a tour guide to selling postcards, it is a very wide definition, we do not know whether in fact the fact that they have been in the School has anything to do with the employment that they have found. If we are being asked in this House by the Minister to look at these things dispassionately and objectively then, in order to do that, we have got to be sure that we are not being sold something that does not exist under some other guise.

Now, if the Minister does not know that the three people have not simply dropped out because they have been looking for work and they were simply as it were marking time until a job turned up, which is from the point of view better that they should be there and getting paid something than that they should not be there and get paid nothing. There is nothing wrong with in fact keeping people in a school even if they finish up getting a job in the Buildings and Works. Nobody is going to question that. But what we can not do is say their prospects of employment as a boy labourer in the Buildings and Works have been considerably enhanced because we have paid some professional tutor from England to teach them about tourism. So we need to know to what degree these three have been able to get work which they would not otherwise have got if they had not been there otherwise the figure of three means nothing. These three are then three more people who dropped out or three more people who are in employment as a result of the investment in their education that has been made.

The other question is if in fact the Government are so keen to provide opportunities to so many people even if the drop out rate is 99 per cent, why have they only accepted 12 out of 28 applicants. Why not accept more?

HON DR B LINARES

The reason why they have accepted 12, is because of a number of reasons. One is that in selection interviews, the aptitude, motivation, the real intention of the pupil has to be assessed as well. But also, I have to be absolutely objective about this, that the offers are also conditional to the number of placements that can be made by the training unit in places of work. So that is a condition also but in terms of figures there are now nine, 17 and on 31st May there will be another 12 young people in the School of Tourism, so that is 29 young people who might otherwise be roaming the streets, as the hon Member said, doing nothing and are now being given a structured programme of skills development. If my words do not convince the hon Member I suggest he goes and meet them and he will see the enthusiasm, the motivation, the sense of growth and of attainment that they have in developing some very beautiful and interesting new skills which they now assess really is of their vocation.

ORAL

NO. 409 OF 1999

THE HON J J GABAY

**EDUCATION - INSTITUTE OF BANKERS.**

Will the Minister for Education report on the Revision Courses for the CEFA3 examination papers organised jointly by the Department of Education and the Gibraltar Centre of the Institute of Bankers?

ANSWER

THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE AND YOUTH

The CEFA 1, 2 and 3 qualifications are intended for those aspiring to practise as Financial Advisers. Although these students generally aiming at these qualifications study through a distance learning process, correspondence, e-mails, personal advice from tutors at a distance, further assistance was given to them this year by organising a weekend of revision and tuition in preparation for their examinations which will take place at the College of Further Education from May to November this year. This intensive short course was led by Mr Peter Bentham of the Chartered Institute of Bankers. Fifteen students participated and they came from across a wide cross-section of the banking community together with some civil servants from Government departments.

SUPPLEMENTARY TO QUESTION NO. 409 OF 1999

HON J J GABAY

Was it not advertised in a press release that 30 participants would take part, press release No. 57 of 1999 said that there would be 30 participants in these courses arranged by Peter Bentham, at the time it said in Bleak House.

HON DR B LINARES

I can not answer that. I have no knowledge of that initial announcement.

HON J J GABAY

A press release of 13 April 1999. Your press release of course.

HON DR B LINARES

Yes Mr Speaker, may be a press release from the Department of which I personally am not familiar with so I can not really answer that question.

HON J J GABAY

So there were 15 participants. To be mercenary again Mr Speaker, could I enquire as to the cost of bringing Mr Bentham over and the overall cost of these courses and to what extent it was paid by Government perhaps jointly funded with the private sector?

HON DR B LINARES

I need notice of that. I do not have the figures with me.

ORAL

NO. 410 OF 1999

THE HON J J GABAY

**EDUCATION - TRAINING SCHEMES FOR THE UNEMPLOYED.**

Will the Minister for Education state whether the "Training Schemes for the Unemployed" scheduled to start in April are now in progress?

ANSWER

THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE AND YOUTH

Answered together with Question No. 411 of 1999.

NO. 411 OF 1999

THE HON J J GABAY

**EDUCATION - TRAINING SCHEMES FOR THE UNEMPLOYED.**

Will the Minister for Education state how many trainees have registered and are currently attending the "Training Schemes for the Unemployed"?

ANSWER

THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE AND YOUTH

Twenty-six persons originally registered for these Training Schemes for the Unemployed and 21 are currently attending these courses.

SUPPLEMENTARY TO QUESTION NOS. 410 AND 411 OF 1999

HON J J GABAY

How have they divided or is it a joint programme of information technology and a literacy course. I mean do they opt for one or is it a complementary course including both subjects?

HON J J NETTO

My understanding is that they opt for one of the two.

HON J J GABAY

A further question comes to mind. To attract the unemployed in order to benefit from these courses I presume here again that certain initiatives are taken. For example, has a syllabus and an explanatory leaflet been devised and spread or delivered in order to attract them to these courses?

HON J J NETTO

Yes Mr Speaker. First of all we need to understand these are very much pilot schemes. I will have much to say about these later on when we have our Budget speeches. Obviously it is intended these be part and parcel of a much comprehensive package in dealing with the unemployed people. So at the moment these courses are very much pilot schemes on a first come first served basis and will be the start of a much more structured programme for the unemployed.

HON J L BALDACHINO

This is, if I understand by what has been said in an interview, this was for long-standing unemployed persons. Is that correct?

HON J J NETTO

It is correct and the definition for long-term unemployed as applied in Gibraltar or in the UK for that matter, is six months or over.

HON J L BALDACHINO

That definition, is it to people who have been registered with the ETB as unemployed or is it for people who are not registered with the ETB as employed but have been over six months without employment can go there and say I want to take advantage of this. Which of the two is it?

HON J J NETTO

Definitely those registered with the Employment Service.

HON J J BOSSANO

The unemployment benefit of course can only be collected within the six month period. Do these people get paid while they are in the training? I mean, if they have gone over the six months then they are not people who would be collecting unemployment benefit because they can not after six months. So is there a payment?

HON J J NETTO

There is not a payment and we have to understand that the whole philosophy of the course itself is to give, as my hon Colleague said before, employability to try and get them back into work. So it is not a question whether would it be unemployment benefit or whether it is from social assistance or whether it is no payment. Regardless of the category, so long as it is long term unemployed as defined, and so long in this pilot scheme initial ones which are under review, was on a first come first served basis then fine. Those people who manage to get within the places are the ones that actually are undertaking the course.

HON J J BOSSANO

What I am asking since in order to qualify they have to be over six months and over six months they cannot qualify for unemployment benefit, do they get any payment as an inducement to go into the scheme?

HON J J NETTO

One does not get any payment as an inducement. The inducement is to get employability to get back into work which is not a monetary term.

NO. 412 OF 1999

THE HON J J GABAY

**EDUCATION - TRAINING FOR EMPLOYMENT SERVICE.**

Will Government state, with reference to the "Training for Employment Service" instituted in March by the Department of Education in conjunction with the Ministry of Employment, the number of participants and the costs incurred?

ANSWER

THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE AND YOUTH

This intensive short training course was an initiative led by the Ministry of Employment for the employees in the Employment Service.

There were 21 participants, namely all the employees in the service.

The cost was £999 mainly to cover the cost of travel and subsistence of Miss Maggie Walsh from the Department of Education and Employment in UK who run the course.

SUPPLEMENTARY TO QUESTION NO. 412 OF 1999

HON J J GABAY

Could the Minister tell us at what level this course was aimed. Was it from the Directors of the Department downwards or at a lower level?

HON J J NETTO

No it was not for the benefit of the directors or the managers. Very much the front line in the employment service, the employment officers, some of the people who work in that area and may I also add that whilst it was in the main for the benefit of the employment service staff, I do recall that some personnel from the Department of Social Services, a minority of them, also availed themselves to the opportunity of coming to the course and taking advantage of that as well. Because as we know, we have an overlap between employment and social services and very much the details of the course was for the benefit of those. But it was in the main for the employment service staff, the front liners as opposed to the managers and the directors.

HON J J GABAY

Would I be right in assuming that when one is dealing with the huge national departments of Government perhaps one needs the sort of expertise on a generalised basis. When one talks about our small departments, for example, 21 and that does not include the director, we feel that it is the director's responsibility and he should be knowledgeable in the basic factors of dealing with the public without having to import expertise from the outside. One would expect the directors to be able to handle this without a need for an expert from the outside. If so, if it is so important has the Minister noticed any noticeable change in the quality of service being given to the public?



HON J J NETTO

No Mr Speaker I do not agree with the hon Member. I think we were very fortunate to be able to bring to Gibraltar someone who for many years has been working in the employment service in the UK. She has worked in areas which are problematic areas within London herself, she comes from the DFE, she is very well specialised and the benefit that she brings along to our members is actually proving very successful in terms of the way the employment officers for instance are handling our clients, the unemployed, in terms of their relationship, in counselling, interviewing techniques and it is of a great benefit. I can say that we intend hopefully to bring her along more often to continue this process of departmental development within the department.

ORAL

NO. 413 OF 1999

THE HON J J GABAY

**TRAINING - CAMMELL LAIRD.**

Will Government state how much it has paid to Cammell Laird for training places as at 31st March?

ANSWER

THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE AND YOUTH

Answered together with Question No. 414 of 1999.

ORAL

NO. 414 OF 1999

THE HON J J GABAY

**TRAINING - CAMMELL LAIRD.**

Will Government state how many trainees there were in the apprenticeship scheme at Cammell Laird as at 31st March?

ANSWER

THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE AND YOUTH

As at 31st March 1999 a sum of £58,848.15 was paid to Cammell Laird to run the apprenticeship scheme on fabrication and welding. Eighteen apprentices are currently engaged in this training scheme.

I am grateful for this opportunity to inform the House that the Training Centre run by Cammell Laird and the Gibraltar Government has now acquired independent awarding status from EMTA (the Engineering and Marine Training Authority) and that we are indeed honoured by the fact that Lord Trefgarne, the Chairman of EMTA, will be personally visiting Gibraltar in autumn to present to the Centre a certificate of approval for NVQs (level 2). I am also pleased to inform the House that Cammell Laird will be taking on a second intake of 20 apprentices in October/November this year and these apprenticeships will include Electrical and Mechanical trades.

SUPPLEMENTARY TO QUESTION NOS. 413 AND 414 OF 1999

HON J J GABAY

Will the Minister confirm or otherwise that these 18 who are now doing their apprenticeship will be integrated into the work of the yard when they finish?

HON DR B LINARES

There is no guarantee of employment in the training scheme as I understand it.

HON J J GABAY

We raised this at the time that the School of Tourism was announced and we were told that one can not expect businesses to enter into contracts about employing trainees and I understand that. On the other hand, I do not think it would be unfair or unreasonable when these things are being worked out, to establish some degree of compromise on the matter, if only as an encouragement for an intake. That falls into the category of motivation does it not?

HON P C MONTEGRIFFO

There is no obligation for Cammell Laird to take on trainees and the biggest motivation is workload and commercial imperative. It makes sense for the company to invest and take on young recruits that have got skills and the culture of the company. This is their experience in Birkenhead and in the other yards that they run. So the Government see no reason why Cammell Laird would be anything but disposed positively disposed, to take on staff which they train themselves. From my contacts with Cammell Laird I can say that they are extremely happy with the intake of young people, they find them exceptionally well motivated. Various Ministers, including the Chief Minister, have been down to see the training facility, reports are very good. We do not think that the way to ensure integration into the workforce is by actually looking at quotas or making it a key condition of Cammell Laird's presence in Gibraltar but rather to seeking partnership with Cammell Laird the way we are doing, therefore making sure that they understand the skills they are looking for are obtainable in Gibraltar. So I think that the House can rest assured that Cammell Laird understands the Government's priority in this area and that we are confident that in partnership with Cammell Laird we are providing them with a good local skills base for the future.

HON J J BOSSANO

The £58,000 is the amount paid to Cammell Laird. Are the apprentices employed by Cammell Laird or are they employed by the ETB and paid by the ETB?

HON DR B LINARES

They are employed and paid by the ETB.

HON J J BOSSANO

So they get the same rate as vocational cadets in other forms of training.

HON DR B LINARES

When we discussed the ETB payments for trainees for vocational cadets from the Education Department it included these.

HON J J BOSSANO

Whereas in the other cases it is obviously short term training, presumably this goes on for two or three years.

HON DR B LINARES

Three or four years actually. It depends what level of NVQ. If it reaches level 3 of NVQ it will be three years and then it can go on to a higher level of level 4 NVQ, that is four years.

HON J J BOSSANO

In the light of the fact that there is no commitment on the part of the company to offer them employment, does that mean that in fact in this case the ETB will employ them for the 4 years?

HON DR B LINARES

Yes, I think that is the intention. So long as the progress is justified and there is a definite improvement and the situation of each particular trainee merits the investment made that is the commitment.

HON J J BOSSANO

Presuming they get passed successfully their first year and then they go on to their second year of the course, the agreement with Cammell Laird is what that the Government will continue to employ these individuals as Cammell Laird apprentices for four years. If they are successful in passing their exams so that they are capable to take on the whole course up to level 3 or 4. Is that correct?

HON DR B LINARES

That is correct.

HON J J BOSSANO

But in fact the vocational cadet training in other cases has always been for under one year. Presumably there will have to be a new system for people who carry on into the second year.

HON J J NETTO

In a way that is why in the question a little earlier on the hon Member was actually getting the breakdown between vocational cadets which were coming from the employment team as opposed to the education team. Even if during his term when the Construction Training Centre was launched I think it was in January 1996, it was beyond the one year ceiling which the Leader of the Opposition is now stating. So I think with that caveat we ought to separate the vocational cadet from the employment side as to proper well defined vocational training programmes. Under the NVQ for instance.

HON J J BOSSANO

In the costing of the payment to Cammell Laird for the training places, is the amount based on the number of apprentices in training or is there an agreement on a sum of money?

HON P C MONTEGRIFFO

I can not recall the exact detail. There was an agreement originally for a fixed amount to be made available to Cammell Laird in terms of their commitment to have to provide a number of training places. There was a formula worked on the number of training places and in the number per head. I think that formula was superseded by the fact that the training requirement was actually greater than envisaged originally and there has been some modification of it. I could not tell the hon Member without further notice how the final computation of the figure was arrived at.

HON J J BOSSANO

What I am trying to establish is whether the £58,800 is because there are 18 or whether in fact it is related to providing x number of places and then if they are filled or if they are not filled they still get the £58,000. Can he tell me which of the two it is? This is the first intake I take it and it is going to be followed by another one so has the Government then already got an agreement with Cammell Laird so that in the coming year they are going to be paying for the second year of the 18 and the first year of the 20? Has that already been agreed with Cammell Laird?

HON DR B LINARES

I will need to check up on that. I have not got the answer.

HON J J BOSSANO

There is an agreement to take 20. So presumably there is a sum of money agreed.

HON DR B LINARES

Yes.

HON P C MONTEGRIFFO

Without notice of questions of this type, it is not possible for us to be more explicit but the training commitment entered into with Cammell Laird is explicit and structured. Therefore it is indeed probable, likely, necessary that all the questions the hon Member is posing are in fact answerable in a positive and proper way. If the hon Member is interested in the detail I am sure I or my Colleagues would be quite happy to provide those. There is a long term agreement with Cammell Laird on training provision and the costings will have been worked out with the required detail to make sure that happens.

HON J L BALDACHINO

Obviously the instructors, who are instructing the 18 at the moment, obviously is that paid in wages by Cammell Laird and if that is the case, if there is an increase on instructors because they are taking on another 20. Would the payment on the second lot be higher than on the first lot?

MR SPEAKER

That is hardly a supplementary on the answer. If they can answer fine.

HON J L BALDACHINO

The answer is that they are going to take 20 so there must be more instructors.

NO. 415 OF 1999THE HON J J GABAY**CONSTRUCTION TRAINING CENTRE.**

Will Government state how many trainees are currently following the two-year course at the Construction Training Centre, giving a breakdown by trade?

ANSWERTHE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE AND YOUTH

There are currently 29 trainees following a two-year course at the Construction Training Centre. Twelve of these are in their second year of training and 16 in their first year of training.

The breakdown by trades is as follows:-

1997 intake (now in their second year):

Tilers	3
Carpenters	4
Painting & Decorating	3
Plasterers	1
Plumbers	1
Bricklayers	1

1998 intake (now in their first year):

Tilers	0
Carpenters	4
Painting & Decorating	5
Plasterers	2
Plumbers	4
Bricklayers	1

SUPPLEMENTARY TO QUESTION NO. 415 OF 1999

HON J J GABAY

Could the Minister tell me how many of the 16 trainees who completed the two year course in March, have found employment?

HON DR B LINARES

I have no knowledge of that. I would need obviously notice of that.

HON J J GABAY

Also, of the 20 trainees that have enrolled in the course which started in November, 1998 have any dropped out?

HON DR B LINARES

I would need notice of that, I do not have the figures before me.

HON J J GABAY

Perhaps you would be kind enough to provide me with the figures.

HON DR B LINARES

Yes indeed.

HON J J BOSSANO

He probably needs notice of this as well. Can I ask the distribution of trades, is that based on any assessment of the needs for one particular trade as opposed to another or on the preference of the trainees?

HON DR B LINARES

Essentially on the preference of the trainees as they are interviewed for admission.



NO. 416 OF 1999

THE HON J J GABAY

**TRAINING - ASSOCIATED QUALITY SERVICES.**

Can Government state whether Associated Quality Services Ltd has submitted the "tailor-made programme of customer care training to fit Gibraltar's needs" as announced by Government in January?

ANSWER

THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE AND YOUTH

Associated Quality Services Ltd have so far trained eight Training Providers and the company will continue to externally verify the programme. This is part of the quality control element inherent in the "Welcome Host" scheme which underlies the training by Associated Quality Services Ltd.

This has covered people across the field of employment such as private companies, Gibraltar Tourist Board, Royal Gibraltar Police and the Ministry of Defence.

These training providers are now licensed under the Gibraltar Tourist Board to deliver relevant customer care programmes, again structured under the "Welcome Host" scheme. The next phase of 'secondary' training (for those actually dealing with customers) will begin in the summer.

SUPPLEMENTARY TO QUESTION NO. 416 OF 1999

HON J J GABAY

Is this programme being jointly run by Government and the private sector or entirely by the Government?

HON DR B LINARES

It is jointly by the Government and the private sector.

HON J J GABAY

Could the Minister give us some idea, since there are so many of these courses and advisers coming and going, what the cost of bringing Mr Corry and Mr Smart as specialists have turned out to be when they visited for three days.

HON DR B LINARES

I need notice of that Mr Speaker.

HON J J BOSSANO

The people that have been trained are in turn going to train others, we have been told.

HON DR B LINARES

Yes.

HON J J BOSSANO

That includes people in the employment of the Government. The civil servants who are now going to be training other civil servants, is that correct?

HON DR B LINARES

Yes.

HON J J BOSSANO

And the civil servants that get trained later on this year by the newly qualified trainers are the ones that are going to go round wearing this badge saying "Welcome Host".

HON DR B LINARES

I do not quite understand the question, could you please repeat it.

HON J J BOSSANO

As I understand it from what we read, the final graduates of the scheme will in fact be permitted to wear a badge saying "Welcome Host" which I think the Government personally said was a much sought-after in other parts of the world. There are people in other parts of the world who long to be able to wear a badge saying "Welcome Host" but have not got the opportunity of doing it.

Now, in the civil service, who is going to go round Government offices saying "Welcome Host". Do we have an idea of that?

HON DR B LINARES

It will have to be played by ear. I think the badge is a signal which may be necessary in some areas of employment and in some industries not necessarily in the civil service. I mean the actual visual of wearing the badge is not the essence.

HON J J BOSSANO

So if we see a Minister turning up here with "Welcome Host" we know he has been through the course. But in fact, the training of the people in the Government service, presumably this has to do with dealing with the public. Is that going to be targeted to people who are in that type of job, on counter jobs and that kind of thing?

HON DR B LINARES

I did not actually say civil servants, I said private companies, the Gibraltar Tourist Board, the Royal Gibraltar Police and the Ministry of Defence also asked for them. But I did not say civil servants in my answer I said the Gibraltar Tourist Board.

HON J J BOSSANO

But in my supplementary I asked and the answer I got was yes.

HON DR B LINARES

Well, I was thinking of the Gibraltar Tourist Board as a Government entity rather than as a civil servant.

HON J J BOSSANO

In the Ministry of Defence, are we likely to see military personnel with guns saying "Welcome Host" as well.

HON DR B LINARES

That is up to them is it not. What I can tell the House is that the Ministry of Defence knowing how prestigious this course and how effective it is, which is being sponsored in the UK precisely by the Welsh Tourist Board and the Scottish Tourist Board, have actually without any invitation on our part requested for some of their employees to take part. Because again it is not the badge, it is not the status, it is not the qualification, it is the intrinsic development of skills in customer care. Which is really, as I am sure the hon Member agrees, is a very necessary ingredient of development in Gibraltar at all levels.

**GIBRALTAR**

**HOUSE OF ASSEMBLY**



**QUESTIONS AND ANSWERS**

**19<sup>TH</sup> & 21<sup>ST</sup> MAY, 1999**

**No. 417 to No. 540**

**Vol II**

# INDEX

## QUESTIONS & ANSWERS

19<sup>th</sup> & 21<sup>st</sup> May 1999 (Vol. II)

### Questions 417 – 540

<b>SUBJECT</b>	<b>NO(S)</b>	<b>PAGE(S)</b>
1976 European Community Act	535	
Administrative Grades	493	
Alleged Criminal Activities by the Spanish Government	529	
Amsterdam Treaty – Free Movement Chapter	533-534	
Banking Passporting	488	
Business Development in Action Seminar	453	
Casemates Project	446	
Casemates Project	476	
Casemates Project	487	
Civilian Population	539	
Controls Exercised by Spain at the Frontier	531	
Diputacion de Cadiz	429	
Diputacion de Cadiz	474	
Diputacion de Cadiz	496-497	
Education – Drama Festival	419	
Education – Millennium Committee	418	
Education – Millennium Lectures	417	
Electricity Arrears	489-490	
Electricity Charges	423-425	
Electricity Charges	491	
ETB – GDC	477	
EU Funding	450	
Executive Officers – Direct Entry	494	
Family Expenditure Survey	521	
Fees Paid by Sporting Entities	428	
Finance Centre Promotions	459-460	
Financial Services Director	471	
Gibraltar Development Corporation	524	
Gibraltar Development Corporation – Audited Accounts	538	
Gibraltar Development Corporation – Contributory Pension Scheme	495	
Gibraltar Enterprise Scheme	463-464	
Gibraltar Identity Cards	532	
Gibraltar in Europa Newsletter	449	
Gibraltar/Malta – Finance Centre	462	
Government Funding/Assistance to Companies	451	
Government Tenders	523	
Harbour Views	448	
Health & Fitness Centre Clinic	465-466	
Home Ownership Scheme	526-527	
Import Duty – Cigarettes	520	
Import Duty – Review	473	
Imports	485	
Imports – Building Materials	472	
Improvement & Development Fund – Head 104 Subhead 15	444	
Improvement & Development Fund – Head 105 Subhead 15	445	
Incinerator	443	
Income Tax – Abandoned Claims	503	
Income Tax – Corporation Tax	504-505	
Income Tax – Corporation Tax	515-517	
Income Tax – Direct Assessments	508	

<b>SUBJECT</b>	<b>NO(S)</b>	<b>PAGE(S)</b>
Income Tax – Direct Assessments	514	
Income Tax – Employers Declaration	498-501	
Income Tax – Gross Income Tax Receipts	509	
Income Tax – Home Ownership	519	
Income Tax – PAYE	507	
Income Tax – PAYE	511-513	
Income Tax – PAYE	518	
Income Tax – PAYE Arrears	502	
Income Tax – Self-Employed Persons	506	
Income Tax – Tax Collected	510	
Index of Retail Prices	540	
Internet – Hackers	442	
Interreg Gibraltar/Morocco	467	
John Mackintosh Hall	420-421	
John Mackintosh Homes	525	
King’s Bastion – Old Generating Station	431	
Konver Fund	469	
Land Property Services – Collection of Arrears	492	
Lathbury Barracks	457	
Lowe Bell	458	
Manx Energy	435	
Maritime Radar	480	
Matutes Proposals	536	
Ministerial Travels	475	
New Radio Digital System	440-441	
Number of Companies Incorporated/Removed	470	
Nynex – Integrated Customer Management System	439	
Nynex – Payment of Bills	437	
Objective 2 Fund	468	
Old Naval Hospital	455	
Overseas Territories Report	483	
Potable Water	434	
Qualifying (Category 3) Individuals	456	
Rates – 20% Rebate	486	
Rates – Abandoned Claims	522	
Regional University	484	
Rental of Post Office Boxes	430	
Road to the Lines	432	
Schengen Agreement	528	
Sir Herbert Miles Road	447	
Sir William Jackson – Memorial	479	
Spanish Based Mobile	438	
Spanish Government – Dossier on Criminal Activity	530	
Sporting Sites	427	
Sports Development Unit	426	
Tax Harmonisation Proposals	537	
Telephone Lines	436	
Territorial Waters	481	
Territorial Waters and Incursions	482	
The Mount	478	
Theatre Royal	422	
Trade Licensing Ordinance	452	
Trade Licensing Ordinance	454	
Upper Rock – Fire Breaks	433	

NO. 417 OF 1999

THE HON J J GABAY

**EDUCATION - MILLENNIUM LECTURES.**

What criterion did the Minister for Education use for the selection of lecturers on the theme entitled "A Historical and Philosophical Perspective of Gibraltar and its People at the Dawn of the New Millennium"?

ANSWER

THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE AND YOUTH

I have not been involved at all in the selection of speakers for the series of Millennium Lectures which are currently taking place. This is entirely an initiative of Dr Clive Finlayson, the Director of the Gibraltar Museum, which the Government nevertheless welcome and is pleased to support as an excellent lead-up to the new Millennium involving as it does a reflection on our own identity and history as a people.

SUPPLEMENTARY TO QUESTION NO. 417 OF 1999

HON J J GABAY

Perhaps the Minister is under-estimating his influence in the selection of speakers.

HON DR B LINARES

When I say things I mean them. Implicitly the hon Member is questioning the sincerity of my answer. I have not been informed at all and I repeat it looking at him face to face in the selection of the lecturers. Please accept that.

HON J J GABAY

Let me put this another way then. That is that we are surprised, let me express my surprise at looking at the list of lecturers. It would appear that almost, well there are two GSD Ministers the rest are civil servants. The point is this, there are two Ministers there are civil servants and one exception a cleric, perhaps the only sort of detached element in this group. Now, the title for the lectures as a theme is extremely high standard. One would have thought that it would go in a crescendo from history to philosophy, the perspectives of identity and history. I wonder, how do we manage to end up in a grand finale which is obviously a political rally when the Chief Minister will be addressing the public near an election and near the Millennium on leading Gibraltar into the new Millennium. With all due respect, and I do not doubt that the Chief Minister will make a brilliant speech, but it seems to be out of character in what is the vital purpose of the theme which is really quite specific about philosophy and history and then it goes into a crescendo in what could only be a political speech about leading Gibraltar into the next election. I think that is very fair commentary Mr Speaker. The question is, without doubting the words of the Minister of Education, does he not find this strange, since he is the Chairman of the Committee?

HON DR B LINARES

The question should be addressed to Dr Clive Finlayson. I have had nothing to do with their selection of speakers. If he wants my own reaction as to the intervention of the Chief Minister, I think it is very appropriate that on the eve of the new Millennium the elected leader of the people of Gibraltar should share his thoughts with his people as to how to face the challenge of the new Millennium. I think this is very appropriate. As to my own intervention I take it that I have been invited to speak not so much as a politician but in my professional capacity, as I have been asked to do what I like to do best. That is, and as the hon Member often reminds me, that is to philosophise.

HON J J GABAY

I find it strange that the Minister of Education should feel it is all very balanced and that it should be up to the Chief Minister to deliver the final speech. Of course I agree with him. On the other hand if we can establish a balance when we are talking about identity and about our people and our future, the other 42 per cent of the electorate who voted for this side, would have had some representation. I can assure the House that we can also talk about history and philosophy.

HON CHIEF MINISTER

It reveals the hon Member's misconception. This is not a partisan matter. Whether the hon Member likes it or not I am the Chief Minister of the whole of Gibraltar including the part of it that voted for them. There is one Chief Minister and there is one Government and it is our fortune, privilege, call it what you like, to happen to be the Government of the day at the turn of the Millennium. That has natural consequences, he obviously thinks it is good fortune. We actually see it as quite a large responsibility. The hon Member reduces everything to crude partisan even-handedness and he misses the whole spirit of the Millennium in doing so. The fact of the matter is that the person that speaks for the United Kingdom at the Millennium is the Prime Minister of the day who happens to be from one party or from another. That is the simple truth of it. It would be most unusual for people organising that sort of series of talks not to ask the Chief Minister of the day to participate in the new Millennium. We have now come to understand that the fact that the hon Member finds something strange does not mean that it is strange.

HON J J GABAY

I disagree with everything of course. The innocence of the approach is in itself suspect. But apart from that more representation and a cross-section would have given a cohesion to this set of lectures which it is bound to lack. Surely that is a reasonable request without pontificating now about being Chief Minister and the people of Gibraltar and that he represents us all, we know that.

HON CHIEF MINISTER

You really will have to raise that with the organisers of the event. It is clear from what the hon Member has just said that he does not accept the word of my Colleague. When I am invited as Chief Minister to a speaking engagement, I do not say well hang on guys have you invited Mr Gabay or one of his Colleagues, I do not do that. Obviously the organisers of this event did not consider it appropriate to invite the hon



Member to speak. I do not mind whether they do or whether they do not but whether they do or whether they do not is not a matter for us. It is not an event that the Government have organised, it is an event in which we have been invited to participate and we have done. I do not think that there is a Government for 52 per cent of the electorate and an Opposition for 43 per cent of the electorate. There is a Government for 100 per cent of the electorate and an Opposition hopefully also for 100 per cent of the electorate. The hon Member I think would do well not to forget that.

NO. 418 OF 1999THE HON J J GABAY**EDUCATION - MILLENNIUM COMMITTEE.**

Will Government explain the procedure employed in attempting to make the Millennium Committee representative of as wide a cross-section of the community as possible?

ANSWERTHE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE AND YOUTH

In appointing the Millennium Committee the Government did not seek formal "representation" of different bodies and organisations. The aim was to select individual persons who by their experience and their track record are known to reflect (rather than represent) different aspects of community life, such as culture, education, sport, youth, religion, disability care, heritage interests, environmental concerns etcetera.

SUPPLEMENTARY TO QUESTION NO. 418 OF 1999

HON J J GABAY

So could the Minister say how they were chosen and by whom in this case?

HON DR B LINARES

In the last analysis as Minister given the task of planning for the Millennium I had to exercise my own judgement in consultation with the Government as a whole in choosing the most appropriate persons. I feel that is my prerogative and responsibility as Minister with this area of responsibility. Perhaps the hon Member would have liked to make the selection himself but fortunately or unfortunately, one can look at it in different ways, he does not hold that responsibility.

HON J J GABAY

I assure the Minister that I would not welcome the opportunity in fact to select. It is only to comment in fact on what I was saying earlier on that it does not seem to reflect a cross-section of the community. Surely it is not an unreasonable point to make that within the Opposition there might have been one person or even half a person to participate either in one or the other. There seems to be a policy of exclusion in these Committees and arrangements.

HON CHIEF MINISTER

This is the Government's Millennium Committee. This is a Committee appointed by the Government to advise the Government on what the Government should do in order for this Community to celebrate the Millennium. I think that to expect the Government to invite the Opposition onto a Committee to advise the Government is odd. There are twenty odd people on the Committee, we have not asked them what their politics is. There might be, I am sure there are people, in fact to my certain knowledge there are people in that Committee who are well-known GSLP sympathisers. We did not ask them, "what party do you support or what party do you not support". Cross-section of the community is a cross-section of the community out there in the street. It is not a

cross-section of the people in this room who are necessarily divided into a Government and the Opposition. Happily the rest of the community does not see life through the polarised partisan eyes that appears to obsess the hon Member in almost every matter he addresses.

HON J J GABAY

I think the Chief Minister should talk more to the public and then he would realise that what he has just said does not make sense at all. I still come back to the same point that in committees where we are establishing something for the general welfare, entertainment of the community, that there would be absolutely nothing wrong in representatives of the Opposition taking part, whatever the Chief Minister may say. The only definition he has given in the talk he has given on the subject is that he believes in a certain democratic despotism - we have been elected so we do and therefore it is untoward to invite the Opposition to anything. That is the reality.

HON CHIEF MINISTER

The reality is that the Government are elected like in most democracies that I am familiar with, governments are elected to govern and oppositions are not. Frankly, for the hon Member, for anybody sitting on that side of the bench to talk to us about democratic despotism when they introduced the concept into Gibraltar, deployed it for eight years, they would never have had a Millennium Committee. They would have simply sat in some smoke-filled room and decided in a quite arbitrary basis, without consulting anybody at all, as was their style and as everybody in this community knows is their style. The hon Member may now want to stand up from time to time and pontificate about democratic values and democratic tradition but he is not going to hoodwink anybody in this community, nobody that lived in this community between 1988 and 1996 will think that what the hon Member is saying is anything other than simple bare-faced hypocrisy. What he is describing is the attitude of his own party when it was in government and everyone will recognise that he is not describing the attitude of this party in government. I am confident of that and I am very happy not to resolve this matter between ourselves because the jury is out there in the streets and they know who is right in this matter and who is not right in this matter.

HON J J GABAY

It is true indeed that the people will eventually decide and I hope that when they come to decide and when the moment comes for them to decide they will also bear in mind that accusing failures of the past is no replacement for doing the same thing later on, if that is the case. This constant reference to history has become quite unfashionable at the moment. That is the point, there is no question.

NO. 419 OF 1999

THE HON J J GABAY

**EDUCATION - DRAMA FESTIVAL.**

Will Government comment on the decline of the Drama Festival?

ANSWER

THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE AND YOUTH

The decline of the Drama Festival does not imply a decline in dramatic arts in Gibraltar - there are numerous groups in Gibraltar very actively engaged and demonstrating a great degree of talent and enthusiasm especially among the young. The lack of response to the Drama Festival, as such, which has been observed over a number of years as the hon Member knows well, seems to be related to the particular format and nature of the festival itself which appears to be outdated and does not attract the interest or meet the aspirations of local groups.

SUPPLEMENTARY TO QUESTION NO. 419 OF 1999

HON J C PEREZ

If it is true that there is active participation from drama groups then I welcome that, but the reflection that there might not be such enthusiasm as the Minister has stated is that we have got the Spring Festival here and one has not seen a local drama group with a production putting it up for the Spring Festival which would have been the normal case before. We are referring directly to the Drama Festival but I am asking a supplementary on the Ministers reply.

HON DR B LINARES

Is the hon Member asking me for other instances of drama groups performing outside the format of the Drama Festival?

HON J C PEREZ

What I am saying is that I am pleased if it is true that there is still a lot of activity and enthusiasm in local drama. But this is not reflected in that there is no, for example, in the Spring Festival that we have got now, there is no drama group presenting any play which would have been normal in other circumstances in other years.

HON DR B LINARES

Dramatic arts has a number of facets and different expressions and there has been a recital of poetry which is in the form of dramatic expression by Group 2000, which is led by a prominent and well-known producer of the theatre Mr Cecil Gomez. One of the positive results of the cancellation of this year's Drama Festival has been the formation of the Drama Association, which again is a reflection of the concern and the interest of quite a number of groups who have come together to share their ideas and expectations and they are now carrying out a process of consultation among all groups at grass roots and I am expecting from them a report proposing a reviewed format for the Drama Festival in the future. That is a positive outcome.

ORAL

NO. 420 OF 1999

THE HON J J GABAY

**JOHN MACKINTOSH HALL.**

Are Government still considering the installation of a lift at John Mackintosh Hall for the benefit of wheelchair users?

ANSWER

THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE AND YOUTH

Answered together with Question No. 421 of 1999.

NO. 421 OF 1999

THE HON J J GABAY

**JOHN MACKINTOSH HALL.**

Are Government any nearer to providing a new fire curtain at the John Mackintosh Hall?

ANSWER

THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE AND YOUTH

The new fire curtain in the John Mackintosh Hall Theatre was installed at a cost of £15,213 in June 1998.

The Government are no longer either considering the installation of a lift in the John Mackintosh Hall for wheelchair users and, indeed, others such as elderly persons, pram pushers etcetera. We are now actually at the doing stage. We have now ordered the lift which is expected to be delivered by the end of June. Meanwhile, the works for the housing of the lift will commence on the 24th of this month and they are expected to be completed by the end of June to coincide with the arrival of the lift.

SUPPLEMENTARY TO QUESTION NOS. 420 AND 421 OF 1999

HON J J GABAY

I am pleased to hear Mr Speaker the answer to one of the questions. With regard to the fire curtain, if I have got it wrong I apologise but has there been any problems with it at all that the Minister is aware of?

HON DR B LINARES

No there have been no fires, no there have been no problems.

HON J L BALDACHINO

Will the lift that is going to be installed be for the general public use or just for people with wheelchairs and people with prams, apart from the remarks of the Chief Minister.

HON DR B LINARES

I think the intention is essentially for the benefit of those in need, wheelchair users, elderly persons as well. Of course there may be situations in which it may be exceptionally that somebody else might use it, I do not know, it is up to the Management really how they manage that sort of situation.

NO. 422 OF 1999

THE HON A J ISOLA

**THEATRE ROYAL.**

What plans do Government have for the Theatre Royal?

ANSWER

THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE AND YOUTH

The Government plan to obtain a lease from the present owners of the Theatre Royal and to restore and refurbish the Theatre Royal in order to open the theatre during the year 2000. A comprehensive structural survey of the theatre has already been carried out (as I have previously informed the House) and at this present stage we are seeking expert advice on the operational and commercial use of the theatre once it is re-opened.

SUPPLEMENTARY TO QUESTION NO. 422 OF 1999

HON J J BOSSANO

The position is what that the Government are renting the property from the present leaseholders. I take it that the property is not freehold, is it?

HON CHIEF MINISTER

I believe it is freehold and the intention would be, if the Government proceed in this matter, to take a long lease.

NO. 423 OF 1999

THE HON J C PEREZ

**ELECTRICITY CHARGES.**

Of the total amount collected in electricity charges in the Financial Year 1997/1998, how much was collected by Lyonnaise des Eaux and how much was collected by Land Property Services?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

The total amount collected in electricity charges in the Financial Year 1997/1998 was seven million, eight hundred and eighteen thousand, three hundred and fifty-four pounds and seventy-four pence (£7,818,354.74).

Of this total figure seven million, seven hundred and thirty-six thousand, six hundred and forty-two pounds and forty-four pence (£7,736,642.44) was collected by Lyonnaise des Eaux and eighty-one thousand, seven hundred and twelve pounds and thirty pence (£81,712.30) was collected by Land Property Services.



ORAL

NO. 424 OF 1999

THE HON J C PEREZ

**ELECTRICITY CHARGES.**

Can Government state the value of electricity billing for the Financial Year ending 31st March 1999?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Answered together with Question No. 425 of 1999.

NO. 425 OF 1999

THE HON J C PEREZ

**ELECTRICITY CHARGES.**

Can Government state what is the total amount of electricity units consumed in the Financial Year ending 31st March 1999?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

The total value of all electricity bills issued during the Financial Year ending 31st March 1999 amounted to nine million, three hundred and six thousand, five hundred and four pounds and fifteen pence (£9,306,504.15).

The total amount of all electricity units billed during the Financial Year ending 31st March 1999 amounted to ninety-nine million, five hundred and forty-seven thousand, two hundred and forty-eight units (99,547,248).

SUPPLEMENTARY TO QUESTION NOS. 424 AND 425 OF 1999

HON J C PEREZ

So the number of units is down from previous years I take it?

HON LT COL E BRITTO

No, there is an increase in the number of units billed.

HON J C PEREZ

Well, according to what the Minister said in the Budget last year, he said that in 1997/1998 it had been 109.4 million and 1998/1999 had 112.5 million and the figure he has given today is 99.5 million which is short of about 13 million units as compared to the figure he gave to this House a year ago.

HON LT COL E BRITTO

On the figures I have before me, in the previous financial year the amount is two million, nine hundred and twenty-six thousand, eight hundred and seventy units. This is equivalent to an increase of 3.03 per cent over the previous year.

HON J C PEREZ

I refer the Minister to page 75 of Hansard of last year's Budget where he will see that the figures that he gave do not conform with what he is saying today.

HON LT COL E BRITTO

I will refer to the Budget and revert to the hon Member.

HON J J BOSSANO

Can the Minister say whether the figure that he has given for the value of billing indicates that more electricity has been sold, considering that the answer he has given on this occasion is in conflict with the answer of a year ago.

HON LT COL E BRITTO

I have not yet accepted that the answer I have given is contrary to what I gave on a previous occasion. But I will confirm to the hon Member that the figures I have given today means that there is an increase in billing compared to the previous financial year equivalent to 3.02 per cent.

HON J J BOSSANO

So it would suggest then that the figure shown in Hansard for last year is incorrect and that the one given this time is the right one.

HON LT COL E BRITTO

Well I would need to check that we are talking about the same financial years. I can not do that without Hansard in front of me.

Would the hon Member repeat the page of Hansard.

HON J C PEREZ

Yes, page 78 of Volume 1 of 24th April 1998 - Budget.

HON LT COL E BRITTO

I thank the hon Member.

---

HON LT COL E BRITTO

I am advised that the statement that I made in Hansard was the quantity of total units generated, I am told that the figures that I gave was 'generated' and the figures I have given today are the figures for 'consumption' in answer to the question asked by the hon Member.

This is a note that has been passed to me by officials and I would need to check for myself.

HON J C PEREZ

Fine but in putting my question I checked what he had said last year and I quote "I report that the consumption of electricity continues to grow". Consumption means units consumed and that last year this amounted to one hundred and twelve point five million units as compared to one hundred and nine point four million units. So the Minister certainly might have made a mistake last year and instead of 'generated' said 'consumed'.

HON LT COL E BRITTO

That would appear to be the case.

If what I am being told now is correct the figures I gave were for total units generated.

HON J C PEREZ

I presume that the difference between 'consumed' and 'generated' is lost and that the station actually generates more than it consumes for obvious reasons that it has to generate a certain amount to meet the consumption levels over that figure, no?

HON LT COL E BRITTO

Well yes and no. I am not sure I understand the point exactly but the difference is due (1) to the amount of units used in the station itself (which are obviously not billed) and secondly, because of system losses throughout the system and throughout the generation infrastructure.

HON J C PEREZ

Sorry, could the hon Member perhaps, because I missed it, it might be in the written answer, give me the number of units consumed for the year previous to the 99.5 million.

HON LT COL E BRITTO

Total number consumed not billed?

HON J C PEREZ

Yes.

HON LT COL E BRITTO

The total number of electricity units billed in the previous financial year, that is in the year prior to the year ending 31st March 1999, amounted to ninety-six million, six hundred and twenty thousand, three hundred and seventy-eight units.

HON J C PEREZ

That is the figure for units consumed I take it, which compares to the figure of ninety-nine point five million for units consumed which he has given for this financial year.

HON LT COL E BRITTO

The confusion arises out of the word consumed. I am giving the figure for units billed not for units consumed.

HON J C PEREZ

My question asked for units consumed and he has given the figure of ninety-nine point five and when I queried this with the word consumed which he used last year, the Minister has told me that the ninety-nine point five is consumed and that last year should have been generated. So the answer I have got from the department clearly is to units consumed not units generated.

HON LT COL E BRITTO

There is no record of units consumed. There is only a record of units billed.

HON J J BOSSANO

The Minister must accept that the question is phrased in a language that he used. I mean, we have asked consumed because he told us consumed. If there is not, well, how are we to know that there are not any records if he volunteers the information.

Will the Minister accept that last year without a question being put, he told the House the number of units consumed has gone up by 3 per cent. We therefore ask him how much is the units consumed this year. We used the word consumed because that is what it was. We are not sure any more whether the figure last year was billed, generated or consumed. Obviously it was one of the three.

HON LT COL E BRITTO

I may have been either ill-advised or ill-informed or used the wrong word in using consumed last year. But in very loose terms consumed and billed in terms of units is the same thing, in very loose terms. But in strict accuracy of English grammar, there is no record of units consumed there is only a record of units billed. So in phrasing my answer this year, although the question had been for units consumed (and I am not able to give a figure for units consumed because there is no official record of them) the answer is phrased units billed. I am not aware what my thinking was last year when I said consumed, but certainly that was my thinking in drafting this answer.

MR SPEAKER

We have consumed enough time - next question.

NO. 426 OF 1999

THE HON MISS M I MONTEGRIFFO

**SPORTS DEVELOPMENT UNIT.**

Can Government state what work programme has been followed by the Sports Development Unit since it was established?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

The Sports Development Unit has been very busy since it was established in December 1998.

In order to assess the main areas requiring attention, the Sports Development Officer has carried out a Sports audit, the final report of which will be available shortly. This included a tour of sporting facilities and meetings with myself, the Minister for Education, the Sports Advisory Council, representatives of the Education Department and all schools, the Youth Service, the Royal Gibraltar Police, the Ministry of Defence and the Centres for people with special needs.

A series of extensive questionnaires have also been circulated and replies thereto are now being collated. This will also form part of the Sport Audit Report and of a Sports Data Base which is in the process of being set up. The Unit also intends to publish a Gibraltar Sports Directory.

A public awareness campaign including press releases, interviews in the media etcetera is an on-going process of the Unit.

The main aims and objectives of the Unit were officially launched in March during a Sports Development Seminar and Action Planning weekend. This Seminar was very well attended and included presentations by sports development experts from England, Northern Ireland and Australia. The emphasis of the Unit is to empower and support all those persons and entities involved with sport in their efforts to achieve their goals to develop and improve standards and/or participation.

A programme of training courses, identified as a priority, has already started.

In February the Sports Development Officer and two representatives of the Education Department attended a course in the United Kingdom on the Top Play and Top Sports Programmes.

In April a training weekend was organised in conjunction with the Island Games Association. This included National Coaching Foundation Accredited Courses on Team Managers/Coaches and Athletes leadership and Fitness Awareness.

A series of flexibility workshops have been organised for the Island Games during May and June.

A Drugs Awareness Seminar, with priority participation for those involved in the 1999 Island Games is scheduled for 12 June. This will be delivered by the head of Ethics and Drugs Awareness of the UK Sports Council.

The Unit is also involved in assisting the Royal Gibraltar Police in the organisation of a Drugs Awareness Sports Fun Day on Saturday 5 June to launch the Royal Gibraltar Police Operation Triangle.

On 21 May an introductory session for the Central Council for Physical Recreation Junior Sports Leadership Award will be delivered to 14 to 16 year old students from Bayside and Westside Schools. On the same day a workshop on Adapted Games for people with disabilities will be held.

Starting on 22 May, running over six weeks, the Central Council for Physical Recreation Sports Leadership Award Course is being run.

These CCPR courses will be led by an expert from UK and the Sports Development Officer. Participation of local deliverers is being considered in order to start aiming for self-sufficiency in certain areas.

The Unit is expecting to launch a Sports Information Library in June. A number of reference books, videos and magazines etcetera have been acquired for this purpose. This is to be an on-going project.

On 24 and 25 June a two day National Coaching Foundation Junior Sports Induction Seminar delivered by a UK expert will be held.

This will lead to NCF Certification in:

1. Coaching Methods and Communication
2. Coaching Children and Young People
3. Good Practice and Child Protection

A Summer Sports Programme for young people, over the school holidays in the mornings, will be run by the Unit in partnership with local sports associations.

On an on-going basis, the Unit provides advice and support to all the governing bodies of sport with any coaching or training initiatives. As an example the Unit is at present assisting with the development of Petanque.

The Sports Development Officer is also a member of the Gibraltar Sports Advisory Council and three of its sub-committees.

Furthermore, the Unit is in the process of programming the following initiatives which have already been agreed in principle –

Late September:-

National Coaching Foundation Seminar

Offering certification in:

- 1) Fuelling Performer
- 2) Fitness and Training
- 3) Motivating and Mental Toughness

From September 1999 to May 2000:-

Pilot project to introduce Top Play and Top Sport to primary and middle schools.

Late October:-

The Central Council for Physical Recreation Junior Sports Leadership Award Course.

From January to March 2000:-

Pilot project Champion Coaching programme.

As can clearly be seen, the Sports Development Unit has embarked on the establishment of the foundation of its empowerment and supportive role. I am very pleased to state that the feedback and public participation levels to date are most encouraging.

SUPPLEMENTARY TO QUESTION NO. 426 OF 1999

HON MISS M I MONTEGRIFFO

Is it Government's intention to employ more persons in the Unit.

HON LT COL E BRITTO

The Government have no plans to expand the human resources of the Sports Development Unit at present.

HON DR B LINARES

I would like to report the great satisfaction there is amongst head teachers and particularly PE teachers with the work of the Sports Development Unit, particularly Michelle Smallwood the Sports Development Officer. Michelle is at heart an educator and it is felt that she really understands the aim of the teachers in their PE curriculum. Whereas in the past, it has to be said, teachers in trying to introduce a structured and educational curriculum in the field of sport, have often been frustrated by the unstructured and haphazard set up outside the school. They now feel that efforts are understood and well supported by the rational and systematic approach now launched by the Sports Development Unit.

HON J J BOSSANO

Is that part of the answer to the question.

HON DR B LINARES

I am not sure of that but certainly that is what the teachers feel.

HON J J BOSSANO

Is that how the people who live in Gowland's Ramp feel or are we all free to pop in to the debate and say how we each feel. I mean, if it is a statement of a fact we normally get a copy of the statement and we are allowed to ask questions on it.

MR SPEAKER

You can ask him questions to clarify that.

HON DR B LINARES

I do apologise if I was out of line but it had to be said, I got carried away.



NO. 427 OF 1999

THE HON MISS M I MONTEGRIFFO

**SPORTING SITES.**

Is it Government policy that when sporting sites are handed over to them by the MOD, they will in turn offer these to local sporting entities for them to manage and run?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

No Sir. When sporting sites are handed over by the Ministry of Defence, Government decide the best possible use for the area and subsequently consider the options available. Each area is considered on its own individual merits.

It is Government policy to increase the availability of sites in Gibraltar available for sports and leisure activities, whether these are run by Government, Ministry of Defence, governing bodies of sport or other private entities or clubs.

SUPPLEMENTARY TO QUESTION NO. 427 OF 1999

HON MISS M I MONTEGRIFFO

I would like to refer specifically to the pitch at Europa Point. Are Government aware that this site will be handed over to them shortly or in the long term?

HON LT COL E BRITTO

The Government are at present in discussions and have been in discussions with the Ministry of Defence with regard to the sports pitch at Europa Point. There is a possibility that they be handed over in the shorter rather than the longer term but I can not at this stage either confirm that that will happen or even attempt to give a date on which it will happen because we are still separated by a number of issues that have not been agreed.

HON MISS M I MONTEGRIFFO

Are the Government aware there is a sporting association who is interested in running and managing that pitch?

HON LT COL E BRITTO

I have been on more than one occasion in contact with the Cricket Association which is the sports association I presume the hon Member is referring to. So yes, of course I am aware and indeed I would go further and say that if Government decided to take both pitches over the Cricket Association would be at the top of the list of priorities when it comes to allocation.

NO. 428 OF 1999

THE HON MISS M I MONTEGRIFFO

**FEES PAID BY SPORTING ENTITIES.**

Can Government state what fees they are charging sporting entities for those premises that were provided by the GSLP Administration?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

The charges being paid by sporting entities who were provided with premises by the GSLP Administration are those specified in the licence or lease documents agreed at the time by the GSLP Administration.

SUPPLEMENTARY TO QUESTION NO. 428 OF 1999

HON MISS M I MONTEGRIFFO

The Minister when I asked him this question the last time did say that they had standardised licences and that the fees would be different to the ones that had been put in place and there would be different levels comparable to the size of the premises. So there is a difference is there not?

HON LT COL E BRITTO

What the hon Member has said is right except for the last sentence. Yes, there is a new system. Yes it is standardised. Yes there are new leases. Yes there are new conditions. Yes the levels of rent are in relation to the sizes of the premises but the difference is that all this applies to premises that have been allocated by the present administration. There has been no change to what was agreed by the previous administration.

HON MISS M I MONTEGRIFFO

In other words, Mr Speaker, I think that I have the same problem as my hon Colleague. I think that the Minister did say the last time that I asked him that there were going to be changes, the fees were going to be different for the existing ones. Because I am talking about those that were left by us, but I will check.

HON LT COL E BRITTO

I have just said that there have been no changes. I may have said in the past that there could be changes and that is still possible but at the moment there have been no changes.

NO. 429 OF 1999

THE HON MISS M I MONTEGRIFFO

**DIPUTACION DE CADIZ.**

Are Government involved in discussions with the Diputacion de Cadiz with the intention of making a joint submission for funds to the European Union on matters involving sport?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

No Sir.

SUPPLEMENTARY TO QUESTION NO. 429 OF 1999

HON MISS M I MONTEGRIFFO

In the event that the Government were going to enter discussions would they entertain the possibility of making the joint submission for funds to the EU?

HON CHIEF MINISTER

Mr Speaker, the hon Member's question is entirely hypothetical and therefore I suspect not in keeping with Standing Orders.

The position of the Government nevertheless is that the question of sports and joint submission for EU funds has not arisen. If they did arise we would certainly look at the proposals on their merits and provided that the joint funding application could be made on terms which clearly reflected the fact that it was a joint application from two parts of separate Member States of the European Community, we would have no objection to doing so. That would be the only political issue as far as the Government are concerned.

HON J C PEREZ

Can the Minister say whether he feels that there is an expectation on the part of the Diputacion de Cadiz that this should be the case given that several media, both in Gibraltar and in the Campo de Gibraltar, have actually been saying that this is the expectation of the Diputacion de Cadiz. Is the Minister aware of this?

HON CHIEF MINISTER

I cannot speak for what might be the expectation of the Diputacion de Cadiz. Although I can say that it would be most peculiar if they had an expectation which they had omitted to take the opportunity to raise with me whilst I was their guest there precisely for such purposes very recently. If it is their expectation it is not one which they hold so highly or with such a degree of enthusiasm that they thought it appropriate to bring it to my attention on that occasion. I am aware that in the run up to my visit to Cadiz there was a litany of things that we were alleged to be about to discuss. I do not know where that list came from. Many of the items on that list were not raised with me and I do not know whether it was just speculation on their part or

speculation on the part of the press. But I can certainly tell the hon Member that it has just not been raised with us.

HON DR J GARCIA

Can the Government say who is on the technical committee on sports which is reportedly being set up.

HON CHIEF MINISTER

If the hon Member is talking about technical committees, joint technical committees between the Government of Gibraltar and the Diputacion de Cadiz, the answer is that no such technical committees have yet been set up on any subject. There are committees working at a municipal level with the municipalities on sport to deal with such things as the Straits Games and things like that. But that is all.

NO. 430 OF 1999

THE HON DR J J GARCIA

**RENTAL OF POST OFFICE BOXES.**

Why have the Government increased the cost of renting a Post Office Box?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

It is Government policy to seek to identify adequate opportunities to maximise revenue for the Government. Rental of Post Office Boxes had not been increased since 1st April 1989. Furthermore, the level of existing rents prior to 1st April 1999 was very low in comparison to similar boxes being provided in the private sector. It is also Government policy not to compete unfairly with the private sector.

Government therefore decided to bring the increases in the rental of Post Office Boxes into effect as from 1st April this year.

SUPPLEMENTARY TO QUESTION NO. 430 OF 1999

HON DR J GARCIA

The Government must be aware of the discontent or the criticism which arose in certain sectors of the trading community in Gibraltar at this increase. First of all because it was a 50 per cent increase which people felt was rather exorbitant and secondly, at the way in which it was being done. No announcement was actually made. People were simply told they had to pay more without even being told that an increase had been put into effect, in the letters which I have seen.

Another reason which the Government gave at the time was that this was due to the move of the Post Office to a new location. This was actually printed in the media and attributed to a Government spokesman. So really on that particular point I was wondering what on earth the increase in the cost of the Post Box has to do with where the Post Box is located.

HON LT COL E BRITTO

The hon Member makes several points, some of which are misconstrued and others ill-founded. First of all the Government are not aware of widespread discontent. No such discontent has been made known to the Government except by the hon Member in a press release and except by the Federation of Small Businesses Committee in a letter to the Government. Those are the only representations that have been made and were answered at the time.

Furthermore, of the 941 Post Office Box holders that exist, none said in the immediate aftermath of the announcement that they no longer required the boxes but only 2 said that it was due to the increase. So no, the Government are not aware of widespread discontent. We are aware of only one letter and one press release and two people saying they had discontent. Secondly, the hon Member opposite makes great fuss and did make great fuss in the media about a 50 per cent increase. He should avoid misleading people into thinking that because it is 50 per cent it is massive. Let it be

quite clear what the increase is, so that people listening can decide for themselves how great this increase is.

There are two types of Post Office Boxes. A small one and a large one. The small Post Box went up by £10, the large Post Box went up by £20. Let us be quite clear Mr Speaker, it went up by £10 a year, not a week or a month, by £10 a year and the other one went up by £20 a year. I refuse to accept from the hon Member that increases of that level when applied to on-going business concerns can in any way be considered inadequate.

The third point is the one of the no announcement. There was an announcement made, I can not remember the exact detail but the announcement was made either through an Official Notice or through letters to consumers, I do not know the details at this stage but there was an announcement made prior to the increases coming into effect and obviously giving people the chance to give up their Post Office Boxes.

Fourthly, the question of the move of the Post Office is totally unconnected with the increase in the rents of Post Office Boxes. But I remember saying or hearing at the time that when there was a move to the new premises there would be an increase in the number of Post Office Boxes, but nothing to do with an increase in the rent that was applied.

HON DR J GARCIA

The Minister says that there were only 2 complaints received and one of them was from myself. Is he not aware that the Federation of Small Businesses, which described his action as being unjustified and called on the Government to reconsider the situation, is the largest trading organisation in Gibraltar and represents hundreds of small businesses who are affected by this measure.

HON LT COL E BRITTO

I received a letter from the Committee of the Federation of Small Businesses and no further representation from any other business.

HON DR J GARCIA

That is completely irrelevant and the Minister knows it. However, just to get back to the percentage terms, in percentage terms 50 per cent is indeed a huge increase, regardless of whether it is £10 or 10p. Secondly, if it is so low and so irrelevant and if the increase is so insignificant, then why did the Government need to do it in the first place, to increase its revenue with such an insignificant amount.

HON LT COL E BRITTO

Is the hon Member now arguing against himself saying that the increase should have been bigger?

HON DR J GARCIA

No Mr Speaker, the point which I am trying to make and the point which the Federation of Small Businesses also made in its statement is that there should have been no increase at all. Really it does not make any sense for the Government to pretend to be helping the business sector by trumpeting all sorts of schemes and sort of giving away with one hand and taking away with the other. The increase is completely unacceptable, it has been condemned by the largest trading organisation in Gibraltar and it is unfortunately the Minister is not willing to reconsider the situation.

HON LT COL E BRITTO

Mr Speaker I refuse to enter debates on the subject. It was a Government decision, it was made, I have given the reasons why and the last thing was a statement not a question.

HON J J BOSSANO

The reason is that it was not a long time as I understand it. It is not that there is any particular need for this particular money in the budget of the Post Office.

HON LT COL E BRITTO

The previous raise had been 10 years previously.

HON J J BOSSANO

Surely the Government do not apply that criteria as a norm because in fact I think the last time house rents were increased was in 1984, which is 15 years ago. That does not mean that because it is 15 years, there is a need to increase it. Is it not sensible if the Government were saying we are going to either spend that money on more boxes, an exercise has been done which provides some rationale, we might understand it. But simply to say that it is because it is a long time, that is not the normal way they go about raising things, no?

HON LT COL E BRITTO

The reference in my answer to the length of time is not an attempt to justify the increase. I think there is no need to make any attempt in justifying the increase. The length of time is in relation to the song and dance being made by his Colleague on percentages. That is why I mentioned that it was 10 years, to relate the 50 per cent to the ten years. But I think quite honestly I have nothing more to say.

HON J J BOSSANO

The answer to the original question is that there is no particular reason for the increase because that is what the question asked.

HON A J ISOLA

What is the increase in Government revenue as a result of this increase in the Post Office Box price, the global increase over a year?

HON CHIEF MINISTER

Not very much. As my hon Colleague has said the principal reason was to try and balance out a little bit more the Post Office Box cost of those who could obtain the service from the private sector and those who could not, because of insufficiency of supply, and had to pay higher fees in the private sector and my Colleague the Minister has said that. But really I am surprised that the hon Members should be so concerned with what amounts to an increase of a few pounds a year to some local businesses when they, when they were in government, increased Social Insurance contributions every year from 1988 to 1997 and they were not concerned at burdening business with hundreds and thousands of pounds a year which really did put the continued survivability of many businesses in question. Yet they make a song and dance about raising the fees by £10 a year to a few, depending on the size of the box, to some

businesses. It is really completely inconsistent. If the hon Members were as concerned as they now pretend to be with this type of issue they had eight years in which to put their concern into action and far from doing things during those eight years which helped alleviate business costs, every year they simply increased private business cost. I understand that it is a legitimate line of questioning for the hon Members to pursue. Of course they are entitled to ask the Government why the Government have seen fit to increase the Post Office Boxes but the hon Member will forgive if we, and everybody else who remembers their policies towards the private sector business when they were in office, they will forgive us all for thinking that their concern really reflects crocodile tears. Because it does not reflect, their concern now is not reflected in the policies that they pursued when they were on this side of the House.

HON LT COL E BRITTO

Can I add to the size of those crocodile tears by pointing out some little statistics that I have been keeping up my sleeve. Opposition Members opposite increased the level of Post Office Box rents in 1989. When they did the increase was not 50 per cent it was 100 per cent, they doubled the level of rents. So please gentlemen.

HON J J BOSSANO

All the more reason why they should not have raised it on this occasion.

HON CHIEF MINISTER

That is a new argument.

HON J J BOSSANO

It seems that the commitment of the Government to our righteous questions is that we are entitled to ask questions provided we then get inundated with speeches about what happened in 1988. The Government seem to forget that it is supposed to explain to the House of Assembly the reasons why it is doing the things it is doing in 1999 irrespective of what anybody did between 1999 and seven years before. The only reason that they can find is to say "well you were worse than me". Well it is irrelevant how good or how bad or indifferent we were. Because we do not spend time at the House pointing at the things they used to say in Opposition. Otherwise their crocodile tears would have us all swimming in this chamber.

HON CHIEF MINISTER

We know that this is what they want us to do. The hon Member, because his Colleague Mr Gabay is constantly making the same point, of course the hon Members are free to raise with us whatever issues they like regardless of how they dealt with it or regardless of how we are dealing with it and we are equally entitled to point out to the hon Members where we think that their own behaviour in government demonstrates their alleged concern now to be hypocrisy and to be insincere. That is as legitimate, the hon Member thinks that we are obliged to allow them now to base criticism at the Government on a basis completely inconsistent with the policies that they used to implement when they were in government. I have news for the hon Member, we are going to carry on doing so and we know that the hon Member has concluded that the only way that he can possibly make himself attractive to the electorate again is hoping that they will forget from their memories their eight years of experience. They should also be aware of the fact that we have no intention of allowing them to forget what Gibraltar was like when he was doing this job.



HON J J BOSSANO

When we go to the election campaign and not at question time. He may keep on reminding them of whatever he wants to remind them, I will remind them of the level of tobacco imports that are taking place now and I will remind them of his 'palomo' background and that is for the election. But what we are doing in this House today is putting a question saying why have the Government increased the cost of renting a Post Office Box. And the House exists and we have Question Time so that we can put that kind of question without being accused of being a hypocrite. Hypocrite in this House in our judgement, certainly in my judgement, is the Chief Minister who is totally dishonest and believes in nothing except political gutter politics which he introduced here in 1991 and he continues and he has brought lack of dignity to the House and to the office he now holds.

HON CHIEF MINISTER

I am not going to stoop to the level of gutter politics. The hon Gentleman when he is defeated in argument has resort to personal abuse. He has done this all his life. It is the only language that he understands. Look I will say this to the hon Member of the House, I will pit my level of integrity in front of the jury, the people of Gibraltar, whenever he likes. Let me remind the hon Member that the only member of this House which since 1969 since the House was established can be demonstrated by the record of Hansard to have misled this House, I will go further, to have not told this House the truth, was the Leader of the Opposition when he told this House that no member of the GSLP Executive had had anything to do with the problems at Kvaerner, subsequently shown to have been a lie by the tapes when they were published. So let him not impugn anybody's integrity because the only person's integrity who can be demonstrated to be suspect is his.

MR SPEAKER

Wait a minute, you have one question and one answer and that is the end of this fight.

HON J J BOSSANO

I will take the matter up with the Chief Minister anytime when we are not constrained by this House and by the rules of this House. But let me say that what we are talking about is asking the Government to explain to the House what is the rationale of renting a Post Office Box. The Chief Minister insults Opposition Members by calling us hypocrites and then he says that we do it. I challenge him to show one occasion when an insult has been made in this House that has not been initiated by him. And if he cares to talk about integrity, I question the integrity of a Government that go around listening to tapes of conversations and making use of that which there is no record in history in any civilised country in Europe. That is the kind of person he is.

HON CHIEF MINISTER

Two points and very briefly. First of all, I have insulted nobody. The first and only person to have raised the question of insults here has been him. He may be wanting to persuade people to forget what the situation was as long ago as 1996 which is three years ago, but surely he does not expect people to forget what they have heard in the last four minutes. The person who first introduced the element of personal insults here was him. What I said was that just as they were free to question us, we were equally free to remind them what their position was when they were in government on the very same issue. Now he may think that that represents an insult, it can only be on the basis that if he feels sensitive about that he would rather not hear it. But the fact that he would rather not hear it does not make it an insult.

As to his right to ask questions, Mr Speaker, he has had the answer to this question. Of course this question was about Post Office Boxes, the Minister for Government Services has answered the questions repeatedly and we started discussing issues which they have raised on their sixth supplementary. So I do not think that it is particularly fair for the hon Member to suggest that their right to ask questions has been curtailed. They have asked the question, they have repeated the same question in supplementary four times, they have had the answers from the Government and it is only when they started trying to suggest that there was no justification whatsoever for the raise of fees that the Government have pointed out to them that they used to raise costs to businesses as well by much more and that they have been reminded that they raised Post Office Box fees as well. So what has not been answered. What part of the hon Member's question has not been answered?

MR SPEAKER

Next question.

NO. 431 OF 1999

THE HON J J GABAY

**KING'S BASTION - OLD GENERATING STATION.**

Will the Government confirm reports that it has now decided not to transform the old Generating Station at King's Bastion into a leisure centre and that the building is to be demolished?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

It is not clear what the hon Member means by the old Generating Station at King's Bastion. The old Generating Station operated in the post war structure visible from Queensway and inside the historical parts of the King's Bastion, operated from two locations. It was never the Government's intention to establish a leisure centre in the post war structure. The leisure centre is intended to be located in the historical parts and those plans remain. Government had planned to build a multi purpose sports hall in the post war structure, but that will not now proceed in that location. That structure will now shortly be demolished.

SUPPLEMENTARY TO QUESTION NO. 431 OF 1999

HON J J GABAY

The explanation given was quite unnecessary and obviously I think that the Minister knew exactly what I meant. I have raised in this House repeatedly and questioned repeatedly the firm decision of this Government to proceed with retaining that monstrosity. Needless to say we are delighted that the monstrosity is to be demolished. But let me remind the Chief Minister that in answer to my regular interventions in this House that the Government would be committing a serious blunder in retaining the building, he was quite adamant. Not only quite adamant but quite dogmatic adding this particular phrase "I have to say that one could become a schizophrenic if one took the advice of the hon Member". Well Mr Speaker, in the light of this change of mind may I venture to enquire, with great respect of course and solicitude and obviously a pinch of salt as well, about the current state of the Chief Minister's mental condition.

HON LT COL E BRITTO

I will not be drawn into anything more than a factual answer to what was the question at the beginning of that statement and there is, with the greatest respect, clearly some confusion in the hon Member's mind in the way the question is drafted, because he connects the Generating Station to which he has referred in the past and to which I expected, and that is why the answer is drafted that way, expected to mean the structure next to the Naval Grounds right, but he connects that with the leisure centre. Now there has never been any plans by the Government to put a leisure centre inside that monstrosity as he called it. So therefore the explanation was needed because the leisure centre was planned and is planned inside the Bastion where there is also a generating station or part of the generating station. Hence the attempt to clarify positively any doubts that there might have been in the hon Member's mind.

HON J J GABAY

Would the Minister not agree by the very way that he has answered the question that he knew exactly what the thrust of the question was and the building concerned. Is that not a fair question to ask?

HON CHIEF MINISTER

No, with the greatest of respect to the hon Member, it is not.

If the hon Member prefers the Government to use ambiguous and ill-conceived and ill-constructed questions as an excuse to duck and dive and not provide information, as we could do, then attitudes like the one that he is demonstrating now, I have to tell him, encourage the Government to do precisely that. Instead of doing that, what the Government have chosen to do is to provide the hon Member with much more information than his question asked for because it was not exactly clear, and I will explain to the hon Member again why, that the hon Member had fully understood what was intended by Government in the first place.

The hon Member asked "will the Government confirm reports that it has now decided not to transform the old Generating Station at King's Bastion into a leisure centre and that the building is to be demolished", well since the hon Member must know that it would not occur to us to demolish the original King's Bastion, he when talking about demolition must have been talking about the post war part of the King's Bastion. The Government had never intended to have a leisure centre in that. So the Government could quite easily have answered his question by saying it was never the Government's intention to have a leisure centre in that part of the King's Bastion which it once considered demolishing. Instead of adopting that unhelpful attitude to the hon Member we have pointed out to the hon Member the difference between the new and the old King's Bastion, we have explained to the hon Member which project we were going to put in the old Bastion and which project we are going to put in the post war Generating Station, we have explained to the hon Member that the one that we were going to put into the old Bastion, the leisure centre, remains our plans and that the one that we were planning for the new Generating Station namely the sports hall, is now not going to proceed and they are going to demolish it instead. I would have thought that the hon Member should be grateful for the Government's open and helpful attitude to this question and not seek to criticise the Minister for doing precisely that.

In turning to the Chief Minister's state of mind, which I know is a matter of great concern to him, it is a matter of consolation to me when only the Opposition in Gibraltar worry about my state of mental health. Happily for me no one else has ever suggested that I am a schizophrenic but still I will tell the hon Member what the Chief Minister's state of mind now is on this issue.

Pursuant to a process, which of course is anathema to them judging by their track record, the Government consulted, conducted a thorough public consultation process about whether the post war building, (the monstrosity, and we can both agree that that is a good name for it) whether the monstrosity should be developed or whether it should be saved as a multi purpose sports hall. We had a public consultation, he knows that we invited public comment, there were questionnaires and that information came back to the Government and actually the majority of people were in favour of it not being demolished but converted into a sports hall. So, in response to that result of that public consultation process, the Government decided that it would not demolish the hall, it would spend quite a lot of money not just kitting it out as a sports hall but cladding the building in order to make it less of a monstrosity. Subsequently to that but recently, the Government have decided to expand the sporting facilities adjacent to the Victoria Stadium. In other words on the area loosely

called Bayside between the Victoria Stadium and the sea front. In connection with that much more ambitious project the Government have decided that it would reconsider whether the sports hall should continue to be located at the monstrosity or whether it should now, given the new more ambitious plans, be relocated in the new sports city complex. Government decided on the latter. Instead of finding some other use for the monstrosity, we have decided quite recently to demolish it. I think that the hon Member rather than accusing me of being a schizophrenic might rather prefer to congratulate the Government for keeping an open mind, for consulting and for finding a solution to the problem which satisfies even the Opposition Member.

HON J J GABAY

I must congratulate the Chief Minister on being a brilliant advocate and I pay him the same compliment now. However, going round in circles with his legalistic talk does not alter the fact. He had decided and his own words were "the Government are proceeding to convert the non historical part of old King's Bastion Generating Station on Queensway into a multi purpose sports hall". No matter what we said he was adamant. So, and as to congratulating the Government I have indeed congratulated the Government but I cannot overlook the contradiction and the U-turn. Particularly, and I said it with a pinch of salt, this statement that I quoted by the Chief Minister himself that I have to say that one could become a schizophrenic in want of the advice of the hon Member, where since he has changed his mind the logical corollary is what is the condition of his mind. That is said with an element of humour which he is quite incapable of understanding.

HON CHIEF MINISTER

I hope I have tried to inject an element of good humour into my response. But look Mr Speaker the hon Members appear to equate changing minds with U-turns and weakness and bad government. I actually think that a government that is capable of changing its mind is a good government and a government that dogmatically refuses to depart from the position that it first takes is a bad government. What we have said, at the time the hon Member was asking me to change the Government's policy in the face of the results of a public consultation, in other words, the hon Member was saying at the time of the Hansard that he is now reading that the Government should reject the result of a public consultation process in favour of his own personal opinion. The hon Member I am sure will wish to forgive us for preferring to follow the results of a public consultation process than his own. What we have now done is found ourselves in a position to change our minds about the possibility of demolishing the monstrosity in the light of changed circumstances, (which I have explained to him and he either has not heard them or he has found them irrelevant to what he wanted to say when it was his turn next to get on his feet).

The explanation that I have given him is that in the changed circumstances of the Government's policy to expand the sports facilities in Bayside, it was decided that Bayside was a better location for the, and therefore we said we can do both, we can do the sports hall and demolish the monstrosity. The hon Member may wish to think that that is schizophrenia, U-turns or whatever he likes, but really I think it is prudent, constructive decision-making which enables to very desirable ends to be met. One is to provide this community with a much needed larger and newer sports hall and the other is to eliminate the monstrosity, to demolish the monstrosity. But I must warn him, as I think I may have done before, that I do not know whether or how long ago the hon Member has been inside the monstrosity, but I fear that he is going to be very disappointed when the monstrosity is dismantled, because what is inside the monstrosity, regrettably, has been for the last 35 years inside working walls of a generating station, the walls are in a terrible condition. They are stained, they are full of pipes, they look nothing like the rest of the walls immediately outside the plant and one of the consequences of the Government's decision now to demolish the

monstrosity is how much money it is going to cost to restore the walls, just the bit immediately outside where the monstrosity is. Because when we demolish the monstrosity what is left is even more of a monstrosity than the facade of the building. We have a real problem in retrieving the two walls of the original City Walls left.

MR SPEAKER

There is one question and one answer only.

HON J J GABAY

What the Chief Minister has just said of course makes a lot of sense. Obviously we are all interested in the repair, I am sorry that it has so stunned him that he keeps on coming back to that particular mental ailment that he raised and I with a certain degree of I would not say malice because there is none, with a certain degree of humour and I felt it might be taken like that but obviously I misjudged the mood. To come back to one simple point, when he talks of the sign of good government is the ability to change its mind I agree entirely. On the other hand to be beneficial it has to come with some degree of modesty and realisation of other people's views which is in stark contrast to the quotations that I have given that he provided in answer to what were very normal questions in my mind in the past. As well as congratulating the government on the final result, I have already said so.

MR SPEAKER

Is modesty a good thing, that is the question.

HON J C PEREZ

With reference to what the Chief Minister has now said, is it possible to know whether the land on which the sports hall is now to be built belongs to the Government or has to be acquired from the private sector?

HON CHIEF MINISTER

I do not want to answer that question specifically in relation to the sports hall because I do not know exactly where in the area the sports hall sits but perhaps I can answer the question in general terms. The totality of the land that the Government want to use for the expansion of the sporting facilities, which go beyond a sports hall, requires land that is both presently publicly owned and land which is presently not publicly owned and which the Government will seek to acquire. Having said that I do not know whether the sports hall, as the plans presently stand, whether the sports hall is in the public part or in the private part.

NO. 432 OF 1999

THE HON J C PEREZ

**ROAD TO THE LINES.**

Can Government confirm that the fire hydrants in Road to the Lines were not working during the recent fire in the area?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

The fire hydrant system in the area of Road to the Lines is within a low flow area which, although adequate for domestic purposes, is poor in respect of the high flow required for fire fighting. A project to replace sea water mains supply fire hydrants at Road to the Lines forms part of the Lyonnaise des Eaux investment programme, and the works are scheduled to commence in June 1999. There is a close working relationship between the City Fire Brigade and Lyonnaise des Eaux, and during the recent incident at Road to the Lines the Fire Brigade was able to deploy from alternative fire hydrants nearby which provided the necessary flow and pressure.

SUPPLEMENTARY TO QUESTION NO. 432 OF 1999

HON J C PEREZ

Judging from the Minister's reply it could be assumed that there are other areas in Gibraltar which fall in this category. Is the programme of Lyonnaise aimed at solving all the areas identified or is it that some areas have been identified and some are not and form part of another programme?

HON LT COL E BRITTO

I am afraid I need notice of that question. I am not aware of any other.

HON J L BALDACHINO

Perhaps the Minister can clarify because he said that other hydrants in the area were used instead of that one. Are they not all connected to the same pipe?

HON LT COL E BRITTO

Obviously not.

NO. 433 OF 1999

THE HON J C PEREZ

**UPPER ROCK - FIRE BREAKS.**

Are Government aware that the fire breaks in the Upper Rock are overgrown and that this poses a danger during the dry season?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

As part of the notice issued by the Chief Fire Officer to all agencies connected with the Gibraltar Disaster Plan, notice is given to the Ministry for Tourism of the necessity to clear up the fire breaks. The operation usually takes place in June/July during the high fire risk period.

SUPPLEMENTARY TO QUESTION NO. 433 OF 1999

HON J C PEREZ

I presume it is expected this year to take place in June/July.

HON LT COL E BRITTO

Yes. As I indicated in the answer it is standard practice for the Chief Fire Officer to issue a letter and in fact such a letter went out on 17 May notifying all the various agencies concerned of the high risk period and reminding them of their duties. I think it is not just the fire breaks but there are a wide range of things people are asked to do and be ready to do and stand by to do.



NO. 434 OF 1999

THE HON J C PEREZ

**POTABLE WATER.**

Can Government state whether Gibraltar's potable water needs can be adequately met during the next five years with the existing production capacity?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

There is sufficient installed water production capacity to meet Gibraltar's potable water demand over the next five years.

SUPPLEMENTARY TO QUESTION NO. 434 OF 1999

HON J C PEREZ

That is without altering the capacity that comes from the Incinerator, that is to say, the capacity from the Incinerator, the capacity at the Desalination Plant at Waterport and the Wells - those three sources are sufficient to meet Gibraltar's water needs over the next five years.

HON LT COL E BRITTO

Yes, the total installed capacity is enough.

HON J C PEREZ

Can I ask whether this is also the view of Lyonnaise des Eaux.

HON LT COL E BRITTO

Yes, the information has come to me through Lyonnaise des Eaux.

HON J J BOSSANO

Is the Minister aware that some years ago there was a report produced by Lyonnaise des Eaux which said that new desalination capacity had to be installed within the not very distant future. What has happened in terms of source of supply that enables Lyonnaise to now say no we do not need to have new desalination capacity.

HON CHIEF MINISTER

I do not know if this answers the point to which the hon Member is referring because I do not know what report he is referring to. There is a problem in that the incinerator, because of the insufficiency of the supply of refuse, is not producing the quantity of water that it was contracted to produce to Lyonnaise. Whether that means that the project figures that are written into the future are sufficient and that at some stage in the future it will become necessary for additional plant to be added, I do not know. But at the moment I think the plant is producing 350,000 cubic metres and that the original contract envisaged 650,000 cubic metres and the plant has never been able to produce more than what it is producing now which is 350,000 cubic metres, and I

am sure that that affects the need for capital production capacity at some point in the future. But that is the only information I am aware of which impacts on what the hon Member is saying.

HON J C PEREZ

First of all the question is clear whether Gibraltar's water needs can be adequately met with what we are getting. What we are getting is 350,000 but the report that has been referred to by the Leader of the Opposition is one done about 4 to 5 years ago where even that report said that within a span of 5 years with the level of water that was being acquired then from the Incinerator, which is the same amount as it is today, there might be a need for increasing capacity. The question was trying to find out whether that need is still there or why they have changed their minds.

HON LT COL E BRITTO

The way the hon Member has now put the question is slightly different. If he goes back to my answer what I told him was that there was sufficient installed water production capacity. Now, installed water production capacity is with the Incinerator producing the full 650,000, what the hon Member has now said on the level of present production. Now, on the level of present production Lyonnaise has already invested an extra £250,000 in refurbishing the Reverse Osmosis Plants which in the hon Member's time were put into North Gorge because they were considered not to be necessary. Well those have now been refurbished and I think I am right in saying are already working in order to make up the production. Taking forward the scenario as put by the hon Member in his last supplementary, if at some stage in the future the situation with the Incinerator is not remedied and production were to continue at the present levels which are below the contracted levels, then in line with the report that the hon Members have referred to but I have not seen, then my information is that there will be need for further capital investment in further production plant, if the Incinerator does not meet its contracted level of production. That is a problem that Lyonnaise is very well aware of, that the Board of Lyonnaise is actively considering in consultation with the Government and looking forward to providing solutions in time for needs.

NO. 435 OF 1999

THE HON J C PEREZ

MANX ENERGY.

Can Government state whether Manx Energy have now concluded their "Strategic Review" of the Electricity Department?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

No Sir. Manx Energy have not concluded the review that they are carrying out.

SUPPLEMENTARY TO QUESTION NO. 435 OF 1999

HON J C PEREZ

Can I take it that they have already interviewed the people that they needed to interview and that they are now in the process of putting together the reports, is that the situation? If so, when does the Minister expect to receive that report?

HON LT COL E BRITTO

That is indeed the situation as described by the hon Member. Government had requested that the report be concluded by the end of May and on present indications, give or take a slight slippage, indications are that they will be done and that the report will be available to the Government some time in June, I do not have a committed date but some time in June.

HON J C PEREZ

Will the Minister share the report with the Opposition as has been the practice historically in terms of the Generating Station in the reports that have been commissioned before. Is it possible that the hon Member will commit himself to make available to the Opposition a copy of the report when it is ready?

HON LT COL E BRITTO

No, I cannot make that commitment without having seen the report. The report is a report commissioned by the Government specifically on working conditions and until the Government have had a chance to study that report it cannot commit itself to what it will do with it.

HON J C PEREZ

I would just like to remind the hon Member certainly that during our term in office we did not have the necessity of instituting a report, but previous to that reports about the Electricity Department, whether they were on the basis of industrial relations of future generating capacity or cost effectiveness, were shared with the Opposition, and I would like him to take that in mind in deciding whether he is going to share it with us or not.

HON LT COL E BRITTO

Certainly. The Government will keep precedents in mind but what I cannot do is make a commitment at this moment in time.

NO. 436 OF 1999

THE HON J C PEREZ

**TELEPHONE LINES.**

Can Government state how many telephone lines were in use and how many unissued, as at 31st March 1999?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

The number of telephone lines in use as at 31st March 1999 was twenty thousand, six hundred and sixty-six (20,666).

The System X telephone exchange capacity at present stands at twenty-seven thousand, eight hundred and seventy-six lines (27,876), hence the number of available lines is seven thousand, two hundred and ten (7,210).

The number of exchange lines available can be expanded to meet demands at any time.

SUPPLEMENTARY TO QUESTION NO. 436 OF 1999

HON J C PEREZ

The Minister is talking about exchange capacity. Certainly the problem of another numbering plan possibly restricts the number of lines given that there might be insufficient numbers. Is that not the case?

HON LT COL E BRITTO

There is a difference between telephone lines and telephone numbers. The question specifically asks for telephone lines. I have answered the question within the parameters of telephone lines. There is correlation obviously between one and the other but if one has a limitation in the quantity of telephone numbers then, whether you have 20,000 lines or 50,000 lines, if one has not got more numbers one cannot use them.

HON J C PEREZ

I am trying to find out how many lines are not in use and therefore available to the industry to use in the near future. Unless one does not compare that with the question of the numbering plan, one does not know whether there are 7,876 that could be allocated or less, given that the numbering plan and the problems surrounding that, restricts both GibTel and Nynex in the acquisition of lines as a result of the numbering plan. That is my supplementary. I am asking the Minister whether the seven thousand odd that are available can all be allocated without, put in use, without any problem because the numbering plan does not restrict that.

HON LT COL E BRITTO

I am not sure whether to say yes or no so let me explain. The number or the quantity, to avoid ambiguity, the quantity of telephone lines available (which I have indicated as

7,210) cannot be met by the quantity of telephone numbers that are available. There are less telephone numbers than there are lines.

Even more to the point, if the problem was with telephone lines, there is no problem with the quantity of telephone lines because by technical means one can install more telephone lines. The hon Member's question really should have been what number of telephone numbers are left. The quantity of telephone lines is irrelevant to any problems that we may have in future to the numbering plan.

HON J C PEREZ

So, the Minister perhaps has not got readily handy the number of telephone numbers still available to the public, which he has admitted falls short of the 7,200 lines on the list.

HON LT COL E BRITTO

I do not have all the details to provide that answer to the hon Member in front of me but what I can tell him is that in respect of Gibraltar Nynex only, the allocation is as the hon Member may remember 22,000 telephone numbers. Of these, 19,670 were in use as at 31st March 1999, that leaves 2,330 numbers unused as opposed to telephone lines.

HON J J BOSSANO

Can the Minister say whether he has an idea of the sort of rate of demand that there are for additional numbers, on a monthly or yearly basis. How big a bank do we have with 2,300 members basically in terms of how long we can stay without a problem, on present experience.

HON LT COL E BRITTO

Not a very big reserve.

NO. 437 OF 1999

THE HON J C PEREZ

**NYNEX - PAYMENT OF BILLS.**

Are Government able to confirm that Gibraltar Nynex is putting into place alternative arrangements for the payment of bills in the city centre?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Gibraltar Nynex is not putting into place any alternative arrangements for the payment of bills in the City Centre.

SUPPLEMENTARY TO QUESTION NO. 437 OF 1999

HON J C PEREZ

Was it not the case that they were in negotiation with Lyonnaise des Eaux to see whether they could instal one of their cashiers at the point of collection of Electricity and Water in order to facilitate those that could not, or found it difficult to walk down to Europort, and that there were on-going discussions on this matter?

HON LT COL E BRITTO

Negotiations is not the word. Gibraltar Nynex and Lyonnaise des Eaux have held exploratory meetings to see whether it would be feasible for each other's customer services centres to collect payments for those services. The matter is being studied to determine whether it would be practical to link up the computer systems.

HON J C PEREZ

So there is still a possibility that those people complaining that the move to Europort gives them difficulties, there is still a possibility that at one stage or another they might be able to pay their bills at the Water and Electricity collection centre of Lyonnaise des Eaux.

HON LT COL E BRITTO

Yes, there is a possibility. The Government are trying to influence that possibility positively through my presence on both boards, and the Government would have a preference for seeing that in place. But at the end of the day it is a commercial arrangement that needs to be put into place taking into account the practical difficulties, and it is a matter for the management of the two companies to try and sort out. Let me also say, in respect of the other part of the question, that there is no evidence of large numbers of people wanting such facility. I have no doubt that anybody who lives in Red Sands Road would welcome being able to pay the bill in that immediate area so that is why I am saying the Government's preference would be for a facility in the town centre, but there is no evidence of large scale complaints to Gibraltar Nynex since the move. In fact, there is no evidence of more than a handful of complaints.

HON J C PEREZ

Perhaps the Minister is not aware that the move has affected mostly elderly people, even elderly people living in the area of Laguna and Glacis who would normally direct themselves down Main Street, who have in any case to go to pay their electricity and water bills in the area that the Nynex collection centre was, and that now they find difficulty in that they have to go on two different days because the collection centres are not in the same area, which was the whole purpose of opening the Nynex office in the area of Main Street at the time it was opened. Whilst the company might have not received complaints, I certainly have received many representations particularly from elderly people who generally do not have bank accounts because the banks insist they have got to have £500 deposit and pay cash and do not pay with cheques.

HON LT COL E BRITTO

Yes, as I have already said, the Government are aware of the desirability of providing a collection facility and therefore is trying to influence the companies into coming to some sort of working arrangement. But I have also said in answer to similar questions in the past that what is one man's food is another man's poison. The same as some people living in the area where the collection service was before are now inconvenienced because they have further to go, similarly a very large number of people living in the reclamation area, which is now demographically by far the biggest population centre in Gibraltar, are now less inconvenienced than they were before, because now they have the collection centre much nearer to them. So yes some are more inconvenienced and others are less. But be that as it may the Government would like to see a collection centre, if possible, being in the City Centre.

NO. 438 OF 1999

THE HON J C PEREZ

**SPANISH BASED MOBILE TELEPHONES.**

Since there are no restrictions on the sale of Spanish based mobile telephones in Gibraltar, can Government explain why replacement pre-payment cards for such telephones cannot be imported?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

There is no restriction on the importation of pre-payment cards for Spanish-based mobile phones as long as the cards are imported in accordance with the provision of the Import and Export Ordinance.

SUPPLEMENTARY TO QUESTION NO. 438 OF 1999

HON J J BOSSANO

Perhaps the Minister can explain whether simply that means that they are declared and pay duty. It is not that the Imports and Exports Ordinance prohibits the importation.

HON LT COL E BRITTO

That is correct. It does not prohibit the importation. Importation is allowed as long as duty is paid.

HON J C PEREZ

It has come to our notice that certain people in the Customs are not aware of this given that there was an importer that has been dis-allowed from importing these chips, and when he claimed that the chips were being brought in by retailers in their pockets across the border to be sold in retail outlets in Gibraltar, he was told that that was all right but that officially he could not import them into Gibraltar. I presume that the hon Gentleman is saying that there has been a mistake in the Customs and that this import has now to be allowed. Is that the situation?

HON LT COL E BRITTO

It is now clearer to me that the confusion which I suspected existed in the drafting of the question is in fact there. There would appear to be a confusion in hon Members' minds between what is called a pre-payment card and what is called a SIM card. Are hon Members aware of the difference because the pre-payment card, as mentioned in the question, is not a prohibited import. The SIM card is.

HON J J BOSSANO

Then what is the difference in the nature of the card that makes one prohibited and the other permissible?



HON LT COL E BRITTO

The mobile telephone which hon Members are accustomed to use and which has a little white card inside it, that is a SIM card. Now that is considered administratively to be a card that provides a service. As such, it is contrary to the licence of GibTel for such a card to be imported because by being sold in Gibraltar it provides a telephone service. However, if the card is acquired in Spain by an individual and brought inside his own telephone, he is contracting the service away from Gibraltar. That is the administrative interpretation. Now, the pre-payment card which the hon Member referred to is something completely different. The pre-payment card is sometimes called a charge card, and I do not know whether hon Members can see it from there, but it is bigger more like the size of a credit card, and one scratches out a number, though I have not done this personally, telephone that number and by doing so it enables whoever is at the other end or whatever is at the other end of the telephone, to recharge the system in ones mobile telephone. That administratively is not considered to be providing a telephone service.

HON J C PEREZ

Is the Minister not aware that both cards actually provide a Spanish service, whether one buys a pre-paid card or a SIM card, that they are both related to a Spanish service being sold in Gibraltar, presumably unofficially for people when they cross the border. The fact that the service also happens to cover part of the area of Gibraltar is neither here nor there. But the service presumably sold in Gibraltar, for people going over across the border, as a result that unfortunately GibTel is not being giving a roaming agreement by Telefonica, the matter is in the European Courts and people that want mobile telephony in Spain have to use a Spanish system whilst they are there because we cannot provide them with a mobile telephony base in Gibraltar. But I cannot see the difference of pre-paying a card or buying a card for a service which is then paid for separately, given that both systems are actually putting in service a Spanish system which is not available in Gibraltar.

HON LT COL E BRITTO

Replacement pre-payment cards are not being treated as cards which provide a telephone service but as cards which allow access to an already existing telephone service which may have been contracted outside Gibraltar. The administrative view taken is that in view of the fact that there are so many Spanish based mobile phones on sale in Gibraltar and have been for several years, only the importation of SIM cards is being considered to come within the definition of telephone service as contained in Schedule 2 of the Public Utility Undertakings Ordinance.

HON J C PEREZ

That is to say administratively because they have not been able to stop more than that administratively in the past. They think that administratively they can only stop the SIM card but it is ridiculous for people to be told that even if they are bringing SIM cards across the border in their pockets, that is all right, presumably without paying import duty because they have it in their pockets there is no need to declare them, because it is not normal for people to be body-searched. But if one declares them officially as an official importer then one is not allowed to import them because administratively some one has decided that that is a prohibited import.

HON LT COL E BRITTO

When I say administratively, these are the facts that have been presented to me when preparing the answer to this question. This is the collective view or separate view and then collective view taken by the Attorney General's Chambers, the

Customs Department in consultation with the Regulator designate. It is not my administrative decision, it is not a political decision, it is the conclusion that has been come to collectively by the officials concerned.

HON J C PEREZ

With respect, that does not stop it from sounding rather ridiculous and it does not stop the Minister from having a look at the administrative arrangements to see whether those administrative arrangements are politically acceptable or not, frankly.

HON LT COL E BRITTO

As I said, these administrative arrangements have come to the attention of the Government as a result of research and arising out of the preparing of the answer to this question.

HON J C PEREZ

The Minister is aware because he actually gave the figures in answer to a question at the last meeting of the House. But certainly the performance on mobile telephony by GibTel continues to grow regardless of this and that pre-supposes that people are actually using GibTel in Gibraltar because of the capacity that there is and that these telephones are mainly, not all the time, but mainly being used for use in Spain. I cannot see the difference of two services being provided by Spanish operators, one is pre-payment the other is a SIM card and the pre-payment is allowed to be imported into Gibraltar and the SIM card is not, given that both services are being provided by Spanish operators and none are being provided here, really the sale of those services are presumably for people to buy them so that they have mobile telephones in Spain which regrettably, as a result of Spanish Government pressure, we cannot provide for our citizens here.

HON LT COL E BRITTO

I will say it again. The view that has been taken is that the SIM card provides a telephone service as it is defined and is covered by Schedule 2 of the Public Utility Undertakings Ordinance, and the pre-payment card is not. That is the possibly narrow view but that is the view that was taken. Because it has now come to the attention of the Government, as I have already indicated, the Government will now look at this and consult Customs and consult the various agencies involved and decide what decision to take.

HON J J BOSSANO

We welcome the fact that it is going to be looked at again, obviously, because if there is something which appears to be inconsistent then it should be looked at. Can I just ask, given that he says that the problem with the SIM card is that it needs a licence under the second Schedule, is such a licence in fact obtainable?

HON LT COL E BRITTO

No, Mr Speaker. The second Schedule defines what is a telephone service and the SIM card is considered to be providing such a telephone service and therefore contrary to the Ordinance. Whereas the pre-payment card is not. That is the difference in the view that has been taken.

HON J J BOSSANO

Is in fact the Minister aware that there appears to be a second inconsistency in that in fact the telephones with the SIM card in them are not prohibited. It is only the replacement card that is prohibited. That is that the telephones are being sold and imported with the cards in them already. That is the case.

HON LT COL E BRITTO

The hon Member is right. It follows the interpretation that has been given that if the phone is bought in Spain with a SIM card it is not.....

HON J C PEREZ

It is imported into Gibraltar with a SIM card.

HON LT COL E BRITTO

We will take Members' views into account and.....

HON CHIEF MINISTER

What we will do, if they have not already heard them over the radio, is pass on the hon Members' views to those in Customs and the Telecoms Regulator's office who have made these decisions at an administrative level, and we will certainly instruct them to take the hon Members' comments into consideration to see if it suggests that the decision which has been taken is not sensible. Certainly we will do that but I do not think we can offer any more than that.

NO. 439 OF 1999

THE HON J C PEREZ

**NYNEX - INTEGRATED CUSTOMER MANAGEMENT SYSTEM.**

Can Government state what is the capacity, in numbers of customers, of the new computer purchased by Gibraltar Nynex at a cost of £1.6 million?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

The Integrated Customer Management System (ICMS) purchased by Gibraltar Nynex Communications has no capacity limitations and is in fact used by much larger organisations such as Telecom New Zealand, with several million customers.

SUPPLEMENTARY TO QUESTION NO. 439 OF 1999

HON J C PEREZ

So I would presume that the design of the computer is basically to service a much larger number of customers than the ones that we have got in Gibraltar.

HON LT COL E BRITTO

The limitation on the customer capacity comes through the software and not through the hardware. The software licence, which has been purchased from IBM, limits the number of customers that can be connected to the system. The licence, which is based on the smallest number of customers, is presently limited to 50,000. However, a further licence would need to be and can be acquired if it is necessary at some time in the future to surpass this figure.

HON J C PEREZ

Yes, but the hardware is there to be able to accommodate software providing a large number of customers with a service. What I am saying is, is it not the case Mr Speaker, that the customer base in Gibraltar is too small to be able to afford such an expensive computer when at the end of the day its main function is one of billing, which is the main telephony function anyway. I know all the other services that it also provides but the main function is billing.

HON LT COL E BRITTO

The choice of the ICMS system came about after very detailed study into the requirements and the situation in Gibraltar by technical people from the United States, specifically from Bell Atlantic. There were a number of bidders, a number of possible suppliers I forget their names but IBM were the recommended and preferred supplier. The system has been the same system that is available elsewhere but within those parameters has been tailor-made for Gibraltar, and the parameters which have been used is to stay as far as possible within the overall system that is used elsewhere so as to avoid problems in maintenance or in expansion or in changes in the future.

HON J C PEREZ

I accept all that but what I am saying is that given for example some company like Lyonnaise des Eaux would normally purchase a computer for the billing of water and electricity, which is after all the main function of the computer, for a price of about £300,000, it seems to me that although all the other services that the computer carries are desirable the price difference between spending £300,000 and £1.6 million does not, those extra services do not in my view justify such a big difference in price for what would be a normal billing computer for the customer base we have got in Gibraltar. Given that it is £1.6 million and the customer base in Gibraltar is one of the smallest recorded in the world, that cost has to be borne by the user and I think it is a very high cost to be borne and to be taken lightly.

HON LT COL E BRITTO

The hon Member is coming to conclusions which are partly based on assumptions. This is not a computer to run bills, which one would buy for £300,000 as he is implying. To start with Gibraltar Nynex had to make some capital investment to change the system and the basic need was Year 2000 orientated. The present system, or should I say the system that had been used up to now because we are about to change over in June, the system that had been used up to now was not Year 2000 compliant. So there was no choice. We had to change the system or our billing platforms and other things would have crashed towards the end of the year. So let us start from that premise, that there had to be a change. Secondly, the need for what needed to be put into place to manage the system, because it is not a billing platform on its own, it is a telephone management system which has a lot of other facilities, the needs were studied and a number of other systems were identified. At the end of the day, IBM provided the best deal at, I think I am right in saying, at the lowest price. The best thing at the lowest price. So it is not that the £1.6 million is excessive, the other suppliers that were offering to do the same thing were less attractive because it did not have all the facilities or because the system was going to be new for Gibraltar and therefore had no guarantee track record. Or because, like in one particular case, it was the Jersey system and it would have to be re-designed for Gibraltar. The IBM system was ideal because it has got a track record, it is worldwide, it has been proved elsewhere, it has the capacity for the future and to cap it all it was the lowest price.

HON J C PEREZ

Is the Minister not aware that according to the press release, the ones that have already acquired this computer are very huge and very profitable, reputable companies, therefore what I am saying is that it might be great for the PTT in Luxembourg to be able to afford a £1.6 million computer and to be able to afford to buy all those services computerised but I personally do not think that every system that is Year 2000 compliant has a difference in price tags from what we had then, which was a computer of three or four hundred thousand pounds which was still expensive for its age, to change that for one of £1.6 million the cost of which had to be borne by 20,000 subscribers which the Minister mentioned in the previous question.

HON CHIEF MINISTER

The point that the hon Member is making would apply equally well for example for the System X. Is this community large enough to have installed a System X exchange?

HON J C PEREZ

System X cost less than the computer.

HON CHIEF MINISTER

The point that I would ask the hon Member to make, the thrust of what he is saying, is that this is either too expensive or unnecessarily expensive or much more than is needed. The decision to make this investment was not Government's decision, I do not know what degree of hands-on management role he used to take when he was Chairman of Gibraltar Nynex, but this is a decision that has been taken by the management and board of directors of Gibraltar Nynex Limited. He knows who the local management is and even if he thinks, and I think that he would be making a mistake, but even if he thinks that the Government would be willing to spend £1.6 million unnecessarily on a computer system, surely he must at least realise that our partners Bell Atlantic, who are in this only for the money, would not be willing to spend £1.6 million unnecessarily on a computer which they think is too big and performs a function that we do not need. So even if he is not willing to trust the commercial judgement of one shareholder, namely the Government of Gibraltar, surely at least he should realise that if both shareholders have found this necessary, and the management of the company have found this necessary that it must be, and I do not understand the system and I hope he does not come back to me with too much technical detail, I am just making the point from general logical principals. If everyone has come to the conclusion, including Bell Atlantic, that this is necessary, it must be because it is.

HON J C PEREZ

I am not saying that it is not desirable. I do not think that all the things that the computer is going to do are necessary but that is my judgement. I am not saying that it is not desirable. What I am saying is that unless people are not questioned on whether it is necessary or desirable at the time that these things happen, one could have a situation where one is getting into an expenditure which is not totally necessary and although it might be desirable, the cost of it has to be borne by a very small number of customers, because regrettably our telephone system carries a very small number of customers. The decision frankly has already been made and regrettably I think cannot be changed. I accept that the Government have only got 50 per cent shareholding. I tell the House that by experience when we were talking about such large amounts of money, certainly if one of the partners was not very happy in spending that amount of money, there would have been discussions between shareholders of a different nature to those taken by the Board before such expenditure went ahead, but that is my experience. How the thing works at the moment I could not say, I am actually questioning that we need to spend this money for something which although might be desirable, in my view is not necessary, and the price of which has to be borne by the telephone users in Gibraltar.

HON CHIEF MINISTER

The hon Member's intervention ignores certain facts. First of all of course there was a technical study entered into before this investment was made. Does the hon Member think that the decision to make this massive investment by the standards of Gibraltar Nynex was taken by management without referring the matter to the Board? Is that what the hon Member really thinks happened here? Does the hon Member really think that even if the decision had been taken only by local management, which it was not, even if local management could pull the wool over the eyes of a dopey Government shareholder, does the hon Member really think that the local management can pull the wool over the eyes of Bell Atlantic, who also had to approve the need to make this investment? The hon Gentleman, in order to create a backdrop for the point that he wants to make, creates the most unrealistic scenarios against which to make it. This is a decision which has been taken by the board, on management's recommendation, after a technical study has been done and it has been approved

through their representative on the board by both shareholders. Therefore this is not a question for discussion between the shareholders. There were discussions between the shareholders. The hon Member has sought to give the impression, or if he has not sought to do it he has done it whether he sought to do it or not, has given the impression, the hon Member has given the impression that this was an unnecessary investment taken by management and bowled past the shareholders who were looking the other way whilst the local management decided to spend unnecessarily £1.6 million in a white elephant computer. That is just not the situation at all.

HON J C PEREZ

The Chief Minister is putting words in my mouth and even scenarios in my mouth which I have not created. He has created the scenario trying to interpret what I am saying which is fair enough, he can interpret what I am saying whichever way he likes. All I can tell the Chief Minister is that I am not alone in thinking that this £1.6 million in this computer, there are highly technical people in the telecommunications world in Gibraltar that agree with me, although all the services provided by ICMS are desirable, I am not going to reveal my source. Sure, the Chief Minister wants to know who so that he can go and tell them why do they speak to the Opposition about these things. I have got my sources in the same way as he had his sources when he was in the Opposition. I am telling him and I am telling the truth, he can believe me or he can not, there are very highly placed people in the telecommunications world in Gibraltar that agree with me and think that although desirable.....

HON CHIEF MINISTER

I do not believe the hon Member.

HON J C PEREZ

Fine, he chooses not to believe me fine, but although desirable for a small place like Gibraltar it is frankly stretching it a bit.

HON J J BOSSANO

Can I ask the Government, in coming to this decision did they look, did they suggest to the company whether there was an alternative that met what was absolutely essential without needing to go into perhaps non essential, in terms of the year 2000 compliance and in terms of the system crashing that we were told about. That element of it, was one of the options looked at, what was needed to address that problem, how much does that cost, without going into something bigger and more sophisticated and of a higher cost.

HON LT COL E BRITTO

The first point does not need to be repeated, it has already been done by the Chief Minister, that this is not a Government decision. This is a company decision. The second point that needs to be made in answer to the specific question is that the decision was made as a result of a lengthy, a document that thick was produced, a very lengthy technical study into the requirements of Gibraltar Nynex, into the shortcomings of the present billing system and that produced, I can not remember off hand, four or five different options. Of the four or five different options that were produced, all the others offered less, were more suspect and were more expensive than the one that was chosen. It is not that the company told the consultants we want a Rolls Royce. They said to the consultants these are our needs, these are our requirements, what do you recommend. The consultants came back and said we recommend a, b, c, d and e. Then the Board looked at the report, looked at the

consultant's advice and went for the obvious choice. No one wanted to spend £1.6 million but there was no choice or the company would not have been able to carry on working beyond the end of the year, in fact earlier than the end of the year, more like September I think was the predicted crash date. Secondly, a system had to be put into place, this was the recommended system, everything pointed to it, so the decision was taken in the light that it was going to cost that much but it could have cost more.

HON J J BOSSANO

Let me just say, it is not that we are not aware of the fact that the decision was a decision of the company and not the decision of the Government alone but we cannot question the other shareholder. We are only questioning the 50 per cent of the company that is publically owned, which is the only thing we can do. Frankly, Nynex might not find £1.6 million a particularly big sum, I can tell the House that by the standard of the £8 million they paid for what we used to have in the City Hall I mean this is beer money, because they got a lot of scrap copper for £8 million in order to come into Gibraltar. The point that we are making is that in the absence of any information available to the House, in a situation where part of the revenue of the Government in the budget is the dividends from this company, it seems to me a legitimate thing to probe the wisdom of this level of investment which will either have an effect on the cost to the consumer or on the dividend to the Government. It cannot come from any other, these are the only two sources from which it can come. Now can I ask when was this consultant appointed, who were the consultants and what was the brief that was given to the consultant?

HON CHIEF MINISTER

The Government have made its position clear on this matter.

HON J J BOSSANO

So the Government position is that it is not prepared to give any further information to the House that would enable us to make our own judgement as to whether this is desirable. That is the position?

CHIEF MINISTER

The Government's position is that it has answered all the hon Member's questions in that respect.

HON J J BOSSANO

They certainly have not answered the last question which is who the consultants are.

HON MR SPEAKER

If they do not want to answer they are perfectly entitled.

HON CHIEF MINISTER

They are not the Government's consultants. They are Gibraltar Nynex's consultants.

HON J J BOSSANO

We are aware that they are Gibraltar Nynex's consultants but is there a particular reason why it should be a State secret. Why can not the Government, who is a shareholder, who is answering questions, who has got information in a budget on



dividends from this company, why is he not willing to reveal who the consultants were?

HON CHIEF MINISTER

It is not a question of the Government not willing to reveal the name of the consultants. It is that the Government are not willing to be lured by the Leader of the Opposition into answering questions as if the people that he were questioning here were the management or board of directors of a company which is not the Government. We are willing to answer the Government policy and the facts about Government business. We are not in this House to answer questions about commercial judgements made by management of Gibraltar Nynex Communications. As to the point that was made earlier about this being paid by the subscribers, the hon Member will be aware that the cost of calls is falling and that this is not going to result in an increase in telephone tariffs. There is a cost for this, obviously there is, it is borne not by the user of the telephone service but by the shareholders.

HON J J BOSSANO

We represent the shareholders in this House.

HON J C PEREZ

The hon Member is misleading the House. The only calls that are falling, and very slowly, are international calls which are the responsibility of GibTel and reflect on GibTel expenditure and not the Nynex calls which are the ones we are probing at the moment and the expenditure of £1.6 million has nothing whatsoever to do with any decreases in international charges which I can say are going down very slowly compared to the rest of the world.

ORAL

NO. 440 OF 1999

THE HON J C PEREZ

**NEW RADIO DIGITAL SYSTEM.**

What work has been undertaken so far in the introduction of the new radio digital system linking all local essential services?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Answered together with Question No. 441 of 1999.

NO. 441 OF 1999

THE HON J C PEREZ

**NEW RADIO DIGITAL SYSTEM.**

Can Government state what is the cost of the new digital system linking emergency services across Gibraltar?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

The Government have awarded a contract to GibTel, working in partnership with Simoco of the United Kingdom, for the provision of a digital radio network for the GOG Emergency Services. The system is due to become operational later this year and the annual cost of using the service and purchasing the radios is provided for in the Government's Estimates 1999-2000, a copy of which the hon Member has been provided with.

The base stations and computer switching equipment have been manufactured and are to undergo testing at Simoco's factory near Cambridge in the UK, before being transported to Gibraltar for installation. GibTel are currently preparing the base station sites around the Rock to house the equipment. The handheld, vehicle and desktop radios are being purchased by the Government through an EU wide tender.

SUPPLEMENTARY TO QUESTION NOS. 440 AND 441 OF 1999

HON J C PEREZ

Can the Minister list the emergency services involved that are being linked in order that I can check in the Estimates provided where the money lies in each department.

HON LT COL E BRITTO

The Fire Brigade, the Prison, the Traffic Wardens, the Port Authority, the Customs and the Royal Gibraltar Police. The heads are 4C for Fire, 5D for the Prison, 6D for Traffic, 6E for the Port, 9C for Customs and Head 11 for the Royal Gibraltar Police. He can also refer to the Improvement and Development Fund Head 104/9.

HON J J BOSSANO

I think the answer originally indicated that the capital investment of this is being made by GibTel, is that correct? What the Government are doing is paying an annual rental or there something related to use.

HON CHIEF MINISTER

A bit of both. GibTel is making the expenditure in the central equipment, the computer and the central radio installation. The Government are in effect renting that in by making an annual payment but the Government are buying for each of the services the actual radio hand pieces, the piece of equipment that each officer will carry. So, the personal radio equipment is being purchased by the Government but the main investment in the equipment needed to run the whole system is being made by GibTel.

HON J J BOSSANO

The nature of the payment by the Government which is in the recurrent expenditure side, is what, a rental based on the number of units?

HON CHIEF MINISTER

No it is number of lines. It is expected that the cost to Government will fall, I will tell the hon Members later in confidence, it is commercially in confidence at this stage.

HON J L BALDACHINO

On the list the Minister stated who were the essential services, the St John Ambulance is not on that list. Is there any specific reason why not?

HON LT COL E BRITTO

There is a slight difference with the ambulance service in that it does not appear separately within the heads that I have mentioned, but whatever the costs are they will appear through the Gibraltar Health Authority. I am not sure whether they will be identified separately or not. But that is a minimal amount.

HON CHIEF MINISTER

The point is that the St John Ambulance as a service is hired in by the Gibraltar Health Authority and so the fee that they will charge the Gibraltar Health Authority will reflect that cost. Of course the Gibraltar Health Authority is not part of the Consolidated Fund in the breakdown sense that the hon Member asks.

NO. 442 OF 1999

THE HON J C PEREZ

**INTERNET - HACKERS.**

Can Government say whether the Press Release issued on 25th March this year on the risk of unauthorised access to computers by "hackers" on internet, was the result of such unauthorised access into any Government computer?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

No Sir.

SUPPLEMENTARY TO QUESTION NO. 442 OF 1999

HON DR J GARCIA

Although the Government raised the warning on 25th March, I seem to recall the Minister saying on television that while no computer in Convent Place had been compromised there were Government computers which had been compromised. The Minister did not actually know whether they hacked into it or not but the ability to hack in was there. It was a Trojan virus that was planted into the computer.

HON LT COL E BRITTO

I am reluctant for obvious reasons to give too much information publicly on this issue. I confirm what I said before that the issue did not come about as a result of the Government becoming aware of any Government computer being hacked, we became aware of the process of hacking and the indication of the extent of the hacking through other means. As a result of that indication we carried out a security check of all Government computers and that established that a very small figure, I think it was two or maybe three, individual stand-alone computers within the Government had had a Trojan, (which is the device that we are talking about) implanted in them and therefore potentially could have been hacked. It is not possible to know whether it has been hacked or not. Having said that, the computers concerned were all as I said stand-alone, not part of any of Government's networks and none of them had any sensitive or potentially embarrassing information contained within their systems.

As a result of that investigation Government have taken steps to prevent, as far as is possible to prevent these things, to prevent sensitive Government computers, or should I say Government computers with sensitive information on their systems, being accessible to potential hacking. It is still in the process of carrying that out.

HON J C PEREZ

The Minister will bear with me if I am wrong but when he talks about Trojan, is that not a type of virus affecting a computer?

HON LT COL E BRITTO

The words "a type of virus" were used in the Government press release for ease of understanding but I understand that in strictly technical terms it is not a virus. A virus affects the system in a particular way whereas a Trojan usually, I do not want to go into details, but is implanted into the system in a different way and acts in a different way.

HON J C PEREZ

Although it acts in a different way what it has in common with the virus is that if there is a stand-alone and it is accessed or has any contact with another computer, be it a Government collective computer or a stand-alone, it can transfer that virus over? That is not the case?

HON LT COL E BRITTO

No that is not the case.

HON J C PEREZ

So what we had in the Tourist Agency was not a Trojan but a virus.

HON LT COL E BRITTO

What we had where, sorry?

HON J C PEREZ

In the Tourist Agency.

HON LT COL E BRITTO

I have not confirmed where the location of any of these Trojans were found Mr Speaker. So I am not saying that it was or where it was. The Trojans can only be a self-inflicted malady if I can put it that way. A virus can be implanted but a Trojan can only be received as a direct result of an action that one takes from ones own keyboard.

HON DR J GARCIA

I think the House will welcome that there was no sensitive or embarrassing information which was potentially put at risk to hackers. Given that that was the case can the Minister say where the two Trojans were actually found?

HON LT COL E BRITTO

No Mr Speaker, I am not prepared to disclose that information.

HON DR J GARCIA

Perhaps then one wider legal question, can the Minister confirm that hacking in Gibraltar is not actually illegal, and whereas in the United Kingdom one has the Data Protection Act, the Computer Misuse Act, which makes it illegal to gain unauthorised access to a computer and to change the contents of the computer, there is no such legislation in Gibraltar. Do the Government have any plans to introduce it?

HON LT COL E BRITTO

I can confirm that what the hon Member has just said is correct.

HON J C PEREZ

That we have no legislation or that you are planning to have. The hon Member has asked whether you are planning to put some into place.

HON LT COL E BRITTO

There is no existing legislation.

HON CHIEF MINISTER

The Government have no immediate plans to do it but if the major computer users in Gibraltar, in other words if there were to be an obvious call for this legislation, the Government would have no objection to bringing it to the House.

What I really mean is that there is no Government-led initiative, there is no drafting work going on at the moment from within the Government.

HON DR J GARCIA

The issue is so serious that should it not be something the Government should be considering, should consider doing. Secondly, if the hacking of the Trojans are planted from within Gibraltar it is possible technically, so I understand it, to use through the two ISP's that we have here in Gibraltar to actually find out who was actually logging on and hacking or had the potential to hack when they log on at the same time. In other words it was possible to do it back to them and trace who the potential hackers were, if that hacking was being done from inside Gibraltar. Did the Government contact the ISPs at an early stage in order to try and do that?

HON LT COL E BRITTO

The Government called in a number of entities at a very early stage and that included the ISPs. The ISPs are making whatever arrangements but that action does not include the capacity and capability for eliminating the threat in the process. The ISP acts as a post-box. The potential hacker posts his letter which passes through the ISP and is picked up by the ISP and is sent on to the delivery post. In doing so it is not possible to be observed.

HON J J BOSSANO

The introduction of this Trojan in the computer in the first place, which is the result of a connection between the Government computer and an external source, is it that there are internet facilities provided within Government offices for this to happen?

HON LT COL E BRITTO

Yes Mr Speaker. A Trojan is implanted by e-mail and e-mail is an internet facility.

HON J J BOSSANO

Is that restricted or are all the computers in the Government able to link up to the internet or is it a facility that is only used for Government work in areas where it is relevant to the Government's function?

HON LT COL E BRITTO

Two points. Not all Government computers obviously have access to the internet and as a result of what happened, fewer computers now have access and only those thought necessary. With the greatest of respect we are departing from the thrust of the question into a discussion on electronics and computer systems and hacking. I am quite happy to sit with the Opposition Members and talk about computers and hacking but I think we are wasting the time of the House.



NO. 443 OF 1999

THE HON J C PEREZ

**INCINERATOR.**

Has Government any plans to terminate the operation of the Incinerator?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

No Sir.

SUPPLEMENTARY TO QUESTION NO. 443 OF 1999

HON J C PEREZ

Has it any plans at all to dispose of any part of the refuse in a new plant being built in Los Barrios, where it has been alleged that both Gibraltar and Ceuta are to contribute their refuse to it?

HON CHIEF MINISTER

No Mr Speaker. Not only do the Government have no plans but we are not even aware of press reports. At least I am not even aware of the press reports to which he refers.

HON J C PEREZ

I can show the Chief Minister a copy if he likes, Europa Sur of Saturday 27th February.

MR SPEAKER

You cannot ask whether a report is true.

HON J C PEREZ

I know better Mr Speaker. The reference has been made to it by the Chief Minister.

Can the Minister say whether the fly-ash for example, is being sent abroad, contracted out, perhaps he has not got the information at present, to a destination outside Gibraltar?

HON CHIEF MINISTER

The fly-ash produced as a waste product by the Incinerator after the burning process is packed into special bags and is disposed of in a specialist toxic waste handling facility in Spain but nothing to do with the Los Barrios plant or nowhere near Los Barrios as far as I am concerned. It is half way up I do not know where. Nowhere in this vicinity.

HON J J BOSSANO

Is the issue of whether the Incinerator in any way failed to comply with Community requirements the ones that were being raised with the Commission itself and indeed were there in the past previously as well. Has that now been put to bed?

HON CHIEF MINISTER

Well, the hon Member is aware that the Government are engaged in litigation through a process of arbitration with the owners of the plant, on many aspects of the plants issues. Basically the principal allegation being made against the Government is that it was contracted (and this is a contract entered into by the Opposition Members when in Government), but that the Government of Gibraltar are committed under that contract to provide a minimum amount of volume of refuse and that because Gibraltar has not produced those minimum volumes of refuse and therefore the plant cannot produce electricity, the water required, there is a loss of income stream to the owners and they are claiming that to the Government of Gibraltar. Those claims are being resisted. Mixed up with all of those claims are the clauses in the contract that require the plant to be kept up-to-date with EU environmental directives.

The position at the moment, as far as we are concerned, is that the plant does comply with the current smoke emission directives but it is known that there are proposals for directives just around the corner (which are not yet directives but we know that they are coming), with which the plant would not comply and one of the disputes that the Government have with the owners of the plant is on a proper interpretation of the contract, who is responsible for the capital investment required so that the plant complies with those directives when they become a reality and that is one of the issues in the arbitration.

HON J J BOSSANO

My question was really directed at the complaints to the Commission. That is what I was referring to.

HON CHIEF MINISTER

Well, the answer to that part of the question is implicit when I said that our position is that it currently does comply with smoke emission directives. The Commission, as far as I am aware, has not initiated any infraction proceedings against the United Kingdom in respect of failure by the Gibraltar Incinerator to comply with such directives. That is the position at the moment. Given that there have been very intense complaints, I would suspect that if the Commission has not seen fit to take action it is because there is no action that would be justified.

ORAL

NO. 444 OF 1999

THE HON J C PEREZ

**IMPROVEMENT & DEVELOPMENT FUND - HEAD 104 SUBHEAD 15.**

Can Government state whether the works to the Rock face at Camp Bay are on schedule, and whether they shall be completed in time for the beach to be opened to the public during the bathing season?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Answered together with Question No. 445 of 1999.

NO. 445 OF 1999

THE HON J C PEREZ

**IMPROVEMENT & DEVELOPMENT FUND - HEAD 105 SUBHEAD 15.**

Can Government state how much of the funds available in the Improvement & Development Fund under Head 104, Subhead 15, will be spent on the stabilisation works at Camp Bay?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

The works at Camp Bay are indeed on schedule with the contractual completion date being 8th August of this year. The beach will be opened to the public at the beginning of the bathing season although there will be certain restrictions as was the case last year.

There are no funds available under Head 104 Subhead 15 for the works at Camp Bay. Funding for such works is this year under Head 104 Subhead 13. The sum of £1.6 million is included under this Head, of which £1.38 million will be spent on the stabilisation works at Camp Bay.

SUPPLEMENTARY TO QUESTION NOS. 444 AND 445 OF 1999

HON J C PEREZ

Are the Government expecting to spend the residue of that amount on other stabilisation works?

HON LT COL E BRITTO

On a number of other projects, yes.

NO. 446 OF 1999

THE HON J C PEREZ

**CASEMATES PROJECT.**

What arrangements, if any, are planned in the Casemates Project for access to vehicles for the supply of merchandise to businesses, refuse collection and other essential services?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

These details in relation to the project have not yet been addressed. Obviously the emergency services will have unrestricted access as they have to all pedestrianised areas.

SUPPLEMENTARY TO QUESTION NO. 446 OF 1999

HON J C PEREZ

Are they not being addressed at the planning stage of the project? If there is going to be a refuse collection cubicle, is it not envisaged that a vehicle has to get there and where that vehicle is going to pass through, whether there are chairs going to be placed or not, is that not being planned at the planning stage? Because if it is not, it would seem to me to be negligence on the part of the Government.

HON CHIEF MINISTER

Indeed Mr Speaker. If that were to be the case it would certainly be negligence on the part of the Government. What the answer means is that the details of how it is going to work has not yet been decided but the development of the square is designed in a way which leaves all options open. For example, although the road is pedestrianised there is a roadway along the three squares of the triangle so to speak. Three sides of the triangle. So there will be a road surface, a roadway prepared surface that will enable the refuse vehicle for example, to pass. The design of the scheme fully accommodates all the possibilities except the one which the Government would not consider anyway for this project which is the central collection point, we do not want a central collection point in Casemates. The design does not include the construction of a central collection point.

HON J C PEREZ

That answers part of the question. There is going to be a triangular road available there for access to vehicles the Chief Minister has mentioned it as well.

HON CHIEF MINISTER

Well, yes. So that it can happen.

HON J C PEREZ

So that it can happen in some measure, because shops there need to get their merchandise delivered. But I am glad certainly that there is going to be some tarmac

road there because if I cannot convince the Chief Minister before the next elections, I will not be in a position to open a road one way through Casemates so as to alleviate the traffic chaos in the lower town area.

HON CHIEF MINISTER

First of all the surface is not tarmacked, secondly, if the hon Member were to do that, I think that the people of Gibraltar would consider it to be a most retrograde step. Thirdly, I think that they shall be safe from that possibility because it is unlikely that he will be in a position to implement such a bad decision.

HON J C PEREZ

Politically I am glad he is thinking that way.

NO. 447 OF 1999

THE HON J C PEREZ

**SIR HERBERT MILES ROAD.**

Can Government state whether the works at Sir Herbert Miles Road are on schedule, and whether the road is expected to be open during the bathing season?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

The works at Sir Herbert Miles Road are some 10 weeks behind schedule. The revised contract completion date is therefore September 1999. Consequently, this road will not be open during the bathing season.

SUPPLEMENTARY TO QUESTION NO. 447 OF 1999

HON J C PEREZ

Is there any penalty clause in the contract which is being applied as a result of the delay, or is the delay unavoidable as a result of things which have not been foreseen?

HON LT COL E BRITTO

The complexity of the soil stabilisation works in this area are the main reasons for such a delay. The works along this section are of an extremely critical nature due to the steepness of the sand slopes and the close proximity of dwellings. The ground engineering works have proved to be rather more delicate than had originally been envisaged. Consequently, there is a delay. Whether that delay will attract penalties or not I cannot say.

HON CHIEF MINISTER

Either way, I like to make an important point. If I understand the hon Member, if the delays are for reasons which are not the fault of the contractor or the responsibility of the contractor, given that it was a design and build contract, there might be penalties against the Government. In other words, the Government would have to pay additional to the contractor. If on the other hand the delay is the contractor's fault there may be penalties payable by the contractor to the Government.

HON J C PEREZ

That I understand is being looked at at the moment. Can the Minister state whether pedestrian access to the hotel will continue to remain, I think at the moment pedestrian access is on this side, that is to say through Catalan Bay and through the steps. Will there be pedestrian access open through the road to the hotel from the side of the one that is being repaired now?

HON LT COL E BRITTO

That is a changing situation and pedestrian access is provided if it is possible and safe to do so. Again I cannot make any commitment at this stage that that would be the position.

HON J C PEREZ

I am just mentioning this, because on the strength of the dates that were originally given, I would presume that the hotel might be heavily booked for the summer and although the vehicles can go all the way round, pedestrian access on the other side would be important for the tourists that do come and stay in that particular hotel.

HON LT COL E BRITTO

As the hon Member rightly says, pedestrian access is available through Catalan Bay and up the steps and that pedestrian access, as far as I understand, will continue unimpeded.



NO. 448 OF 1999

THE HON J C PEREZ

HARBOUR VIEWS ROAD.

Are Government intending to provide public bathing facilities from the promenade in Harbour Views Road? Other than the placards that have already been placed ever since I put my question in.

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

I am not aware of any placards having been placed that were not there intended to be placed from a long time back.

SUPPLEMENTARY TO QUESTION NO. 448 OF 1999

HON J C PEREZ

The Minister can check the date and he will see that they coincide with the placing of the question.

HON LT COL E BRITTO

If the placards say anything about swimming, there were certainly discussions between me and the Chief Executive of Support Services many months ago and I asked for those to be put in. To be perfectly honest at this moment in time I do not know what they say. The answer to the original question is No Sir.

HON J C PEREZ

Does it not seem to the Government that having erected these steps that lead to the waterway, encourages people to swim in the area and other than demarcating a small area there and providing lifeguards, although I do accept that now no bathing notices have been placed in the steps, the fact that the steps are there might encourage irresponsible people that might not take notice of those placards before. Would it not be better to close those steps given that the access to the sea, other than for bathing purposes, I do not see why they should be there at all.

HON CHIEF MINISTER

The hon Member puts his finger on a point which we discussed long and hard in Government at the time that we were discussing the design of that promenade. It was never the intention of the Government in agreeing to the placement of those steps down to the waterfront to signal that it was a sea bathing pavilion. However, precisely because there are ill-advised members of the public who take risks, especially young people, we decided with a degree of reluctance to put them in. Let me explain to the hon Member why. Even before the promenade was built and especially in the area to the north of the site, already the practice had grown prevalent of people scrambling down the rocks to gain access to the waterfront and swimming, and then scrambling back up the rocks (which is less dangerous than scrambling down the rocks) and the Government were torn between on the one hand knowing that people would scramble down the rocks and therefore would place themselves in danger on the one hand. On the other hand with installing steps which would possibly encourage people to swim

from there. It was a difficult decision. In the end we decided that on balance the prudent thing for Government to do (but we accept that it is only on balance) is to provide steps so that those people who would otherwise have clambered down the very dangerous rock face to get to the water, at least would now have a safe way of getting to the water. We appreciate that in doing so, in making provision for an unsafe practice that was happening already, certainly we appreciated at the time and we agreed as the hon Member is saying now, that it tends to signal that this is an official bathing facility and that people may now do it beyond the sort of person who used to before scramble down the rock face. We will have to keep this situation under review to see exactly what happens there on the ground and certainly the Government have not closed its mind to what services may need to be provided if it does become too prevalent a swimming area. The other aspect is, whereas the swimming that used to be done before was done round the corner, now this would be swimming to what is in effect a shipping lane in the approaches to berth or pier No. 3, 4 or 5 or whatever it is and it raises the question of whether Government should officially provide a bathing facility in an area which is really so close to a shipping lane.

HON J C PEREZ

In drawing a distinction between the ones facing the port and the ones on the side of GASA, perhaps the ones on the side of GASA might have a different notice saying people should swim at their own risk on the basis that no lifeguards are being provided. But there is no danger because it is not a shipping lane. I am more concerned frankly on the side of the sea where the tugs, small craft and other ships pass because without an area being demarcated one cannot avoid people perhaps straying a bit further than usual and being caught inadvertently by any vessel there. It might be convenient perhaps on that side, to certainly erect a small chain at least which would add to the notice of bathing prohibited and no bathing to discourage people from using those steps for swimming on that side.

HON CHIEF MINISTER

I recognise the wisdom of what the hon Member says and this is why we will keep it closely under review. Indeed, it may be necessary to go further than that because putting in gates or putting a notice does not prevent people, as he well knows, from doing whatever they please. So it might even become necessary for the Government at some stage in the future to lay a demarcation of buoys, in other words, Government draws a distinction between what it wants to signal formally and what remedial action it might take to protect the public from a danger to which they expose themselves. The fact that we do not signal it is a formal bathing facility does not mean that we will not take steps to protect the public if they nevertheless choose to swim from there as I suspect will happen.

HON J J BOSSANO

The position is then that the Government have put steps and then put up notices telling people not to use the steps, is that correct?

HON CHIEF MINISTER

The position is that the Government have put steps not just for swimming but also for fishing and for embarkation and disembarkation for people on their small boats in that area. So the purpose of the steps is not just for fishing but it is certainly true, what I meant to say was swimming, but yes, notwithstanding that what the hon Member says is still true. The Government have placed steps there in order that people who are going to swim can swim more safely even though the Government do not want them to

swim from there. Because people are going to swim from the rocks anyway and were doing so. The purpose of the steps is to make it less unsafe for people to do what they are going to do anyway, even though the Government would like them not to do it at all.

HON J J BOSSANO

But in the fact the notice that says no swimming allowed or no bathing allowed is not a notice that carries with it any sanction or penalty or anything like that.

HON CHIEF MINISTER

Probably not. I have not seen the notice and I do not know whether there is a general regulation somewhere that makes it an offence to swim wherever the Government chooses to put up a notice saying no bathing. It is intended as a deterrent rather than as a sanction.

NO. 449 OF 1999

THE HON DR J J GARCIA

**GIBRALTAR IN EUROPA NEWSLETTER.**

What has been the total cost of the European Union funding newsletter "Gibraltar in Europa"?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The total cost of the European Union Funding Newsletter "Gibraltar in Europa" has been £785.

SUPPLEMENTARY TO QUESTION NO. 449 OF 1999

HON DR J GARCIA

Can the Minister provide a breakdown of that figure?

HON P C MONTEGRIFFO

No not really. The publication was of a leaflet, I am not sure what sort of breakdown the hon Member has in mind, whether it is by line, by word, by syllable. It is a leaflet and it is a leaflet that was awarded to a company following a tender process and it is one of a number of leaflets, a maximum of nine and minimum of six, that the tender related to.

HON DR J GARCIA

Perhaps the Minister is not properly acquainted with the printing industry but things like publication for example, the actual printing cost, distribution, the cost of inserting it in the Chronicle for example, is that included in that figure?

HON P C MONTEGRIFFO

The figure is for the cost of producing the new European Funding Newsletter and I am not aware of any other cost that is attributable to that production. I have not got the breakdown as that was not asked for in the question. I am certainly very happy to obtain a breakdown if that is of particular interest.

HON DR J GARCIA

What has been the result that has been achieved in the newsletter?

HON P C MONTEGRIFFO

Hopefully the result of informing the public and informing traders. There are in fact requirements under the EU schemes to publicise the availability of the schemes. We have done our best within the general press facilities open to the Government to inform the public of these schemes. We did see there was value in having a form of series of newsletter targetted at the trading community and we hope to raise the profile of the availability of these funds and make them therefore better known

generally to the trading community. I think the House generally shares the concern that not enough is known about the EU funds and not enough is appreciated about terms of eligibility, there is I think a certain frustration with some traders about just how one can access these funds and the Government are doing everything within its reasonable power, to correct that and to give the impression that we are discharging substantively our obligation to inform and to make these funds available to as wide a range of the Community as possible.

HON DR J GARCIA

The Minister mentioned that the idea is to make the information more readily available to traders. My understanding is from the leaflet itself that actual traders, people in the wholesale, the retail trade, cannot apply for this kind of funding and that it does not apply also to the Finance Sector which leaves a considerable reduced proportion of the trading community in Gibraltar that can actually benefit. So that being the case, can the Government elaborate on that point and also perhaps do the Government know how many leaflets were produced?

HON P C MONTEGRIFFO

The hon Member is not making any great earth-shattering revelation when he says that these schemes are not available to the retail trade and wholesale trade and the finance centre. These are part of the eligibility rules that apply to these schemes generally. Of course it is regrettable because a lot of our industry is indeed retail, wholesale and financial services. One of the big benefits of the scheme is supposed to be that we diversify the economy, we get out of the activities Gibraltar has been dependent on. Therefore although I accept the hon Member's point that the newsletter is not of relevance to all traders, hopefully it will be of relevance to a lot of them. Even for those traders that do not actually now undertake an activity which falls within eligibility rules, it might encourage them to start a new activity which diversifies their business. I think that many would regard there to be quite a lot of duplication in Gibraltar when it comes to economic activity and there is a value in diversification and if the schemes can help existing traders doing one thing to think about doing something else, that is important. I cannot actually tell him how many were distributed, I can certainly give him that information. Our intention is to make them available as much as possible and I do not think that they fell short. I do not think anybody who wanted a leaflet did not get one as a result of there being too few. I would certainly have to look into that detail if the hon Member wants.

HON DR J GARCIA

I would be grateful if indeed the Minister could provide that information. Have the companies that applied been more successful in terms of EU funding after the newsletter was produced than before the newsletter was produced?

HON P C MONTEGRIFFO

I think that the newsletter cannot be judged on that basis. The House will be informed in the series of questions that are now following about the number of applications that have been received on EU funding over the last few months and which of those have been successful. It would be completely unscientific of me to suggest that those applications derived directly or indirectly from the newsletter. One hopes that exercises like the newsletter help to raise the profile as I say and encourage applications. These things are not matters that one can judge on a scientific basis. I am sure that the hon Member will understand that to say anything differently would be completely unwarranted.

HON DR J GARCIA

Two points which need clarification. Firstly, if the actual effects of the newsletter have not been measured, and secondly if it applies only to a small section of the trading community, as indeed we know it does, will we all be forgiven for thinking that the Government are more interested in the propaganda value of the exercise than anything else?

HON P C MONTEGRIFFO

No not at all. The Government are not so desperate in its attempt to get press publicity that it has to produce a tender for a newsletter that cost £785. I think that the Government are able to generate publicity much more successfully rather than using techniques of this type. It is true that the first leaflet carried a photograph of the Minister for Trade and Industry on the first page and that might drive the hon Gentleman to think that it is a matter of personal publicity for me. I hope that it will not be my photograph in future leaflets. No seriously, there are in the EU schemes actual obligations to publicise these moneys. It is the first time Gibraltar produces a leaflet of this type. There are real psychological and other barriers towards people accessing these funds because they are new and limited to certain areas of economic activity. We are keen to make them available and the newsletter is just a genuine attempt, hard as the hon Member seems to be able to accept that, a genuine attempt to reach the trading community and to therefore diversify the basis upon which Gibraltar's economy is structured.

HON DR J GARCIA

The Minister mentions the photograph on the first page of the newsletter, he did not mention the one on the second page of the newsletter. Are the Government aware that the person in that photograph was actually made redundant a few days earlier?

MR SPEAKER

This hardly arises out of the answer, but if you want to answer it.

HON CHIEF MINISTER

What I would say is that surely that must have satisfied the hon Member that it cannot be driven by propaganda since we would hardly wish to give propaganda to that.

HON DR J GARCIA

Unfortunately it was printed and distributed before the Government could do anything about it.

HON CHIEF MINISTER

The hon Member can not have it both ways. Either the Government do it for propaganda or the Government do not do it.

NO. 450 OF 1999

THE HON DR J J GARCIA

**EU FUNDING.**

Can Government say since February 1999 how many companies have applied for EU funding and how many have been successful?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Eight companies have applied for EU funding since February 1999. A total of five projects have been successful so far, one has been approved and is pending endorsement and two projects have been recommended for approval.

SUPPLEMENTARY TO QUESTION NO. 450 OF 1999

HON DR J GARCIA

I do not know whether the Minister would have the information but can he supply the names, give a breakdown of the figure with the name of the companies, the purpose for which the funding was required and the amounts involved?

HON P C MONTEGRIFFO

No, I am not prepared to give the hon Member that information. I think that if the hon Member wanted that he could have asked for it. I am certainly happy to supply that in writing and give him the full details he wants but he cannot expect me to have those details if he has not asked for them up front. I can add, just by way of help, that some of the successful applicants were in fact applicants benefitting from a small scheme we have now introduced which allows for a quicker period for amounts below a certain sum, in fact £3,000. So a number of the applicants benefitted from representations we have received that the system is a little cumbersome, the approval system is cumbersome and therefore for smaller grants there is a quicker process which has paid dividends in a shorter time scale for approval.

HON A J ISOLA

The Minister said that there were eight applications, five successful, I think there was one pending endorsement and two approved in principle. If that is right then am I right in saying that none of them have been rejected so far? The three still pending of the eight, there are no others.

HON P C MONTEGRIFFO

That is correct.

NO. 451 OF 1999

THE HON DR J J GARCIA

**GOVERNMENT FUNDING/ASSISTANCE TO COMPANIES.**

Can Government say how many companies have applied for Gibraltar Government funding or assistance and how many have been successful during the last financial year ending 31st March 1999?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

A total of sixteen companies have applied for Government funding/assistance in the last financial year of which a total of three have been successful.

Five projects are pending approval.  
Four projects have not been approved.  
Two projects are under consideration.  
Two projects have been withdrawn.

SUPPLEMENTARY TO QUESTION NO. 451 OF 1999

HON DR J GARCIA

Can I ask the Minister to supply the same information with respect to this question as the previous question?

HON P C MONTEGRIFFO

Certainly, Mr Speaker, relative to the letter.



NO. 452 OF 1999THE HON DR J J GARCIA**TRADE LICENSING ORDINANCE.**

Can Government confirm whether they are currently studying possible changes to the Trade Licensing Ordinance?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

The Government are able to confirm that it is currently considering various changes to the Trade Licensing Ordinance.

We have been in consultation with the Chamber of Commerce and the Federation of Small Businesses. The matter has also been raised and discussed at the Economic Advisory Council.

The Government are still considering the preliminary drafts of the proposed legislation.

SUPPLEMENTARY TO QUESTION NO. 452 OF 1999

HON DR J GARCIA

Can Government say whether these changes intend to require the registration in Gibraltar of businesses engaged in cross-frontier activity?

HON P C MONTEGRIFFO

Well let it be clearly understood that any business whether it comes in from across the frontier or otherwise actually undertakes an activity which falls within the Trade Licensing Ordinance is licensable in Gibraltar. Therefore, there are many companies that are basically say Spanish or Portuguese that have a trade licence in Gibraltar. But I think the hon Member is touching on the rather more nebulous area of companies who provide services across the frontier that are potentially not covered by the Trade Licensing Ordinance. The Government is looking at that area, it is an area that we know is of concern to local traders, to local commercial entities and it is of concern to the Government as well, but let it be said that this is a matter which has bedevilled different administrations in the past. The House may not recall that in fact the last administration passed amendments to the Trade Licensing Ordinance dealing specifically with cross-frontier registration. The House passed that legislation Mr Speaker but for reasons that we have not been able to ascertain the legislation was actually never implemented. We suspect that the reason for the lack of implementation was recognition perhaps that there are very complex issues that require careful consideration that might in fact not have been fully taken into account when the Bill was passed by the House at the time. That is pure speculation and I am not casting aspersions one way or the other with that but it does show that the matter is complex, the Government are concerned to look at this issue substantively, it is being considered and the matter that the hon Member raises is one of the matters that is being looked at in context of a global review of the Ordinance.

NO. 453 OF 1999

THE HON DR J J GARCIA

**BUSINESS DEVELOPMENT IN ACTION SEMINAR.**

How many people have been invited to participate in the seminar "Business Development in Action"?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

We have invited or had invited 50 firms.

SUPPLEMENTARY TO QUESTION NO. 453 OF 1999

HON DR J GARCIA

Can the Government say how these companies were selected and how many of the 50 expressed an interest in actually attending?

HON P C MONTEGRIFFO

The conference took place or the project was completed yesterday and was very successful by all accounts. The selection was undertaken in consultation with the Chamber and the Federation of Small Businesses. It was a very targeted programme and therefore in consultation with both those trading organisations, companies that each thought might benefit from these schemes were identified and approached. I cannot give the hon Member the actual figure of attendees yesterday but I know that they were significant and as I said by all accounts it was a very useful exercise. About 20 I am being told by my hon Colleague who actually opened the Seminar yesterday.

HON DR J GARCIA

I am grateful for the figure. Is that 20 firms or could it be that he had five people from the same firm?

HON P C MONTEGRIFFO

I cannot tell the hon Member that. I know that there was considerable interest, there was the selection in the way I have indicated and I would have thought that it is more likely that they are 20 firms rather than five firms each sending two or three each.

HON DR J GARCIA

Can the Government say what the total cost of organising this Seminar actually was?

HON P C MONTEGRIFFO

No Mr Speaker I cannot tell him. The question says how many people have been invited to participate in the Seminar, if he had added what was the cost of the Seminar I would have had that information. I am happy to give it to him but I have not got it on me.

HON DR J GARCIA

I would be grateful if indeed the Minister could supply that information. Perhaps the Minister could tell the House when the organisation of the Seminar actually went out to tender?

HON P C MONTEGRIFFO

The Seminar was organised by the Department of Trade and Industry, specifically by the Business Advisory Unit of the Department of Trade and Industry. It was not organised by anybody else. There is a well-established connection between DTI specifically but also other Government Departments with Durham University and this initiative flows from that contact with Durham University. It was not the subject of a separate tendering procedure, it was a Government training initiative, very much benefitting from facilities that Durham University makes available and which we thought would be of great assistance to local traders. But the results demonstrated that.

HON DR J GARCIA

Can the Government say, if this information is available, my understanding is that the Government and the European Union finance a percentage of the participation and that the businesses actually finance the rest. Can the Government say what that figure actually is, which the company is supposed to pay?

HON P C MONTEGRIFFO

I have not got that information on me. That is the norm. The norm is that each company contribute an amount towards the Seminar and the Government contributes an equivalent amount or an amount in support of that and they have to make available this amount to the member. I think the important point frankly, rather than with great respect delving into the minutia of what obviously is a very modest Seminar, we are not talking about terribly significant funds here, the more important point is that it actually is a programme run by a very reputable business unit within Durham University, they have links with Gibraltar, there has been a very good response from the business community here and that I think is something worth encouraging and promoting. The Government will continue to do that obviously always seeking value for money in what it does. The benefits is what we attach importance to and what I would suggest to the hon Member is perhaps what this House should primarily focus on. If he was asking questions about the quality of the training delivered or the credentials of Durham University I could understand perhaps their concern but bearing in mind the type of operation I would have thought that it would give him quite a lot of comfort that the project was worthwhile and of value.

HON DR J GARCIA

The Minister pre-empted my next two questions which actually were to do precisely with the certificate of achievement which is awarded to the businesses and the certificate of attendance which is awarded to the staff. Is this some sort of recognised academic qualification in UK terms or in local terms or what exactly is it? Really the point I am trying to make, although it might seem there is a minutia of detail, is that small businesses know what the problem is in Gibraltar, the problem is that overheads are too high, so the question which I want to ask is what practical benefit to the business community do the Government think the Seminar will achieve?

MR SPEAKER

Now, I think that hardly arises from the answer.

HON CHIEF MINISTER

Does the hon Member really believe that the only problems facing local businesses are that costs are too high and that there is nothing further that local businesses can benefit from, from being addressed in a Seminar by experts in the running of local businesses and in the setting up of local businesses, he has got this sort of fixation with business costs. Of course business costs in Gibraltar are too high. Business costs in Gibraltar are too high just as the unit cost of generating electricity in Gibraltar is too high and the unit cost of providing a telephone service is too high and the unit cost of running the hospital and schools are too high because we are a small community, providing for ourselves services the cost of which would be shared out between many more than 30,000 people. The private business sector cannot be some, as if by magic, some exception to that inevitable principle. Leaving that to one side would the hon Member - I appreciate it is not for him to answer the question but for us - at least acknowledge that even though we all know that business costs in Gibraltar are high, that there are other things from which small businesses in Gibraltar benefit from these Seminars even though they know that one of their problems is that costs are too high.

HON DR J GARCIA

Let me just make one point. This is not only, judging from the attendance figures, which is of 20, I am not sure whether all the 20 are from one place anyway, 30 other small businesses seem to have thought the same thing.

NO. 454 OF 1999

THE HON DR J J GARCIA

**TRADE LICENSING ORDINANCE.**

What action have Government taken to regulate unfair competition to established Gibraltar businesses from cross-frontier traders?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The Government are committed as a matter of policy to continue to do more to provide a level playing field for Gibraltar established businesses. Previous measures have included the well publicised reductions in import duty, Government rents and discounts for early payment in rates.

More recent measures include the following –

Firstly, the issue of firm instructions to the Customs authorities at the frontier that spot checks should be implemented to encourage individual consumers to declare personal imports into Gibraltar thereby allowing import duty to be raised on them.

Secondly, the new and far reaching regulations introduced to better control and penalise illegal labour. These regulations should ensure a more level playing field between those businesses that have employees properly registered for Pay As You Earn, Social Security and other purposes against employers (both domestic and cross frontier) that do not adhere to the rules.

Finally, the reforms being considered as part of the review of the Trade Licensing Ordinance includes issues related to unfair competition from cross frontier businesses.

SUPPLEMENTARY TO QUESTION NO. 454 OF 1999

HON DR J GARCIA

This issue of unfair competition is something which the trading community in Gibraltar is very seriously concerned about. It has been raised both by the Chamber of Commerce and by the Federation of Small Businesses in the various annual reports. It is clear it is something which the Government need to tackle. I note that the Minister has not mentioned the question of people who come across with scaffolding or with tool boxes and obviously coming in to work or to perform some sort of service or task aside from the question of the illegal labour and all that there is the element of people coming across to do jobs on this basis. I was wondering whether the Government intends to look at that as well.

HON P C MONTEGRIFFO

The hon Member should not under-estimate the complexity of this issue. There is something within the European Union which is called Freedom to Provide Services. The distinction between providing services and establishing a business and undertaking an activity is actually very difficult sometimes to draw. There is a right for cross-frontier businesses to provide services in other parts of the European Union.

Which is not to say that there is not an abuse of that cross-frontier regime and which is not to say that the Government and the trading community here are rightfully concerned that there should be some attempt to rationalise that situation, because whilst we quite generously allow cross-frontier services into Gibraltar, I think the experience of our local commercial community is that it is not so easy to do the same across the way. It would be quite childish to minimise the difficulty in this area, I think we all share the sentiments of the trade and has been expressed by the hon Member that this is an issue that is of concern, an issue which we are looking to tackle, but it is not an issue on which one can be (and I am not suggesting that the hon Member is being) but one cannot be simply superficially political about it and simply say the correct thing to say is let us stop cross-frontier services. The matter is neither simple legally or indeed economically let me add because many of the costs in Gibraltar to businesses are actually kept down because of services coming across the frontier. From the shipyard right through to an office block that has a lift maintenance undertaken from Spain. If those businesses had to have a base in Gibraltar, the costs of these services would go up and the consumer would actually pay for that and Gibraltar becomes less competitive as a result. So there are complex legal and economic issues but the hon Member can rest assured that our sympathies lie in the same area and that we will be consulting with the trading community to try and find a solution, which as I say is a problem that is not new but a problem which has been there for a long time and nobody has found an easy answer to it.

HON DR J GARCIA

I do not think anybody is being superficial and I think everybody appreciates fully that this is a difficult question. This is something which was highlighted by the Chief Minister in his Budget Speech in April last year to the House and he mentioned that there would be a tighter control to regulate and control the incidence of cross-frontier trade. What I am suggesting is that that has not actually happened so however superficial or childish or difficult it might be, it is an issue which perhaps the Chief Minister should have addressed before making that statement. Secondly, what the trade in Gibraltar is completely fed up of and that is the feedback which one gets when one walks up and down Main Street on a daily basis, and if one cares to go into any shop and ask, what they are completely fed up of is all these schemes and this idea of duty, rent and rates as if that were enough and that were going to somehow save the economic future or safeguard the future or protect jobs or create new jobs. The plain fact is that that has not been enough and that is recognised by the two main trading organisations in Gibraltar in documents which are public and which I have here and the point I am trying to make is that more needs to be done. What we need is concrete action and not pretty pictures or fairy tale schemes.

HON P C MONTEGRIFFO

In life more always needs to be done, we never get to the promised land and rest. Life is a series of progress in a positive direction but we have made much more progress recently than there has been in the past. I think the trading community should recognise that and indeed I believe does recognise it. The way to deal with these matters is not to start an election campaign a year in advance but rather to look at what has been done objectively, there have been things that have been done positively, we want to do more. There are serious issues well beyond our control, the biggest problem traders had in the last three or four years has been the strong pound. Nobody can do anything about that, that has been the real issue in respect of trade in Gibraltar, the fact that they were suffering from a strength in sterling which is a matter completely outside the parameters of our control. Therefore we can do a lot along the fringes perhaps but there are certain external issues, the frontier, how that operates, the strength of sterling, indeed the strength of the European Economy which impacts in Gibraltar and let us be realistic as to the ability we have to control some of these factors that affect everybody that is in business here and elsewhere.

HON DR J GARCIA

Let me thank the Minister for letting me know that the General Election will be in a year's time.

HON J J BOSSANO

Can I ask the Minister, one of the problems that have been faced with service providers in the opposite direction has been the fact that the Spanish Customs have taken the view that they cannot bring their tools of trade into Spain because we are outside the Customs Union. To what degree are we in the opposite direction able to do something about the tools of trade of those who come in, or is anything being looked at in that area?

HON P C MONTEGRIFFO

I was not personally aware that that was the Spanish position taken on tools being moved from Gibraltar to Spain but we are certainly looking at every possible nuance on how the cross-frontier regime could be regulated. I am grateful to the hon Member's comment on that. It is as I say a difficult issue, if there is an element of control possible by virtue of the fact that we are not in the Customs Union then we will investigate that and feed it into the equation.

NO. 455 OF 1999

THE HON J GABAY

**OLD NAVAL HOSPITAL.**

Will Government inform the House whether any tender has now been accepted for the redevelopment of the Old Naval Hospital?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The tenders submitted for the Old Naval Hospital are currently being considered by Government. None have therefore yet been accepted.

SUPPLEMENTARY TO QUESTION NO. 455 OF 1999

HON J GABAY

Would it be possible, obviously at a later date and perhaps in writing, to receive some brief outline of the conditions established in the tender for the preservation of the building, since it is of great historic interest.

HON P C MONTEGRIFFO

The conditions that relate to the building were actually part of the tender terms. That is publicly available on payment admittedly of £25 or £35 but the tender has been closed and I am very happy to be able to make available to the hon Member now, the tender conditions which will demonstrate to him the importance the Government have attached to preservation of the building and its historic importance.

HON J GABAY

I am grateful for that information.



NO. 456 OF 1999

THE HON A J ISOLA

**QUALIFYING (CATEGORY 3) INDIVIDUALS.**

Can Government state how many applications have been received by the Financial and Development Secretary from companies requesting a certificate as a Category 3 Individual in respect of its employees since 1st September 1998?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Since 1st September 1998 the Financial and Development Secretary has received seven applications for Qualifying (Category 3) Individual status from exempt and qualifying companies.

SUPPLEMENTARY TO QUESTION NO. 456 OF 1999

HON A J ISOLA

In respect of those seven applications could the Minister tell the House whether the discretion to waive the previous five year rule has been applied?

HON P C MONTEGRIFFO

No it has not.

HON A J ISOLA

So these would all be new entrants into Gibraltar in terms of being employed, new jobs being created by the exempt or the qualifying company.

HON P C MONTEGRIFFO

Yes they are all new people coming in. Of the applications received, two of them were rejected because in fact they would have required an exercise of the waiver with regards to residence which it was felt was not appropriate in those circumstances.

HON A J ISOLA

Am I right in saying the Minister has said these were all from exempt or qualifying companies there were none from statutory development corporations.

HON P C MONTEGRIFFO

That is right. They are purely from exempt and qualifying companies.

NO. 457 OF 1999

THE HON A J ISOLA

**LATHBURY BARRACKS.**

Have Government now reached a final decision on the proposed development of the Lathbury Barracks site?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The area of Lathbury Barracks has now been earmarked for three distinct purposes. These are as follows –

Firstly, the allocation of three sites for the establishment of satellite control facilities in accordance with the inward investment projects that this House is informed of.

Secondly, the development of an industrial park for the provision of light industrial, storage and other such commercial units. Whilst an in principle decision has been taken in this regard, the final go ahead will depend on the completion of the feasibility and planning studies which are currently under way.

Thirdly, a remaining area of Lathbury Barracks has been reserved for some other possible use. It would, for example, be able to accommodate an educational or research establishment probably on a smaller scale than had been originally mooted for the area.

In addition to the above of course and as the House is aware, the Government have previously approved the development of the Officers Mess at the entrance to Lathbury Barracks for conversion into residential units.

SUPPLEMENTARY TO QUESTION NO. 457 OF 1999

HON A J ISOLA

Are these, other than the satellite projects and the last one that the Minister has mentioned - the residential aspect of it, are any of these Government's own initiatives or are they all private sector driven?

HON P C MONTEGRIFFO

They are all private sector driven in as much as the first case, the residential development that went out to tender and that was adjudicated in the usual way. The other three satellite projects the ones that the House is well aware of, the companies are progressing to finalise the lease arrangements in respect of those areas. They are the areas which have been identified now for quite some time. Whilst there has been some accommodation to the exact boundaries of those plots, they are broadly within the areas that the House has information on and which I am happy to provide plans for the hon Member if he wishes. What is really new frankly, is the decision to have an industrial park in the middle part of Lathbury Barracks, in the area that houses now the old residential blocks. That area is the area identified as the one that we would like to build an industrial park in.

HON A J ISOLA

Are any of these private concerns the consortium that the Minister referred to in his answer to Question No. 479 of 1998, which put in a bid after the close of the tenders and which Government were considering at that stage? What he actually said was "another consortium has approached the Government expressing an interest in this area and we have said, although the tender process is finished, bearing in mind the difficulty we have come across with that process you are certainly free to submit a proposition" - is that one of the people that has actually gone ahead?

HON P C MONTEGRIFFO

That was entirely separate. That was the time when we had put the whole of Lathbury Barracks out to tender, a consortium approached the Government after the tender time had closed for a touristic related type development. That is now all history. The basic conclusion arrived at by the Government is that the development of Lathbury Barracks in a way that is compatible with the satellite projects, makes a touristic development impossible. So therefore, we have really not taken any decision that derives from the tender process at all. The industrial park will be a Government led project rather like New Harbours for example, and the idea of the industrial park would be to make available then to the private sector industrial units and commercial units of which there is great need in Gibraltar. We expect the project to attract EU funding.

HON A J ISOLA

So the only aspect of the four different types of activity that have stemmed from the tender process is actually the residential aspect, would that be right?

HON P C MONTEGRIFFO

That is correct.

HON J L BALDACHINO

On the residential aspect, on the old Officers Mess, is it that the building is going to be demolished and then built or is it that it is going to be refurbished?

HON P C MONTEGRIFFO

The building will be demolished and there will be an entirely new construction.

HON J L BALDACHINO

What type, is it for the upper market what is going to be built, middle market or the lower market, which market is it designed for?

HON P C MONTEGRIFFO

This type is for the middle market. The market that is above the level of flats where there will be maisonettes. In other words a market for which there is a great demand in Gibraltar, people that are in home ownership already and are moving up the property ladder.

HON J L BALDACHINO

Does the Minister know how many units will be built?

HON P C MONTEGRIFFO

I do not know exactly as I stand here but.... perhaps 17, 20, that sort of number.

HON J J BOSSANO

Is the EU funding something that Government will be able to access from the existing programme?

HON P C MONTEGRIFFO

Yes. Members will be informed in answer to a separate question later on. Funds have to be committed by the end of this year but not spent by the end of this year, there will be two years to spend after the end of this year. So we would like to believe that we could actually commit part of our EU funding to this project and the spending will then take place at any time up to the end of 2002.

NO. 458 OF 1999

THE HON A J ISOLA

**LOWE BELL.**

When did the first contract with Lowe Bell expire and on what date was it renewed?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The contract with Lowe Bell expired on 31st July 1998 and was renewed on the same financial terms from 1st August 1998 for a further period of one year until 31st July 1999.

SUPPLEMENTARY TO QUESTION NO. 458 OF 1999

HON A J ISOLA

Am I right in saying that in fact the date of renewal was 1st August but in fact this was done subsequently, because I asked a question in the House in September, to which the Minister confirmed that in fact there were discussions on-going at that time, and we were not given indications to what would happen until the report from that meeting had come back. When I asked a question subsequently I was told that it was 1st August, was it simply that it continued? If it did, were the services provided for the interim period?

HON P C MONTEGRIFFO

That is correct. The arrangements were not finalised until later but it went back to August and services were provided throughout that time.

HON A J ISOLA

It is on exactly the same basis?

HON P C MONTEGRIFFO

Well it is on the same basis with regards to the financial terms. There are a few other things that through experience we have learned and therefore have been included. For example, we have negotiated their assistance in the UK road show, in other words the road show on financial services which is taking place next week and we had obviously anticipated some need for assistance from the UK and therefore that was included as part of their work in this contract this year.

HON A J ISOLA

But the same cost is being spent.

HON P C MONTEGRIFFO

Yes.

ORAL

NO. 459 OF 1999

THE HON A J ISOLA

**FINANCE CENTRE PROMOTIONS.**

What was the cost of the Government's recent Finance Centre Promotion in Portugal and who was responsible for the marketing of the promotion?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Answered together with Question Nos. 460 and 461 of 1999.

NO. 460 OF 1999

THE HON A J ISOLA

**FINANCE CENTRE PROMOTIONS.**

What is the expected cost of the Government's Finance Centre Promotion to the United Kingdom (24th - 28th May 1999) and who is responsible for the marketing of the Promotion?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Answered together with Question Nos. 459 and 461 of 1999.

NO. 461 OF 1999

THE HON A J ISOLA

**FINANCE CENTRE PROMOTIONS.**

What is the cost of the Government's Finance Centre Promotion to Switzerland, who is responsible for the marketing of the Promotion and who was invited to attend with the local delegation?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Let me start by putting the current series of promotional visits into context. The Government have spent much of the last year consulting closely with the industry in order to develop a marketing strategy in partnership with the finance centre. The 1998 Market Survey of the Finance Centre (in which 106 companies participated) highlighted the "promotion of the finance centre" as the most important "Action" point. The survey also analysed Gibraltar's key markets and identified Portugal as Gibraltar's fourth most important growth market (the UK being second). Switzerland was ranked sixth, but was considered a special case given that more FSC licences have been issued to Swiss-based businesses over the last year than to businesses from any other jurisdiction.

The costs of the Portuguese promotion comprised several items. The breakdown of costs are as follows:-

Advertising	9,300
PR and database	2,500
Coach	2,500
Conference rooms/receptions (*3)	7,000
<b>Total</b>	<b>£21,300</b>

In agreement with the participants, the Government contributed £10,000 towards these costs. The balance of £11,300, was met by those companies that formed part of the promotion. Copywrite was responsible for marketing the promotion in Portugal.

In addition, the accommodation and subsistence costs to Government amounted to approximately £3,000.

The UK trip is an ambitious promotion and it is therefore difficult to give a precise estimate of the costs in advance of the event. For example, costs will vary depending on the number of attendees at each of the planned venues. However, our provisional estimate of the costs to the Government of the UK trip is approximately £20,000 to £25,000.

First Financial (which are Lowe Bell) in the United Kingdom has been responsible for targeting lawyers, accountants, independent financial agents and the regional press in each of the cities (approximately 5,000 in total). The cost of this was included as part of the negotiated package with their contract when that was renewed. The Gibraltar Information Bureau in London has dealt with the logistics of the trip and has organised the itinerary together with the Gibraltar Finance Centre here.



The breakdown of the estimate of costs is as follows:-

Database list/invitations	4,000
Conference rooms/receptions/hotel	10,000 to 15,000
Coach	3,000
Flights	3,000
Accommodation (approximate)	5,000
<b>Total</b>	<b>£20,000 to £25,000</b>

This amount will be paid by the Government. Participating companies will be expected to pay their travel to and from the United Kingdom and their own accommodation.

The cost to Government of the promotional trip to Switzerland came to a total of £9,488.

The breakdown of costs is as follows:-

Lunch presentations	2,184
Equipment hire	462
Flights	3,010
Copywrite	1,000
Accommodation and subsistence (approximate)	2,832
<b>Total</b>	<b>£9,488</b>

The Swiss delegates played a major part in setting up and in hosting the various events over the two days. The Gibraltar Finance Centre together with Copywrite organised the mailing and logistics of the promotion.

We deliberately maintained a low profile in Switzerland as this was the Government's first initiative in this market and as we were advised that a high profile event would be counter-productive. There will be several further trips to Switzerland and the Government have set up an informal group to discuss these initiatives and to which anybody who has an interest in Switzerland is invited. Those attending the trip to Geneva were Rock Ltd., Lloyds Bank, Credit Suisse and Velay Services Ltd., all of whom were involved in putting together the itinerary and events for the two days.

#### SUPPLEMENTARY TO QUESTION NOS. 459, 460 AND 461 OF 1999

HON A J ISOLA

In respect of the Portuguese trip what does the data cost of £2,500 consist of? What does that mean?

HON P C MONTEGRIFFO

The cost of accessing the contacts in Portugal which were mail-shotters and which were approached in an attempt to raise their interest in the event. In other words, it is the cost of accessing the database which was used to send out mail shots and send out invitations. PR services is also the fact that there was time spent in the Algarve by the agents of Copywrite in raising the profile of the event and in trying to seek as good a number of attendees as possible.

HON A J ISOLA

The role of the Government in the press release that was issued stated that the form of creating the awareness was generated through adverts in two or three newspapers and sending invitations to 150 members of the British Chamber of

Commerce in Portugal. There is no mention of any other form of mailing or contact, that is why I asked the question about the database because I was not aware of any database being used to access the newspapers or the members of the Chamber of Commerce. Are Government aware what database (without giving a name) what kind of database was targeted if it was targeted at all?

HON P C MONTEGRIFFO

My understanding is that it was the database available to Copywrite in the Algarve which they used to try to drum up interest in the event. The hon Member is right in that the majority of the exercise was actually done through advertising and hence the larger figure for advertising, but there was also access to the database connections which they have in the Algarve and which was used to try and raise the profile of the event.

HON A J ISOLA

Are the Government considering a further such venture? If indeed it is will it do so on the same basis that it has done the previous one? Bearing in mind that the itinerary and the manner in which it was done was questioned, not the fact of doing it itself but the manner in doing it, on the basis that certain people did not think it appropriate to have the first day in the south of Portugal, the second day in the middle of Portugal and the third day back down in the south again. People believe that it should have been done two days in one and one day in the other to save people having to get up at 4.00 am as it was reported that they had to do.

HON P C MONTEGRIFFO

The reason behind that particular rather demanding schedule was that it was felt that if somebody could not attend a venue in the Algarve on the Monday, because for example they were away, that it was more likely that they would be able to attend on a Wednesday rather than the Tuesday. Since in any event the trip up to Lisbon had to be made at some stage, it was felt that it was actually useful to try and split up the days in the Algarve in that fashion.

With regard to the trip generally I am not sure what the hon Member is referring to Portugal specifically or road shows generally. As far as I am aware, indeed I am certain, no Government have ever gone out to Portugal before to try and promote the financial services sector there. It was a decision that had to be carefully considered. There were some in the industry, I think a small number, that felt that raising the profile in Portugal could even be negative, because we might alert the Portuguese authorities to the use of Gibraltar. On the other hand there were those who felt that properly done without a great deal of exposure in the press and targeted there was value to it. The views that we took within Government was that because Portugal was identified as a growth market and because there is already a great deal of exposure to Gibraltar in Portugal, many lenders here provide mortgages in Portugal, many banks have clients, that actually the danger of alerting the Portuguese authorities was very minimal. The Portuguese authorities are very aware of the use of their ex-pats of Gibraltar and indeed seem to be quite relaxed about it at this stage of the development of the Algarve, at any rate. So therefore we actually are quite convinced that Portugal was a right location to go to. With hindsight there is one element of the trip certainly that we would re-do. This Mr Speaker, without boring anyone to tears on this, is that the events involved whole day exhibitions from 10.00 am right through to 6.00 p.m. followed then by cocktails, and a more formal evening session. I think with hindsight it probably would have been a better idea to have compressed the exhibition to say two or three hours in the afternoon rather than spread it all out over the whole day. But Mr Speaker at the end of the day we are developing these promotions, the lessons that we might have learned in Portugal I hope will be borne in mind for the UK

this week, I have no doubt about the value of the time spent in these trips and as I have said in making comments on this in the press in the last couple of days. If further evidence were necessary of the value the private sector attaches to them, one need only look at the fact that a number (quite a number) of private sector companies, including some that came with us to Portugal, are accompanying us on this trip to the United Kingdom.

HON A J ISOLA

Are the Government saying that it would therefore, other than the changing of the time of the open day seminars, do it in the same way that it has been done in the past. It would not seem, certainly to the Opposition, that an expenditure of £23,000, £24,000 including accommodation to receive six, seven or eight (and one can never predict this I appreciate that) but six or seven delegates in a whole day, woken up at 4.00 am, will dissuade or not persuade people rather than it has been a particularly successful visit. I fully understand it is the first time and I fully understand that there is a learning process and I would suggest, as the Minister knows, we have both been on marketing business abroad together in some instances, this learning curve certainly seems to be rather sharp and I would have thought that it would need a review of the manner in which the awareness, if I can put it that way, was created to hopefully target it at a better area to receive a higher degree of interest from the recipient country.

HON P C MONTEGRIFFO

Let me just say this and I do not want to give the impression that we regard ourselves to be at the very bottom of the learning curve in this respect either Mr Speaker, the methodology used was not entirely novel and untested. I can recall the hon Member actually accompanying me on the trip to South Africa but the trip out to South Africa about two years ago, which followed a similar initiative that the last government took, actually had a very similar type of format. In other words, primarily adverts in the press as the main way of generating interest and invitation pursuant to that advertising for people to attend an exhibition. Indeed in South Africa the numbers were higher. Now it might have been because in South Africa two years ago there was so much productivity, so much political uncertainty that the circumstances were just that much riper for them to be interested in the sort of proposition Gibraltar was making. I think the main message frankly is that in addition to advertising, people respond much more positively to a direct invitation. I think if one gives a direct invitation out to people and then one seeks to try and get a specific response, then one is ensured of getting numbers and committed numbers. That is precisely the approach that we have used in the UK. The UK has not involved any advertising in the provincial press, it has all been by way of direct invitation and direct RSVP responses. So probably an attempt to be more-targeted is something we would have learned out of the Portuguese trip. But as I say, that methodology has been used on other occasions and been successful in other markets.

HON A J ISOLA

Is the Minister saying then that in fact no direct invitations were sent in this case?

HON P C MONTEGRIFFO

Yes some were but that was not the primary form of promotion. The primary form was advertisements, there was then direct contact in the Algarve but that was not the main thrust of the targeting of the clientele.

HON A J ISOLA

That targeting in the Algarve was what the database was used for?

HON P C MONTEGRIFFO

That is right.

HON A J ISOLA

In respect of the United Kingdom promotional visit, am I right in saying that that was originally intended for the second or the latter part of this year as opposed to the first part of this year?

HON P C MONTEGRIFFO

I do not think so. I think that when we concluded after the survey last year of the industry that promotion was important and we identified Portugal, Switzerland and the United Kingdom, we did not relegate the United Kingdom to the autumn, it might have been an option. Obviously one has to avoid the summer period but no, we have not pushed forward the United Kingdom on for any sinister reason.

HON A J ISOLA

It just seems to me from the letters that were sent to me in my personal capacity that the whole United Kingdom road show appears to be a little rushed. When enquiring further I have been told by a number of people in the sector that in fact this was a conference targeted for the second part of the year and they were not sure why it had been brought through. Indeed the letter that is sent to the individual people apologises for the shortness of time that has been given. I was wondering what reason there may be for bringing it forward and doing it in a rather rushed way. I was wondering whether it may have anything to do with trying to get a reception on the same day that Manchester was in the European Cup final, which I know has now been changed. I do not understand the reason why it seems to have been rushed.

HON P C MONTEGRIFFO

Two reasons actually. One that we know that there has been quite a lot of press in the north of England with regard to our recent problems at the frontier and we think that there is some political value in getting out there and being quite bullish about the fact that business remains strong and that the opportunities in Gibraltar remain important. Secondly also, because we do think there is a window for Gibraltar in the wake of the Edward's Report. We get a lot of feedback from people that use the Channel Islands and the Isle of Man that the Edward's Report, which of course they tried to put a very positive spin on, is nonetheless something which represents a serious challenge to the Isle of Man and to the Channel Islands and that therefore Gibraltar will be of a special interest to the offshore agents, offshore operators in the north of England. So we certainly thought the timing was good now, there is no reason other than that to explain the current timing. I accept the timing has been a little tight but those people that we have worked with have been very understanding and we have been able to pull it off successfully and now we just have to trust that our plans will produce results.

HON A J ISOLA

May I ask how many firms or companies are actually accompanying the Minister onto the UK trip?

HON P C MONTEGRIFFO

At the latest count there are 8 companies that will accompany (or institutions) my delegation and a couple, that whilst not accompanying us from Gibraltar, have a UK office or a UK presence and will join us at some of the seminars as necessary.

HON J J BOSSANO

The Minister said in relation to the Swiss visit that one of the elements was the fact that over the last year the Financial Services Commission have issued more licences to Swiss groups than to any other nationality, how many such licences are we talking about?

HON P C MONTEGRIFFO

I could not give the hon Member a number right now but certainly we are talking about, between eight to 12. They are mostly in the area of company management, portfolio management. There is a strong demand in Switzerland for a base which has no VAT, which does not raise stamp duty, which is also conscious of issues like confidentiality and Gibraltar has been identified by a number of Swiss operators as providing that set of criteria. It is very low profile work, as one would expect from Swiss operators, there is very little trumpeting going on but it is a very important growth area and there is much more business that we can derive.

HON J J BOSSANO

These are not extensions of existing businesses, these are new people?

HON P C MONTEGRIFFO

They are not but curiously enough and without delving into detail it is interesting to see that some of the people setting up in Gibraltar, some of these Swiss operations, are actually people that have worked in some of the Swiss banks in Gibraltar, have left those banks for all sorts of reasons and are establishing their own companies. There is certainly a number set up that follow that pattern. So they are not extensions, they are developments in that sense but they are both people that have worked here before and set themselves up separately and new clientele which is coming in to replicate what these are doing.

NO. 462 OF 1999

THE HON A J ISOLA

**GIBRALTAR/MALTA - FINANCE CENTRE.**

What new business has been generated for Gibraltar's Finance Centre as a result of its cooperation with Malta?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Apart from a general awareness both in Malta and in Gibraltar that cooperation could lead to mutual benefits and apart from certain informal discussions to this effect between professional and businessmen in both jurisdictions, there is no formal cooperation with Malta. A future visit at Government level to Malta has been discussed and may take place some time in the year 2000.

SUPPLEMENTARY TO QUESTION NO. 462 OF 1999

HON A J ISOLA

Referring to a report in the Finance Centre page in the Chronicle which reported that Gibraltar and Malta had began talks on how the two offshore jurisdictions can benefit from each other's trends, I was wondering if from what the Minister said in fact nothing has happened this simply being contact at a professional level, which I imagine is the same level with any other jurisdiction, so there is nothing special.

HON P C MONTEGRIFFO

It is not quite that either. There has been contact specifically with the Gibraltar Finance Centre as Gibraltar Finance Centre, namely the Government of Gibraltar. The contacts primarily have been with the equivalent of the ex Financial Services Commissioner in Malta, a gentleman named Professor Bannister, who is a well known player in the international offshore world and who is now actually very close to the new Maltese Government. He has been to Gibraltar on a few occasions and is keen to do more with Gibraltar. Secondly, a number of Maltese companies including insurance companies, that are looking at Gibraltar and seeing how we can develop ourselves jointly. Primarily their interest is in our EU status, they want to prepare for their own EU application and they see our experience as being of interest. They are also actually quite interested in North Africa and whether Gibraltar might have a role to play in that area. There have been approaches made to the DTI by commercial entities and by this individual that has had formal positions in Malta and is actually quite close to the Maltese government and is pursuant to those contacts that it has been suggested that there might be value in a formal political exchange with Malta some time next year.

HON A J ISOLA

May I ask what kind of arrangement is envisaged. The article quotes the Finance Centre Development Director as saying the advantages of such an arrangement. What arrangement is it in fact that we are seeking, if any at all?

HON P C MONTEGRIFFO

That is a very broad question. I am not sure how much the House would want to hear about this in detail, but basically the proposition is we are in the EU they are not in the EU, we are linked to continental Europe they are not so for example, Maltese banks might not have a private client facility in this part of the world, we are close to North Africa, West North Africa, there are a number of different propositions that are of interest to the Maltese and us with them as well. For example, training, how does one train ones indigenous population in fairly small communities, it is a whole range of issues.

HON A J ISOLA

So really what we are talking about is exchanges which will lead to a greater awareness of each of the centre's pros and cons. That is what is meant by an arrangement. I am using a word that the Minister has used.

HON P C MONTEGRIFFO

Well, pros and cons and opportunities of working together. Malta is not alone for example, the Channel Islands, we do think that we are of interest to the Channel Islands as an out-sourcing location because the Channel Islands will not accept any more people going into the Channel Islands, institutions cannot grow. The out-sourcing of working is actually taking place to the UK at present. That is where the Channel Islands operators are actually out-sourcing their work but we think we actually have an interesting proposition to the Channel Islands saying "look, you could actually have operations in Gibraltar, because we do have capacity for growth in office facilities". So there are various opportunities of working together with various centres and it depends very much on the circumstances of each particular case.

HON J J BOSSANO

Is it not the case that when the presentation was made in the Britannia a considerable time ago, the proposition then was something described as bank office operations for companies in Gibraltar being done in Malta. Has anything come of that?

HON P C MONTEGRIFFO

No, nothing has come of that. I do not quite recall the circumstances in which that arose.

HON J J BOSSANO

Yes I think it was in fact in the contribution by Mr Anthony Fisher, from what I recollect having been present in the audience, that he put forward the idea because Malta was a less costly place than Gibraltar, we could thumb out work to them. Presumably on the basis that the Channel Islands thumbs it out to us and then we thumb it out to Malta because Malta is cheaper than us.

HON P C MONTEGRIFFO

He may or may not have made the point. The only thing that I can say is that since he must have been very recently arrived in Gibraltar he must have not been sufficiently versed with the fact that we would give priority to out-sourcing work done from here rather than sending out-sourcing work somewhere else. But he knows Malta well let me say that and that is why at that early stage he was thinking about doing things with Malta that we would work together on. But the basic proposition in terms of out-sourcing is that we do think in Gibraltar that we are a lower cost area than certainly

the United Kingdom, I am not sure about Malta, and that for example I go back to the Channel Islands, we are an interesting option for territories like the Channel Islands.

HON J J BOSSANO

I am not questioning that because if I may invent an artificial concept, he is talking about in-sourcing in that context because we are talking about somebody else sending the work to Gibraltar and I remember very clearly that what was put of the potential connection with Malta on the Britannia was us thumbing out work to Malta. My question is, that certainly does not form part of the subject any longer, if it ever did?

HON P C MONTEGRIFFO

It does not, no.



NO. 463 OF 1999

THE HON A J ISOLA

**GIBRALTAR ENTERPRISE SCHEME.**

How many applications have been received and in respect of which projects for assistance under the Gibraltar Enterprise Scheme from 1st September 1998 to 31st March 1999, and how many of these applications have been accepted stating the amounts applied for and approved?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

A total of nine applications have been received for funding consideration from the 1st September 1998 to 31st March 1999.

Approved projects are listed as follows:-

GES/017/98 - Aluminium Workshop Lease

Total project cost:	£37,000
Total GES loan applied for:	£20,000
Total GES loan approved:	£20,000

GES/018/98 - Manufacture of Plaster of Paris

Total project cost:	£6,000
Total GES loan applied for:	£6,000
Total GES loan approved:	£6,000

SUPPLEMENTARY TO QUESTION NO. 463 OF 1999

HON A J ISOLA

Did the Minister say that nine had been received.

HON P C MONTEGRIFFO

Nine have been received and two have been approved and I gave out the details in respect of those two.

HON A J ISOLA

Seven are pending.

HON P C MONTEGRIFFO

The other seven, well, the state of the seven are that there are three that are pending approval, there is one that is deferred, one that is not approved and two that have been withdrawn.

HON J J BOSSANO

In this particular type of scheme is it for manufacturing, because the two that have been approved seem to be involved in manufacturing.

HON P C MONTEGRIFFO

Not necessarily. The main purpose of the Gibraltar Enterprise Scheme is to fill the gap between a lot of what Gibraltar business is about and the rather narrow parameters of the EU eligibility rules. The Gibraltar Enterprise Scheme is the Gibraltar Government Fund which seeks to provide an element of provisions in areas outside the strict eligibility EU guidelines. But of course, it might extend into areas that would also be eligible for EU funding. I think there is a strong bias towards manufacturing capability, for example, aluminium windows, the vast majority of aluminium windows are imported from Spain. We are quite keen that there should be a local capacity but it is not necessarily linked to manufacturing, it is quite broad.

HON J J BOSSANO

Given the restrictions on the use of EU funds which cut out retailers and finance and so on would it not have been possible to channel this type of thing which appears to be capable of meeting the new criteria or was it that it was looked into and it did not meet it?

HON P C MONTEGRIFFO

Is the hon Member asking whether this scheme is challengeable by the EU?

HON J J BOSSANO

What I am suggesting is if in fact there is a problem in making EU funds available to as many people as one would like because of the restrictions and the manufacture of aluminium windows and the manufacture of plaster of Paris are things that are clearly not in the retail trade or in the finance centre, so they would not be having that handicap. Would it not have been possible to channel them into using EU funding instead of Government funding because there would have been a better use of the balance of the money.

HON P C MONTEGRIFFO

Not in this case because the GES is designed as loans whilst the EU is grants. But the hon Member is right, if the aluminium and plaster manufacturer uses grants if they had been eligible for grants, then that could have been under the EU programme. The GES is primarily loans and therefore loan applications, which are not available under the EU structure, come under this particular scheme.

NO. 464 OF 1999

THE HON A J ISOLA

**GIBRALTAR ENTERPRISE SCHEME.**

What are the terms and conditions of the loans granted under the Gibraltar Enterprise Scheme?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The following guidelines are used when considering loans under the Gibraltar Enterprise Scheme:

New start-up businesses	£10,000
Expansion of existing businesses	£30,000

Exceptionally, loans in excess of the above amounts will be considered if the loan is secured or the project is considered to be of particular strategic economic importance.

Businesses will usually be required to demonstrate that they will contribute no less than 30% of the total project cost.

The applicant will be expected to repay the loan in the shortest period of time. The maximum loan repayment period will usually be 5 years, however, in appropriate circumstances, a holiday period may be approved.

For loans in excess of the maximum, which may be approved from time to time, the repayment period may be longer. These will be considered on the merit of the individual projects and the amount of the approved loan.

SUPPLEMENTARY TO QUESTION NO. 464

HON A J ISOLA

In so far as the terms and conditions as to for example interest, is interest payable on this loan and if so at what rate? What type of security do Government seek to get in terms of the loans that are made? In terms of the holiday period, is that a holiday period of no payment at all or would that be interest only on capital repayments for that period?

HON P C MONTEGRIFFO

There are no fixed rules just general guidelines. The normal interest is base rate and the soft loan is a base rate figure. The holiday that is referred to can be either a holiday of interest and capital or both and usually a floating charge is taken against the assets of the company but again it depends on the size of the loan. There will be some loans that are so small that a structure of that type is not appropriate. The basic important issue I think is base rate, it is repayable usually over a maximum of five years and there can be holidays in both capital and interest if the circumstances so justify.

HON A J ISOLA

May I ask in who the discretion is vested. Is there a committee, is it the Minister, is there a board that receives, considers and deals with these applications?

HON P C MONTEGRIFFO

It is a Government decision but there is a mechanism which includes the social partners, trade unions and Chamber of Commerce in recommending to the Government applications for funding. Essentially meetings take place with this group of advisers, which includes both Government officials and social partners, recommendations are made to the Government and the Government endorses or rejects the terms of an application.

NO. 465 OF 1999

THE HON A J ISOLA

**HEALTH & FITNESS CENTRE CLINIC.**

Can Government state what was the proposed use of the £39,457 loan granted to the Health & Fitness Centre Clinic under the Gibraltar Enterprise Scheme?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The proposed use of the funds are to assist the company with the initial capital investment of the proposed project. However, a loan has not been granted to the project. An offer was made by way of a loan to the tune of £39,457 subject to the applicant being able to raise the rest of the capital investment. As the applicant has not yet been able to satisfy the Government on the funding package the loan has not yet materialised.

SUPPLEMENTARY TO QUESTION NO. 465 OF 1999

HON A J ISOLA

Two questions from that. First question, for how long was the offer open to be accepted by the applicant in this and in other applications to fill in the criteria necessary? Is it open-ended or is there a time frame in which they have to respond? Secondly, along the terms that the question was asked, was the use for equipment basically?

HON P C MONTEGRIFFO

There is no fixed time scale within which a response had to come back in a circumstance like this but I think there would be an element of common sense applied to a situation such as the one that we are faced with in this particular project. Indeed the company was not able to come back reasonably soon to the Government and the Government do not really regard the offer as being opened ad infinitum for whenever it is taken up. The money was indeed for equipment. Equipment which was needed to set up this facility which involved the provision of assistance for sports, sporting injuries, health and fitness treatment, advice to clients etcetera.

HON A J ISOLA

Is the offer in actual fact still open?

HON P C MONTEGRIFFO

I could not say for certain but it would seem to me to be the case that it is. The answer to the question suggests that the offer is still open unless there has been some communication from the Department to the applicant that is not reflected in the answer, I would have thought the offer is still open and that therefore the position is as stated in the reply that the company has not yet met its side of the bargain in terms of financing the other part of the capital costs. If it were to produce those funds then the loan would in principle be available. If it does not after a reasonable period of time, the loan would just fall away, the offer would just fall away.

In all this, I do not want to delve into too much detail, but in all this the attitude of the Government and of the Department is to be helpful and constructive. We are talking about actually prime pumping businesses that but for the loan would not happen. One of the features of the loan should be that it does not substitute other lending. It is not a question of saying hold on if bank lending is available do not go to the bank, come to the Government instead. This is for projects where we take the view that there is not commercial lending available. So the attitude is one of positive engagement. Our attitude is trying to make it happen rather than to seek reasons for it not to happen. The purpose behind the funds is to generate that activity.

HON J J BOSSANO

Is it not the case that if I understood correctly in answer to a previous question on the criteria of the Enterprise Scheme loans, the Minister said that it was £10,000 for new businesses and £30,000 for expansion of businesses. So this is one that is seeking £39,000 to expand but is already operating, is that correct?

HON P C MONTEGRIFFO

I do not believe so. I think this is a new project. It falls outside the normal guidelines for reasons that are explainable.

HON J J BOSSANO

But if the norm is £10,000 then nearly £40,000 is quite well outside.

HON P C MONTEGRIFFO

Yes Mr Speaker, but when one has a situation where the total cost of the project is £131,000, the company is going to contribute £92,000, in circumstances like that the company comes saying look I am putting £92,000 in can I have a balance of so much by way of loan. Our guidelines are not guidelines that are a straight jacket.

HON J J BOSSANO

So the 30 per cent of cost is then what the loan element of the Government not of the business. I think when I made a note of the criteria I put down the figure of 30 per cent of the cost having to be met I thought by the investor. Is it that the 30 per cent is the Government's sort of share?

HON P C MONTEGRIFFO

Not necessarily. Thirty per cent is the company's. There are situation where the company can access both EU funds and GES funds. Again, the Government would tend to discourage such a low participation from a company itself but there are situations where the company can get an EU grant, straight grant, a straight sort of money that goes into the company without a repayment package and then a GES soft loan. That has happened in circumstances that warranted it.

NO. 466 OF 1999

THE HON A J ISOLA

**HEALTH & FITNESS CENTRE CLINIC.**

How many people have been employed in the Health and Fitness Centre Clinic and how many of those people are Gibraltarian?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

As the project has not yet started no employment figures can yet be accounted for.

SUPPLEMENTARY TO QUESTION NO. 466 OF 1999

HON A J ISOLA

May I ask in respect of the application, is one of the factors that Government takes into consideration the number of people to be employed in the project? Do they have any influence on the decision of the board that considers applications, how many of these people will actually be Gibraltarians? If it is, is it a condition of the loan?

HON P C MONTEGRIFFO

Employment is an important criteria absolutely. There are weightings given to different aspects of a project and employment is one of those weightings. It is sometimes difficult to decide what importance to give to employment vis a vis the amount of money involved, the high money for more employment, lower for less and these things are difficult to equate. But employment is a very important aspect, justification is important to a new type of activity. The general Government policy is to seek to encourage resident labour but it is not a condition of the loan as far as I am aware that the labour has to necessarily be resident. I am sure that when these things come to be implemented those applying for it are made aware of the Government's preference per se but it is not a formal condition of the assistance.

HON A J ISOLA

So we do not have a parallel system, for example the hotel assistance scheme where there are minimum levels of employment and if one goes below that one would be in breach of the actual loan documentation. There is no such parallel here?

HON P C MONTEGRIFFO

There is not, Mr Speaker.

NO. 467 OF 1999

THE HON A J ISOLA

**INTERREG GIBRALTAR/MOROCCO.**

Can Government state what is the balance of unused Interreg Gibraltar/Morocco 1994-1999 Programme Funds as at 31st March 1999?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The position with regard to the Interreg Gibraltar/Morocco 1994-1999 Programme funds as at 31st March 1999 is as follows:-

Of the original allocation of monies £61,769 has been spend on ERDF. There are no projects yet incurring Interreg ESF expenditure. However, committed funds total £101,250 on ERDF approved projects.

This leaves the following balance of uncommitted funds:-

European Regional Development Fund (ERDF)	£233,750.00
European Social Fund (ESF) (31st December 1998)	£175,000.00

SUPPLEMENTARY TO QUESTION NO. 467 OF 1999

HON A J ISOLA

What was the total, if I may ask in another way, available in the programme. What was the total amount of funds available to this programme?

HON P C MONTEGRIFFO

The total amount of the programme, one would have to add up these £233,750 together with the £61,769 and the £101,250 which is committed. Plus the £175,000. The figures I have given are the totality of the programme.

HON A J ISOLA

Okay.



NO. 468 OF 1999THE HON A J ISOLA**OBJECTIVE 2 FUND.**

Can Government state what is the balance of unused Objective 2 1997-1999 Programme Funds as at 31st March 1999?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

The position with regard to the Objective 2 1997-1999 Programme funds as at 31st March 1999 is as follows:-

Of the original allocation of monies, £53,763 has been spent on ERDF and £235,627 (to 31st December 1998) on ESF. However, committed funds total £1,374,010 on ERDF and £400,424 on ESF for approved projects.

This leaves the following balance of uncommitted funds:-

European Regional Development Fund (ERDF)	£1,820,990.00
European Social Fund (ESF)	£178,949.00

SUPPLEMENTARY TO QUESTION NO. 468 OF 1999

HON J J BOSSANO

These ESF funds are independent of the normal ESF funding that was available before the regional programme in fact. Is that correct?

HON P C MONTEGRIFFO

These are the ESF funds available as the component of the Objective 2 Scheme. I think there are others apart from the ESF which are not included there as indeed there are ESF funds in the Konver Programme for example.

HON J J BOSSANO

The ESF funds that are committed, I can understand the commitment on the ones that go to investment in fixed assets but how is the ESF fund committed when the ESF funds are on the labour side?

HON P C MONTEGRIFFO

I cannot give him the details of that but I suppose it would be for example training commitments. We are talking about Cammell Laird, there would probably be training commitments in areas such as that, where there is ESF expenditure earmarked and therefore committed for a programme of training over a number of years. So it would be expenditure of the type, training expenditure (which is already contracted for want of a better expression, or committed) and I am happy to give the hon Member a breakdown if he wishes.

HON J J BOSSANO

If that is for ESF funding it seems quite a large amount, given that it is not capital, to already have a commitment unless, as the Minister says, what we are talking about is something that is spreading over a number of years into the future.

HON P C MONTEGRIFFO

I am sure that must be the case. Training in the various projects and benefit from the ESF where there is a programme set out for a number of years and which funding has been set aside for. But I will write to the hon Member and set those details out for him.

NO. 469 OF 1999

THE HON A J ISOLA

**KONVER FUND.**

Can Government state what is the balance of unused Konver 1995-1999 Programme Funds as at 31st March 1999?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The position with regard to the Konver 1995-1999 Programme funds as at 31st March 1999 is as follows:

Of the original allocation of monies £264,606 has been spent on ERDF and £40,500 (to 31st December 1998) on ESF. However, committed funds total £1,533,170 on ERDF and £125,000 on ESF for approved projects.

This leaves the following balance of uncommitted funds:-

European Regional Development Fund (ERDF)	£1,148,830.00
European Social Fund (ESF)	£279,500.00

SUPPLEMENTARY TO QUESTION NO. 469 OF 1999

HON A J ISOLA

Am I right in saying in this as indeed in the previous two relating to the Interreg and the Objective 2, funds that are committed and not spent, can one roll over beyond the programme of 1999 funds that have been committed?

HON P C MONTEGRIFFO

There is a distinction between committing and spending. The relevant time scales are monies must be committed by the end of December this year for all the programmes we have now been discussing and money has to be spent by the end of December 2002. So it is also possible to seek consent if one is going to go beyond 2002 for the expenditure to take place some time thereafter but one is then stretching the parameters of the programme as originally devised. The first and more pressing deadline, if one must put it that way, is December 1999 and the commitment that has to be entered into in respect of specific projects to make sure that the funds are utilised properly.

HON J J BOSSANO

If in fact the funds are not committed before 1999 and there is a subsequent programme, can they be rolled over into the next programme or not?

HON P C MONTEGRIFFO

Not unless there is specific consent given to it. I do not think they will roll into the next programme, I think there would be an extension of the existing programme. I think what would happen is that if a case was made for whatever reason, either the

commitment could not be entered into or the expenditure not made within these time scales, he could then seek an extension of time for that programme. I do not think that I speak with an element of ignorance of this but one would roll over into a new programme, I think new programmes would be funded quite separately and would not benefit from roll over of funds from previous programmes.

HON CHIEF MINISTER

The hon Member should be aware that what he calls the next programme is actually Agenda 2000 about which he will have read. Those are very different, the criteria for Objective 2 has changed, it is very unlikely that Gibraltar will qualify for the new Objective 2 criteria, which is now that ones GDP must be less than 75 per cent of the community average. It is no longer unemployment statistic based, it is GDP based but there is not really a next programme of the sort that we have been able to benefit from in the past, this is presently under negotiation between Ministers. It was dealt with at the Berlin Summit, EU Summit at Council and therefore the next programme is actually very different as far as Gibraltar is concerned from this one.

HON J J BOSSANO

If we stop calculating the GDP it is going to be very difficult to prove we are at 75 on the other percentage of the community average. But has Gibraltar actually asked to be included?

HON CHIEF MINISTER

The new scheme is not a question of asking to be included. The Community publishes criteria for who qualifies for Objective 1, who qualifies for Objective 2 and the criteria has changed. That is the question of which of the new programmes will Gibraltar fit into. From our initial analysis of the situation it seems unlikely that we will qualify for anything other than employment and training related programmes.

HON J J BOSSANO

I do not know how radically this thing has changed but my recollection of it is that in fact we made a case for being included within the United Kingdom, in competition with other people in the United Kingdom, not in competition with the whole of Europe. Is that no longer the case?

HON CHIEF MINISTER

Yes it is the case. But the criteria of national eligibility has changed and therefore the criteria that has to be met before one can access any of the UK quotas has changed. If the hon Member has not seen the papers I will happily send him the Presidency statement following the Berlin Council and this was published a few weeks ago, at which the new programmes were clearly set out and established together with the criteria and indeed the amount of EU resources that would be available within each of the re-defined objectives.

HON J J BOSSANO

In that context it is difficult to relate it to what the Minister has said about GDP. Because presumably in the United Kingdom they are not going to be producing the GDP of Liverpool or the GDP of Yorkshire, and at the time that we managed to get Objective 2, it was us lobbying the United Kingdom and other regions in the United Kingdom lobbying to be included. In fact, as I recall, some people in areas that stayed out took it quite badly that Gibraltar had been put in as it were at their expense because the share of the money going to the UK from the Community did not alter

because it came to us instead of going to the Midlands or whatever. Now, in terms of GDP presumably it is the GDP of the United Kingdom, not of a region in the United Kingdom.

HON CHIEF MINISTER

I do not know. I do not know what the answer to that is. The main difference between the definition of the Objective 2 criteria now to before is that whereas before it was unemployment rate based it is now based on GDP compared to the Community average. How that is going to work in its application is in the small print, which is not included in the Presidency statement which I have seen.

NO. 470 OF 1999

THE HON A J ISOLA

**NUMBER OF COMPANIES INCORPORATED/REMOVED.**

Can Government say how many companies have been incorporated in the Financial Year 1998/1999 and how many have been removed from the register in the same period?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Three thousand, nine hundred and seventy-two companies were incorporated in the Financial Year 1998/1999. One thousand, six hundred and ninety-two have been removed from the register in the same period.

SUPPLEMENTARY TO QUESTION NO. 470 OF 1999

HON J J BOSSANO

The removal of the companies, is that on the initiative of the people who manage these companies who have not registered or is there any system for removing companies that no longer appear to be functioning because they do not make annual returns? We keep on seeing this figure of 50,000 companies being registered in Gibraltar which seems to have no connection with reality.

HON P C MONTEGRIFFO

The companies that have been removed are 1,479 which have been struck off and 213 liquidated. Much of these are moves on the company's initiative or clients. There is interest however, in removing, perhaps at the initiative of Companies House, dormant companies, a large number of Gibraltar companies that are dormant in the sense of clearly not being used, not filing returns, not paying their dues to the Companies House etcetera, which tends to distort the number of companies that Gibraltar is said to have when publicity is drawn to this issue. The problem involves cost as well, I mean there are powers now that the Registrar of Companies has to remove companies that are dormant, but there is cost involved in the process. There is notice to be given to directors, the registered office has to be contacted, time scales to go through, and the Government are considering actually a number of options to address the issue. We do think there is value in removing dormant companies and thereby reduce the headline figure of companies allegedly operating from Gibraltar.

HON CHIEF MINISTER

Could I just add in answer to the point that the hon Member made, the headline figure which the Spaniards use is not addressed by this issue, because it is a product of the fact that our company numbering system is cumulative. So when a company is struck off, even if a company is struck off, the number is not re-used and therefore even if we strike off 30,000 companies, we will still be on number 70,036, which is the one that the Spanish press get hold of to use. We could only eliminate that, if indeed it were thought necessary, I have never felt a need to do, it would be necessary first to strike out and then to renumber and issue active companies with certificates of incorporation with a new number and I think that would be unnecessary, cumbersome and costly.

NO. 471 OF 1999

THE HON A J ISOLA

**FINANCIAL SERVICES DEVELOPMENT DIRECTOR.**

Have Government initiated the selection process for the new Financial Services Development Director?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The Government have initiated the selection process for the post of Financial Services Development Director.

The first part of this process is to verify whether there is mileage in renewing the present arrangements with the current holder of the post. Pending these discussions an advertisement seeking a successor has been deferred.

The Government are giving due priority to the issue. If it were to be the case that a successor to the current post holder is required, the Government are confident that a smooth handover will be possible, thereby minimising any disruption to the workings of the Gibraltar Finance Centre and its dealings with the industry.

SUPPLEMENTARY TO QUESTION NO. 471 OF 1999

HON A J ISOLA

In answer to Question No. 192 of this year, the Minister informed me that in fact the advertising would commence shortly I think is the word he used. What has led to that change in strategy or policy of thinking on the part of the Government?

HON P C MONTEGRIFFO

This is just an appreciation of the fact that there is a general feeling among the industry that the current incumbent has done a useful job and that therefore there is interest in trying to renew that position. Also the fact that he has indicated to the Government that there would be a smooth handover, therefore the expiry of his contract, which is June this year, is not a deadline which would leave a gap if a successor became necessary. I feel those circumstances have motivated the deferral or the holding back of the advertisement for longer than had been anticipated. We have, within the Government, considered the possible localisation of the job, we have investigated that possibility as well and that is not an easy matter either. So it is an important decision, there is not a lot of time left before the end of June and we are giving it priority and hopefully, one way or the other, fairly soon, will be able to either announce that the current post holder will remain in place or that advertisements will issue and arrangements will be ensured for the smooth handover.

HON A J ISOLA

Is the Minister saying that the re-thinking in terms of requesting the current incumbent to extend his term is industry-driven. Is it something that the Finance Centre industry has requested that has led to this or is it something that has been put out by the sector?

HON P C MONTEGRIFFO

We obviously consult the industry extensively. The issue of the successor to the current post holder has been a matter that has been discussed extensively with the industry over the last six months and therefore we have a good feel for the views of important players in the market. Similarly, the current holder's perception of whether the job is half done or fully done or three quarters done is now sharper in focus and the Government have a choice. It has the choice to bring about a renewal of this position or to seek a successor. We just find ourselves at the point of decision but with the comfort that there will not be a gap which will prejudice the workings of the office.

HON A J ISOLA

I do not quite understand, over the last six months the Minister has said there has been consultation with the sector, I do not understand how in February or March of this year I am told that a decision has been taken but the incumbent has agreed to stay on for a short term to assist in the hand over basically, which I think is perfectly sensible, and then now there seems to be a change. The reason for the question is basically that I had not seen an advert, nobody has raised the question of the advert, and I therefore put the question. I do not quite understand how that change has come about, that is the simple essence of the question.

HON P C MONTEGRIFFO

I think there was the presumption there was the assumption that he would be leaving. The prospect of his possibly staying is relatively new, the industry's own views have been gathering crescendo as the expiry of the contract has approached and the Government have thought it reasonable to defer advertising the post until we can dispense with this option that might or might not come to something. But of course, what would have worried us would have been the gap, but safe in the knowledge that that matter can be handled, all we are talking about is if there is a new incumbent to come in on 1st July or they will come in on 1st September, 1st October or whenever the advertising process would take that to.

HON J J BOSSANO

If it is decided to renew the contract, would it be another 3 year contract or would it be shorter?

HON P C MONTEGRIFFO

The contract was in fact for 2 years and not 3 years. The contract was a 2 year contract. We have not discussed the terms to that detail with the post holder and I have my personal views but the original contract was meant to be one which would get certain things done. There is perhaps the view that there is more time needed to get these things done and I know from a personal point of view he feels that perhaps he has a role to play in that but these are matters under discussion and it would be improper for me to enter into the details of the discussions which are still in the process of taking place.

HON J J BOSSANO

So it could be an extension of one year and not another 2 year contract.



HON P C MONTEGRIFFO

It is possible yes. I would doubt frankly whether it would be a year because from the pure career path aspect and from the Government's own position, to renew for such a short time would mean to defer what is an important decision for another year for no good reason. Frankly my own personal view would be that it would be either a two or three year contract or a completely new person so as to give us an element of continuity which is important. Frankly a person coming in for short periods of time or holding on for short periods of time does not give me enough stability to engage properly in any particular task.

NO. 472 OF 1999

THE HON DR J J GARCIA

**IMPORTS - BUILDING MATERIALS.**

What was the value of building materials imported in the period October 1998 to March 1999 and the amount of import duty paid?

ANSWER

THE HON THE CHIEF MINISTER

The value of building materials imported in the period October 1998 to March 1999 was £3.6 million. The amount of import duty paid was £96,124.54.

SUPPLEMENTARY TO QUESTION NO. 472 OF 1999

HON DR J J GARCIA

Can we just clarify the original figure, was it £16 million?

HON CHIEF MINISTER

It is £3.6 million according to Customs.

HON J J BOSSANO

Perhaps the Chief Minister can confirm that the ratio of the £96,000 to £3.6 million is still indicative of the fact that a proportion of these building materials are for on-going projects which are not paying duty.

HON CHIEF MINISTER

Indeed. I can tell the hon Member that the ratio that he refers to is 2.7 per cent whereas the rate of duty is higher than that and this clearly suggests that a substantial part of the £3.6 million of imports were for duty-exempt projects.

HON J J BOSSANO

Have the Government in fact been monitoring at all the effect of the duty on building materials? I think they said they were going to do it when they first introduced it.

HON CHIEF MINISTER

No, the Government have not monitored the effects.

NO. 473 OF 1999

THE HON DR J J GARCIA

**IMPORT DUTY - REVIEW.**

At what stage is the Government's review of Import Duties?

ANSWER

THE HON THE CHIEF MINISTER

The Government are not conducting a review of Import Duties.

SUPPLEMENTARY TO QUESTION NO. 473 OF 1999

HON DR J J GARCIA

In his Budget Speech last year the Chief Minister indicated that there would be a continued and cautious use of the import duty system to promote local trade. Also in answer to a question in March he also indicated that the Government were considering expanding the items in which duty had been reduced to include new items, that is what was meant by review in this question.

HON CHIEF MINISTER

Well yes, that is the extent of what the Government are looking at in relation to import duty and it is nothing like the review we conducted of rates. I think in fact it was at the last question and answers in the House that I indicated that we were considering the possibility of extending the regime that we now have for motor cars to one or two other types of goods and that those are now under consideration and it is possible that an announcement may be made shortly on that.

HON DR J J GARCIA

I obviously take it that the Government are not monitoring the effects of its previous import duty restructure and that the problems with the computer that was supposed to identify particular items has now been resolved.

HON CHIEF MINISTER

Indeed. The Government are not monitoring the way that the previous review is operating. We are assuming that the effect of the import duty reductions that were introduced are either making goods more competitive or if they have not been passed on to the consumer, that they are addressing the high level of business costs which the hon Member appears to be so concerned to highlight.

HON DR J J GARCIA

It seems rather peculiar to base an economic policy or to have an economic policy objective and then not monitor its effects. When the Government originally announced its import duty review, the one which reduced duty on a selected number of items, the aim was indeed given that it was intended to stimulate the quality end of the tourist market by reducing duty on some items and eliminating completely on others. So really

what the Government are saying is that they have absolutely no idea whether this is working or not.

HON CHIEF MINISTER

Well, what is becoming increasingly clear is that the hon Gentleman has got certain supplementaries scribbled down on a piece of paper in front of him and that he is determined to read them out regardless of what is the thing that has just been said immediately before he does so. That is what is becoming increasingly clear. I have just told the hon Member that what the Government have done is assuming that either the effect of import duty reductions is being passed on in terms to the consumer in terms of price cuts or the benefit of it is being kept by the traders in their profit margins and that this will be in effect an assistance to the private sector, which the hon Member keeps on telling us we should do so much more to assist. Whether it is one or whether it is the other the Government regards it as positive. The hon Gentleman appears to be under the notion that the Government having changed the rate of import duty is somehow required, in order for its economic policy to be prudent and sensible, to keep the effects of it under review. Well look, the last time import duty rates were adjusted before we adjusted them was 15 years ago. I do not know if the Opposition Members, certainly not him because he was not in a position to do so, but I do not know if as part of a prudent and sensible economic policy the gentlemen of with whom he is now politically associated on that side of the House used to on a regular basis, keep the then current rates of import duty under review. Governments do things for a particular reason, they are either satisfied that it is proving positive and then just moves on to other measures.

HON DR J J GARCIA

It is not a case of reading supplementaries which one has written down. It is a case of being absolutely sure that the Government should conduct its economic affairs in such a shambolic manner. Really the point which I want to make is that the Government stated it intended to produce an economic measure for a specific purpose but they have no idea whether the purpose is being fulfilled or not. That the trade described it as a great disappointment in that it was selective, that the effects on the small business sector has been that a few have benefitted, in other words it has not, even though accepting the point that prices may not have come down and accepting the points that it is an indirect form of assistance to be able to sell cameras or nappies or whatever. But the fact of the matter is that it was selective and there are many traders who are not affected. The majority of traders who deal in other goods are not affected at all and worst still, as the Chief Minister has said, it is not going to be reflected in a reduction in prices in shops to encourage tourism which was the original economic objective of the Government. So, the plain fact is that it was a measure that was intended to address a problem and that it is not addressing the problem and that is something that if it is assisting those businesses which are now not paying duty or paying less, obviously it must be because they are paying less or not paying anything at all, the fact is that the majority of small businesses remain unaffected by the measure.

HON J J BOSSANO

Does the Chief Minister remember that when he addressed the Chamber of Commerce in the Rock Hotel it was he who in fact set down the criteria by saying that if in fact this did not lead to a stimulus by being passed on, and he went on to say "and did not result in creating jobs for Gibraltarians" then it would have been a waste of time. Is it that he does not remember having said that, because that is what he said when he introduced it.

HON CHIEF MINISTER

I do remember part of it. I remember the part about the Government wanting it to be passed on in price reductions in order to make Gibraltar more competitive. I do not remember the bit about jobs for the Gibraltarians although that also would be a most desirable side effect.

HON J J BOSSANO

So it would not be unreasonable that the Government would want to know whether in fact it has achieved what it set out to do.

HON CHIEF MINISTER

No, I do not share that view at all. Are the hon Members saying that for the reasons that they are now supposing that this has not been a success, are they suggesting that we should reverse it and increase import duty if it has not been passed on to the consumer which was the Government's intention? Are the hon Members say between 2 o'clock and 4 o'clock going to argue in favour of measures to help small businesses and then between 4 and 8 o'clock going to argue in favour of measures which reverse whatever measure of assistance to the small business has already been delivered?

HON J J BOSSANO

We are not here to either tell the Government what to do or anything of that kind. What we are saying is that since we are monitoring what the Government are doing, irrespective of whether it is good, bad or indifferent, that is what our job consists of in this House as it was his before, then in looking at the effectiveness of a particular measure we have looked at what the Government set itself as an objective. We have asked them whether they know if they have achieved the objective or not. It is clear that because they do not know they have decided that in fact even if it does not achieve what were the highly commendable objectives of stimulus of trade and creation of jobs, even it does not have that result it does not really matter. So that the original assessment which was made not by us but by them, that it would be a waste of time if it did not do that is no longer a view. They are not my words Mr Speaker, he is the one that told the business community that if they did not do that then the Government would have been wasting its time in providing that assistance.

HON CHIEF MINISTER

Certainly in respect of motor vehicles I can tell the hon Member that I have recently seen statistics which show that the policy was a great success. Certainly it had entirely the intended effect. In respect of other matters the Government have not got any empirical data except that traders in certain industries, where the import duty has been substantially reduced, things like perfume, say that they think it has had a positive effect but because the effect of price reductions resulting from import duty reductions have got to be netted off against the contrary effects of the rising pound, against the fact that fewer people are coming across the border because of the border queues but there has not been a static period against which the effects of the import duty reduced specifically could have been measured. Therefore I accept that the hon Members' job is to monitor the Government and I thoroughly encourage them to do so. But the fact that their job is to monitor the Government must not be confused with them thinking that it is the Government's job to monitor the effect of things which were done nearly 18 months ago now. Because frankly the Government have no intention of reversing what it did whether or not they have been successful. As the Government have no intention of reversing what it did by reference to its level of success, it seems to me a thorough waste of time to try and monitor that fact.

NO. 474 OF 1999THE HON DR J J GARCIA**DIPUTACION DE CADIZ.**

Are Government involved in discussions with the Diputacion de Cadiz with the intention of making a joint submission for funds to the European Union on matters involving tourism?

ANSWERTHE HON THE CHIEF MINISTER

No such discussions have taken place so far.

SUPPLEMENTARY TO QUESTION NO. 474 OF 1999

HON DR J J GARCIA

The Chief Minister indicated in answer to questions earlier that although an announcement was made at the time that technical committees were being set up on a number of issues, that they had not yet been set up or that it had not actually happened. Can the Chief Minister indicate then first whether these committees will in fact be set up with the Diputacion de Cadiz and secondly, if they are set up what their terms of reference will be.

HON CHIEF MINISTER

There has been no discussion and therefore I can not tell him on what issues technical committees will be set up. It is envisaged or at least it is assumed that technical committees of one sort or other will be set up to take cooperation forward but neither the form that those committees will take nor the subject matters that they will be formed to discuss have been discussed at all yet.

HON DR J J GARCIA

The only reason for asking that supplementary was because it was actually attributed to comments made either by the Chief Minister or by the Chairman or the President of the Diputacion de Cadiz at a press conference held in Cadiz at that time. So really, given the answer, there is very little more that can be said other than perhaps the Chief Minister can illuminate us in respect of what areas does the Diputacion have the power to deliver in any case.

HON CHIEF MINISTER

The Diputacion de Cadiz is not an organisation that has functional competences. It is an organisation that receives money from certain sources of taxation and it is charged with distributing it to local municipalities for them to do their functions. However, it is also true (and that is their legal function, their constitutional functions) that the municipalities in certain provinces have got together and have voluntarily pooled some of their functions and decided to have them done by the Diputacion, and there are several of these that are of potential interest but those discussions have not yet began and I therefore think it is pointless for us to speculate on them. They certainly have indicated to me that they have competences in matters of tourism, that

they have certain competences in matters of trade development and things of that sort but as to what specifically is their role in those areas it is not yet clear.

HON J J BOSSANO

Is there an agreement on a follow up on a programme or meetings that are already planned to take place or anything like that, or is it simply in the air and nothing is clear? Is it the case that nothing may happen?

HON CHIEF MINISTER

No it is unlikely that nothing will happen but certainly in the short number of weeks that has elapsed since we entered into the global agreement to sit down and discuss and try and agree on things that we can do together. No detailed discussions have taken place, it was not envisaged the process would start immediately and it is now a question of establishing contact following that initial meeting to take the examination of the possibilities further.

HON J J BOSSANO

That was not my question, I was looking forwards and not backwards. My question was is there a sort of a date or a programme of what is going to happen between now and the end of the year, is there anything agreed on any kind of time scale?

HON CHIEF MINISTER

No Mr Speaker.

NO. 475 OF 1999

THE HON DR J J GARCIA

**MINISTERIAL TRAVELS.**

Can the Government explain whether any of its ministers conduct non-Government business during ministerial travels?

ANSWER

THE HON THE CHIEF MINISTER

All expenses borne by the tax-payer derive from and are attributable to the conduct of Government business.

SUPPLEMENTARY TO QUESTION NO. 475 OF 1999

HON DR J J GARCIA

The Chief Minister will recall in December when Ministers increased their own salaries that a great fuss or issue was made at the time that this increase (which was quite shameful really and a self-given increase of over 50 per cent) the Chief Minister indicated at the time that this represented full time pay for full time work. So really the person who has made, it is the Government who has made this an issue. So really, in April the Minister for Tourism told this House that he went to London representing a private company to conduct private business interests. Can the Government say whether this practice continues or are all Ministers full-time Ministers dedicated only to the serving the interests of the people of Gibraltar?

HON CHIEF MINISTER

I do not know the fact that the hon Gentleman has described as shameful, the increases which were implemented by the Government. I do not know whether the fact that he has described them as shameful means that he has been not accepting the benefit of the increase to £15,000 of the salary that he is now receiving and I suppose that he will be only accepting the Opposition Member salary that appertained to the salary structure before the Government did such a shameful thing. Because certainly he cannot be as hypocritical as to criticise the procedures used by the Government and the fact that the salaries have been increased but then keep the benefit for himself of the fruits of that shameful procedure. Now that is the first point that I would like to point out to him. The hon Member appears not to know the distinction between full-time and dedicated only. Every member of the Government is full-time in the sense that they put more than a full working day's time into the conduct of public affairs. Therefore, since full-time means that one devotes a full working day to a particular activity I can tell him that there is no Member of the Government that does not do that. What I can also tell the hon Member is that frankly, let me tell him this clearly, considering that he as a member of the Opposition comes to this House occasionally and is being paid £15,000 to do what he does on the occasions that he does it, I still believe that Ministers by comparison are under-paid.

HON DR J J GARCIA

The Chief Minister's reply is completely irrelevant and is also unnecessarily vicious and poisonous. The person who has made this an issue is him and nobody else.



When we talk about political hypocrisy I think we need to make sure that people in glass houses do not throw stones. On the point of the £15,000 I think it has already been made clear generally that this side of the House in Government intends to reduce the salary back to what they were at the previous level and commission an independent review which is what the Government should have done in the first place. On the point of actually earning £15,000 after doing it seven years for free, I think the commitment speaks for itself. However, the Chief Minister has failed to address the real issue. In July 1997 for example he must be aware of the many reports into standards of public life published by the House of Commons, and many investigations, the many issues of that nature which surrounded the problems with John Major's government and indeed which have continued into the new administration. In July 1997 the Prime Minister published a code of conduct for Ministers. It warned Ministers to scrupulously avoid any danger of an action or even an apparent conflict of interest between their ministerial position and their private financial interests. Are the Government satisfied that that position is being maintained and being kept also here in Gibraltar?

HON CHIEF MINISTER

No the Government do not slavishly follow whatever is the practice in the United Kingdom but I can tell him that the Government are now satisfied that the ethical standards of this Government are beyond reproach.

HON J J BOSSANO

Mr Speaker the Chief Minister has had a question put to him and is perfectly entitled to defend himself without insinuations or aspersions being cast at anybody else. This Government now, what does he mean? Because if he wants to question my ethical standards then once and for all Mr Speaker, he should stop protecting himself by the Rules of this House and do it out there where we will not have any protection. I have had enough of it.

HON CHIEF MINISTER

I really do not care what the hon Member has had enough of and nor does it matter except to him. The fact of the matter is that he can sit there if he wants to and suggest that his new lieutenant is not making political aspersions on the ethics of Ministers, he has named one. It is the height of complete hypocrisy and barefaced lack of courage on the hon questioner Dr Garcia's part, to pretend that the purpose of the speech that he has made under the guise of a question was not to give the impression to listeners that there is less than complete adherence to acceptable ethical standards on the part of the Government. The hon Member may now wish to pretend that we have been unnecessarily aggressive but the hon Member is responsible for the natural consequences of his insinuations and he cannot stand there reading his list of prepared adjectives and then expect the Government not to react in accordance with the natural consequences of what he has said. Look, I can tell the hon original questioner Dr Garcia that the Government have no intention of reversing the pay increases because the Government are entirely satisfied with the propriety of those increases and the way in which they have been introduced. It is not particularly attractive to hear the word political hypocrisy on the lips of the Hon Dr Garcia. Because let him not forget when he bandies about in this House the words political hypocrisy that he is sitting immediately to the left-hand side, indeed he owes his presence in this House to the fact that the party with whom he has now become inextricably aligned did not field a candidate in order to be able to allow him to be elected, which would not have otherwise occurred. Those facts occurred notwithstanding the fact that three short years ago he sat in front of this community and tore up their election manifesto as being, and I quote him "a load of rubbish". So look, the hon Member can, and we can all participate in the political cut and thrust of

things but I think of all the Opposition Members, the one that should be most careful about making allegations of political hypocrisy is him.

HON J J BOSSANO

If I can bring the Chief Minister back to the original question. Is in fact the answer that he gave to the original question an indication that when the level of salaries were raised as they were on the basis that Ministers were going to be full-time, it did not mean that they could not engage in private business activity.

HON CHIEF MINISTER

It was not the intention of the Government that in exchange for a pay rise, Ministers should divorce themselves or alienate their private family commercial interests which do not conflict with their duties and functions as Ministers. That has always been the case in Gibraltar. The hon Members happen to have no commercial interests, I am very sorry that that was so, but I am sure had they had them, they would not have alienated them just as no Government in Gibraltar since 1969 has done so.

HON J J BOSSANO

I accept that that is the case. But that is the case before the salaries were reviewed independent of any criteria that had applied to any previous Government and the reason that was given at the time, of all the things the Chief Minister said surely about the calibre of people, the attraction of people, the fact that being in Government or in politics was not a matter of vocation or I cannot remember the word, romantic notions but it was a job like any other job that had to be done and one had to pay the rate for the job. In all those things that he was saying, these were not the kind of things that governments previous to this one have applied, and it is true that (I can tell him if he cares to check that it was true) that when in the past the Government previous to ours, the AACR, looked at the possibility of substantial salary increases, they looked at it on the basis that it would be an option so that those who had no other income would work full time, as was the case with persons like Adolfo Canepa who gave up his teaching job to be in the House, and those who had an interest and wanted to retain, for very valid reasons in a small community, where you may be in the House either through choice or simply because the electorate do not put one back, you cannot expect somebody to say well for four years I am going to pack up my business and then hope that I can re-open it if I do not get re-elected or I decide that public life is not what I want to do. We ought to be able to discuss these things intelligently but I can certainly tell him that the impression that he created was that the level of salaries was such that it would not be necessary for people to become involved in anything else. Can he not confirm that in fact it is the case that persons who come from earning their living in the background that he was in, the legal profession, are expected not to continue to run a legal profession and be in Government, is that not the case, that is my understanding?

HON CHIEF MINISTER

Yes, but by application of rules of my profession not by application of rules of ethics or rules of the law of the land. The Bar Council, the Bar Rules, preclude anyone who is engaged with the Executive in Government, anybody holding ministerial office, from practising at the Bar. That is an industry rule it is not a political rule. I do not think I said anything that would have entitled the hon Member to form the view that I was giving the impression that the consequence of the pay rise would be exclusivity but I can tell the hon Member, because he continues to use the phrase full-time in different senses, every Minister in this Government is full-time. Indeed, every Minister in this Government works more hours than what would be regarded a full-time, full day's job in any other walk of life in this community. That is what I think the electorate is entitled

to expect for the salaries that we are now getting, although they were also getting it before with the salaries that we were getting before. In other words, full-time in the sense that one works a full working day plus. There is no Minister in the Government that does not satisfy those criteria. Whilst I am very happy, notwithstanding the lateness of the hour, to discuss this aspect with the hon Members, I would like just to remind them that the original question was not about Ministerial salaries but whether any of the Ministers of the Government conduct non-Government business during Ministerial travels. In other words, when we go away, do we do our own business. That was the question that was asked and I have to confess that I do occasionally pop into Boots to buy tights and things for my wife.

NO. 476 OF 1999

THE HON DR J J GARCIA

**CASEMATES PROJECT.**

Can Government say how many persons, companies or organisations have expressed an interest in the new commercial units at Casemates and for what purposes?

ANSWER

THE HON THE CHIEF MINISTER

The responses to the Government's invitation to register an interest in commercial premises at Casemates are presently being analysed and Government will make a statement in due course.

SUPPLEMENTARY TO QUESTION NO. 476 OF 1999

HON DR J GARCIA

Can the Chief Minister perhaps explain why they departed from the normal tender procedure in such cases in the sense that one needs to submit ones outline first and then participate in the formal tender?

HON CHIEF MINISTER

There has been no departure from the normal tender procedure. Indeed the normal tender procedure has not yet commenced. I think the advertisement made that perfectly clear that there would be a tender process in July, this was a registration of interest, an indication of interest, so that the Government could be clear about the sort of businesses that wanted to relocate there so that we could take that into consideration (a) when the fitting out of the premises were going to be done, make sure that for example enough of them were fitted out as restaurants given the demand that there was likely to be, and secondly, that we could form a view about a desirable business mix. The Government are not willing just to let those units to whoever can pay the highest rent because the Government have a concept of what it wants Casemates Square to be. An important part of that concept is to decide what sorts of businesses it wants to be located there. For those reasons the Government decided to get some sort of feedback prior to the tender process. I can tell the hon Member that I think from memory, there are well in excess of over 100 expressions of interest, businesses have registered an interest to bid for the units when the tender process begins.

HON J C PEREZ

Could the Chief Minister confirm whether separate to the units that the Government have said will become available, a unit has been made available in negotiation with the market in the Piazza and that that does not form part of the same scheme, that has already been agreed and allocated. If so, I presume that that is the trade licence that has appeared recently in connection with Casemates.

HON CHIEF MINISTER

No. Well I do not know what the trade licence that the hon Member is referring to. If one has appeared by the street market association, I will refer to what the other one might be in just a moment. The House may have seen the plans that the people were invited to come and collect of the units and the distribution at Casemates and one of the units is already shown as being reserved for the street market, which is something that we negotiated through the Minister for Trade and Industry many months ago, as the way of getting the street market out of the Piazza. So they are getting one of the units, I think it is one of the ones adjacent to the tunnel. All the other units are going out to tender. Now I have seen, and I do not know if this is the advertisement that the hon Member is referring to, I have seen a trade licence by one of the Sights Group of companies in respect of changing other activities beyond what they are presently doing in the site. They have got a lease of their existing, I think Sights have got a shop, the glass factory itself and upstairs I think they have got something, but those are subject to user clauses which restrict them I think to things related to glass factory type things, so I am not sure that they will be free to go into other businesses unless the Government were to agree to a change of user, to change the user clause. If there is another, I have not seen it.

HON J C PEREZ

What I wanted to clarify was that it was not one of the units which are still to be put out to tender. It mentions here 1Y and Z Casemates Square. Whether it is those premises or not I would not know.

HON CHIEF MINISTER

I did see that one, the hon Member is right. I did see that and I had intended to follow that up and then it escaped my mind. I think 1X and 1Y Casemates is something completely different, it is something that already exists, I am not sure if it is the kiosks or something else which has always existed in Casemates but he is right, I did see that and I had intended to enquire what that related to. It is not one of the barrack blocks that we are now refurbishing nor any part of the current ground floor of the Health Centre, which are the only two that are in question as far as we are concerned.

HON DR J J GARCIA

Two other points. One complaint that has been raised is the fact that on these documents which one is supposed to collect and which gives the areas of the various units and all that, there is no indication as to prices, whether Government intend to rent or whether it will be some form of lease, whether they will need to buy out the area. Can the Chief Minister shed some light on that matter?

HON CHIEF MINISTER

Well Mr Speaker, it seems everyone goes to complain to the hon Member and nobody comes to complain to the party to which they should come to complain which is the Government. No one has suggested that the time is right for that. Obviously when the tender goes out, the Government will specify the level of rents that it is looking for and indeed perhaps whether it is seeking a premium but to have done so at this stage I think would have been difficult. First of all the Government have not yet formed a view on those issues and secondly, precisely one of the reasons why the Government wanted an indication of the sorts of businesses that were interested in setting up in Casemates was precisely to gauge the sorts of businesses and their ability and likelihood that they would be able to sustain a particular level of rent or premiums. So it certainly would not have been practical notwithstanding complaints,

for Government to have made that information public at this stage, it is not available to be made at any case.

HON DR J J GARCIA

The second point Mr Speaker is perhaps more an area of concern than a complaint as such. That is whether the businesses that will set up there will actually compete directly with those already established in Main Street or whether Government intend to limit the type of business that can be set up within these areas.

HON CHIEF MINISTER

Well Government intend to limit the type so that the product at Casemates Square is the product that Government wants Casemates Square to be. Government does not consider that this is its role to prevent the opening of new businesses so that there is no competition with existing businesses, that would be a matter for example for the Trade Licensing Authority as part of the licensing process. Certainly, we would like to see novel innovative businesses, we would like to see Casemates adding a new dimension to what is already available on Main Street, so certainly we would prefer businesses that represent something new to Gibraltar's retail experience. But having said that, we have not contemplated imposing an absolute bar on any applicant that competes with anybody else which is already established on Main Street.

NO. 477 OF 1999THE HON J L BALDACHINO**ETB - GDC**

Can Government give the number, grade and rate of pay of the employees of the Gibraltar Development Corporation that work at the ETB?

ANSWERTHE HON THE CHIEF MINISTER

Would the hon Member wish me to read it all out or would he be content for me just to hand it over. It is a list of grades and amounts. Basically just so there is something that I can say for the record, for Hansard at least, it goes from grade 1 to 5 and then in terms of services manager and general manager. Those scales go from £7,606 to £28,000.

The number, grade and rate of pay of the employees of the Gibraltar Development Corporation that work at the Employment Service is as follows:-

No.	GRADE	RATE OF PAY P.A.	(SCALE/FIXED POINT)
7	Grade 1	1 @ £7606 1 @ £8081 1 @ £9508 4 @ £10,458	Min £7606-£10458 Max
3	Grade 2	£12,798	Min £9487-£12,798 Max
1	Grade 3	£15,176	Min £11,410-£15,176 Max
3	Grade 4	£19,017	Min £14,738-£19,017 Max
1	Grade 5	£22,537 (fixed point)	Min £22,537-£24,378 Max
1	Int. Serv. Manager	£24,000	3 year contract (fixed salary)
1	General Manager	£28,000	(Fixed Salary)
<u>17</u>			

SUPPLEMENTARY TO QUESTION NO. 477 OF 1999

HON J L BALDACHINO

The Inter Service Manager, what is it that he does, the accounts?

HON CHIEF MINISTER

I think Int. stands for internal services manager and I think that he is in charge, perhaps the Minister is better placed to, I think he deals (subject to being corrected by him) I think he manages the services that the Employment Service makes available to users to people seeking jobs as opposed to the general manager who manages internally the office. I suppose that they are almost called the opposite of what they each should be.

HON J L BALDACHINO

He is the only one that actually has a contract which runs for 3 years, all the others are permanent, are they, or indefinite?

HON J J NETTO

It is only to do with the internal services manager in that the three year contract is to be reviewed after the three year period but not in relation to the general manager.

HON J L BALDACHINO

All the others are indefinite?

HON J J NETTO

That is correct.

HON J J BOSSANO

The salary shows a minimum and a maximum, are there intermediate points? Is there a scale with intermediate points or there are just two points in the salary.

HON J J NETTO

There are indeed many different notches between the minimum and the maximum yes.



NO. 478 OF 1999

THE HON J J GABAY

**THE MOUNT.**

Will the Government state whether its plans for the future role of the Mount are still in suspense?

ANSWER

THE HON THE CHIEF MINISTER

As I am sure the hon Member is aware, subsequent to the giving of notice of this question the Government's plans for the future role of the Mount have been announced earlier this week.

SUPPLEMENTARY TO QUESTION NO. 478 OF 1999

HON J J GABAY

The long period of suspense came to an end of course in a rather quick Government press release a couple of days ago that of course pre-empted the reason for this question. So, will the Chief Minister explain why it has taken so long to decide the obvious, that is, the opening of the Mount to the general public.

HON CHIEF MINISTER

First of all, as to the suspense, good news is always worth waiting for and what I can tell the hon Member about the reasons why it has taken so long, what I can tell him is what the reason is not. The reason is not the one quoted in the newspaper of his political party that there has been a terribly long delay whilst the Chief Minister was persuaded not to make it the Chief Minister's residence. Let me say that the Chief Minister has been encouraged by many people to convert the Mount into the Chief Minister's residence and the Chief Minister has never seriously or at all contemplated that possibility from the outset. So, I can tell the hon Member that the reason is not the one that he and his Colleagues in his party would like the electorate to believe. I happen to believe that there ought to be an official residence for the Chief Minister of Gibraltar. I would not choose it myself but perhaps one of my final acts before I judge that I am about to be sacked by the electorate might well be to allocate one for my successor. I think that the Chief Minister of Gibraltar should play a role, in terms of entertainment, in terms of an official residence, like all Heads of Government have in all countries in Europe and that he should have an official residence. As to the positive reasons for the delay, which I suppose is the purpose of the hon Member's supplementary although I am grateful to him for the opportunity to get that off my chest, as to the real reasons for the delay, well it has been a genuine quandary. Obviously it was always very easy to know what to do with the tennis courts, it was always obvious from the outset what was going to be done with the gardens, it was always obvious to us what we were going to do with the reception rooms, they were always going to be for Government entertainment, but it has been a real issue in the Government of what we should do with the others. At different times we have given long and serious consideration to transferring some suitable Government department up there, consideration has been given to transferring the archives up there so that they can be exposed in a more research or visitor friendly

way, and indeed consideration has been given to the purpose that was ultimate when selected, which is the one that has been announced. I am sorry if the hon Member feels that the decision has taken too long for his liking but I hope that now that the decision has been made, notwithstanding the length of time that it has taken, he will approve of it.

HON J J GABAY

I can well understand that he has got the matter off his chest. I am not so sure he may have got it out of his mind. The reason for this is that given his royal aspirations to which I referred in the context of the fishing crisis, would it not have been a reasonable conclusion to come to that he might have wished to convert the Mount to his own personal Versailles palace.

HON CHIEF MINISTER

I can certainly concede it would make a jolly nice Versailles palace for the Chief Minister. As to my royal aspirations, I have found that being the head of an elected Government is a much more fulfilling job and responsibility than any aspirations that I might have to be royalty. But certainly since he detects royal ambitions in me only in relation to the fishing situation, which is a curious sort of compartmentalisation of one's aspirations, let me say that having gone through the negotiations to settle the fishing dispute, I can assure him that it does not take anybody as important and as talented and as influential as a king to come to a perfectly sensible understanding with a few local fishermen.

HON J J GABAY

We shall come to the question of fishing later on. May I ask the Chief Minister, since the Mount is an MOD freehold, whether the MOD actually put any constraints on the actual use of the Mount.

HON CHIEF MINISTER

The MOD had aspirations of which we quickly disallowed them to actually sell the Mount on the basis that it was one of the old so-called freeholds. In the event the Government of Gibraltar made it clear that this would be unacceptable, indeed I think we maintained the same policy decision that the hon Members had adopted in their time in Government. In the event we were able to persuade the MOD to transfer the Mount to the Government of Gibraltar free of payment and of course no payment was made. The only condition that has been placed is that if the Government disposes of any part of the Mount on commercial terms, for commercial development by somebody other than the Government for a public purpose, then the MOD would be entitled to a share on a decreasing scale (decreasing as against time) of the proceeds of that commercial consideration. That is contained in the public deeds referring to the transfer of the Mount.

HON J J GABAY

My final supplementary on this subject is, since I was asked, in some way to congratulate the Chief Minister in opening, well, I assume the Chief Minister took an important role in this. I do congratulate the Government, I feel grateful of course that he has resisted the temptation as advertised in the press, and that he has actually opened the feudal domains. Be that as it may, we are glad to see that the feudal domains have been opened unreservedly to the community.

HON J J BOSSANO

When the MOD originally offered to transfer part of that estate to the Government in 1984 as a result of the Dockyard closure package negotiated by the then Government, there were no constraints put on the use that they could make of it. Was that something in the records that the Government had or that the discussions of the MOD was something they had been aware of.

HON CHIEF MINISTER

I was not aware that there had been an offer back in the 1980s to transfer the Mount. What I can tell the hon Member is that if he was the victim of an increasingly commercially minded MOD in terms of the new regime in England and getting value for money and that sort of thing, the situation has got worse because the Treasury has continued increasingly to put the screws on the Ministry of Defence. The guidelines now for the MOD to extract value from their commercial assets and real estate assets is now very great and the task of resisting the MOD in implementation of that policy in Gibraltar has grown even more difficult than it was in his time on this side of the House but we are determined to hold the position notwithstanding. So I did not know that there was that but times have become even more harder.

HON J J BOSSANO

I think the record of the House will show that an announcement was made in the House in 1984 of the release of land that had gone along with the Queensway Quay and the closure of the Naval Dockyard, the package negotiated at the time included a big chunk of land from the gardens in the Mount which were made available to the Government of Gibraltar for development without conditions, but it never materialised. Can I ask the Government whether in fact the argument that was being used at one time at ministerial level in the United Kingdom that there was some constitutional impediment because of the freehold value, in that they could not dispose of an asset which was freehold without the matter going through Parliamentary appropriation in the United Kingdom, was that still being used? Because if that was being used not just in relation to this particular property but to the other MOD freeholds which presumably have not been resolved.

HON CHIEF MINISTER

Indeed they still have not been resolved. No such argument has been used on this occasion although we were aware that it had been used in the past. From time to time when we discussed the gifting of properties they talk about the very complicated procedures that that requires and of course we were able to point out to them that we are aware what the procedure is and all that is required is for a Treasury minute to be laid in Parliament, which nobody bothers to read, and as happened when the Government of Gibraltar were gifted for example the whole of the North Mole area, the hon Member was in the House at the time. That was a gift without any payment whatsoever and the procedure followed was the tabling, the laying on the table in the Commons of a Treasury minute saying that Government have given away this asset without payment and then somebody comes and puts their cup of coffee on it and nobody ever reads it again. So, we know what the procedures are, they know that we know what the procedures are so there would be little point in them pretending that there was some very complicated matter. The reality of it is that it is Treasury guideline-driven. This is literally pounds shillings and pence and the desire of the Ministry of Defence, egged on by the Treasury, to extract a pound of flesh or to extract monetary value for assets that it surrenders and the hon Member will be happy to know that we continue to maintain the policy position that has prevailed in Gibraltar on that issue I suspect now for quite a long time.

ORAL

NO. 479 OF 1999

THE HON J J GABAY

**SIR WILLIAM JACKSON - MEMORIAL.**

Will Government consider erecting a statue or a bust of General Sir William Jackson as part of the intended renovation of John Mackintosh Square or at some other suitable site?

ANSWER

THE HON THE CHIEF MINISTER

Government are indeed considering a permanent memorial to Sir William Jackson.

SUPPLEMENTARY TO QUESTION NO. 479 OF 1999

HON J J GABAY

We are very pleased to hear that.

NO. 480 OF 1999

THE HON J J GABAY

**MARITIME RADAR.**

Will Government state whether the Maritime Radar set up by MOD is simply for defence purposes or is it to assist the Government to keep track on incursions by Spanish fishing boats?

ANSWER

THE HON THE CHIEF MINISTER

I cannot believe that the hon gentleman is reading this question directly out of a newspaper that he has in his hand. This radar, and the answer pre-supposes that he is referring to the radar by what was commonly known as the NATO distillers, this was set up by the Ministry of Defence in order to give it the ability to monitor Gibraltar Territorial Waters on the East Side of the Rock. It is funded from defence funds and is used for military purposes and purposes which are supported by the military.

SUPPLEMENTARY TO QUESTION NO. 480 OF 1999

HON J J GABAY

Since the installation came in the wake of the fishing crisis, is it not reasonable to assume that it was in some way related to the fishing problems?

HON CHIEF MINISTER

The hon Gentleman is free to assume what he pleases. I am afraid I am not in a position to help him assess the accuracy of his assumptions.

HON J J GABAY

Apart from the assumptions, if that is the case, and it could be the case, will the Chief Minister not agree that its futile role will be to monitor intruders that in any case have a right to intrude according to his notorious agreement with the rabble of fishermen.

HON CHIEF MINISTER

Well I have to repeat, since the hon Member thinks that there is political mileage in calling the Spanish fishermen rabble, I have to tell him that with equal confidence repeat my view that I do not consider the fishermen or anybody else to constitute rabble. But having said that, I have to genuinely (and I hope that he accepts it from me) that I have no idea when that radar was established, what that radar was established for, whether it is futile or useful and certainly I am very happy to sit here listening to him and make the assertions that he obviously wishes to make but I really cannot add anything more to the answers that I have given him.

HON J J GABAY

May I ask a supplementary on the use of the word "rabble" which he objects to now and which in fact he identified as strange in the mouth of somebody with socialist credentials.

HON CHIEF MINISTER

I said the opposite. What I have just said is that although he has repeated the adjective "rabble" by reference to the fishermen, what I have just said, I have just said the opposite of what he thinks I have said. What I have just said is that I do not consider the fishermen or anybody else to be rabble.

HON J J GABAY

This is precisely what I am questioning, if I may very briefly. I am really surprised to hear this in the sense that when I used the term previously and have used it again, on the previous occasion he felt that it was strange coming from the mouth of somebody with socialist credentials. So I would like to make one simple point, that is that Massa and his happy band were indeed a rabble, if he cares to ponder on the meaning of the word, it means a disorderly crowd and that is precisely what they were. Those were my words in contrast to the Chief Minister's who described them as gentlemen. But let me just simply add one little point here which is of interest. The meaning of the word has a contaminated pejorative connotation which reflects the class structure in England. It associates in fact disorderly crowds only with the lower elements of the populace. By using the contaminated version of that word all he was doing was really illustrating his own class prejudices. Is that not so?

MR SPEAKER

And briefness means short.

NO. 481 OF 1999

THE HON J J GABAY

TERRITORIAL WATERS.

Will Government state what fishing took place by Spanish boats in Gibraltar's waters during the period of prohibition called "paro biologico" (1 March to 30 April 1999)?

ANSWER

THE HON THE CHIEF MINISTER

The Government cannot know of all the occasions on which Spanish fishing boats fish in Gibraltar waters. However, we have details of recorded incursions by Spanish fishing boats into Gibraltar waters. There is no such thing as a "paro biologico" in Gibraltar waters, in other words the laws of Gibraltar do not impose any prohibition based on biological grounds at least. But during the prohibition period known in Spain as the "paro biologico" affecting Spanish territorial waters and fishing boats that are able to be affected by the attitudes of the Spanish law enforcement agencies in relation thereto, there were 31 such instances. Although none by the large vessels which normally fish in Gibraltar waters.

SUPPLEMENTARY TO QUESTION NO. 481 OF 1999

HON J J GABAY

Since the 'paro biologico' in fact was intended as a conservation measure in respect of fish stocks it seemed a rather sensible step to take. Why did the Chief Minister so quickly and so much to the point in a press release make it clear that this does not apply to Gibraltar. Was he in fact concerned about the reaction of the fishermen with whom he had come to a previous agreement?

HON CHIEF MINISTER

No. The Chief Minister has always been driven by the best interests for Gibraltar as he sees them. The Government were motivated by the desire to make it perfectly clear for the public record that the Spanish government should not think that they were at liberty to declare a 'paro biologico' or anything else in respect of Gibraltar waters and that if the Spanish fishermen decided not to come and fish in Gibraltar waters, it is not because there was any 'paro biologico' applicable there but only because they were subject to the writ of their Authorities which they dare not challenge. That was the reason why the Chief Minister put out the statement that he did.

HON J J GABAY

Following upon that, was the Chief Minister not at least partly surprised at the fact that they were stopped by their own government from fishing for two months, although certain financial allowances were made for them, was he not surprised at the meekness of their protest by comparison to the brutality of their protest in Gibraltar. May it not be the case that they felt that we would bend to violence in a way the Spanish government would not?

MR SPEAKER

Next question.

NO. 482 OF 1999THE HON J J GABAY**TERRITORIAL WATERS AND INCURSIONS.**

Will Government list the number of occasions, giving dates and numbers of vessels, on which there have been incursions by Spanish fishing boats into Gibraltar waters during the months of February, March and April 1999?

ANSWERTHE HON THE CHIEF MINISTER

As already explained in answer to Question No. 214 of 1999, the Government cannot know all the occasions on which Spanish fishing boats incur into Gibraltar waters. There are details from the Royal Gibraltar Police of recorded incursions by Spanish fishing boats. The figures up to 17 February were provided in answer to Question No. 214 of 1999. I will now hand the hon Member a list giving the same details in respect of the remainder of the period covered by his question.

<b>Date</b>	<b>Number of Vessels</b>
18.02.99	1
19.02.99	3
20.02.99	2
21.02.99	5
22.02.99	9
23.02.99	7
24.02.99	1
25.02.99	1
26.02.99	1
01.03.99	1
02.03.99	1
04.03.99	2
08.03.99	3
09.03.99	2
10.03.99	2
11.03.99	1
16.03.99	1
17.03.99	2
19.03.99	1
20.03.99	1
22.03.99	1
27.03.99	1
31.03.99	2
01.04.99	1
06.04.99	1
07.04.99	1
08.04.99	1
11.04.99	1
12.04.99	1
13.04.99	1
14.04.99	3
<b>TOTAL</b>	<b>61</b>



SUPPLEMENTARY TO QUESTION NO. 482 OF 1999

HON J J GABAY

Has there been during this period any instance of the Spanish fishing boats fishing illegally in our waters being stopped by the Royal Gibraltar Police, in fact for operating in our waters.

HON CHIEF MINISTER

When there has been a breach of the fishing agreement on which the hon Member thinks so poorly, the Police have intervened to enforce.

HON J J GABAY

I think the Chief Minister should be aware that I was referring to that law that he has described as wretched which is still a valid law in Gibraltar and not to his personal agreement.

HON J J BOSSANO

The implications of that answer is that the Police are now only enforcing the terms of the agreement and that they are not, as was announced at the time, periodically asserting their authority even within the limits that the agreement says people can fish.

HON CHIEF MINISTER

Those two statements are not mutually exclusive. Policing in accordance with the terms of agreement includes enforcing the law even in circumstances where the agreement permits. Now whether the Police have actually done that or not on any occasion I cannot tell him. But the agreement is not that one can fish here and provided one fishes only here or in certain numbers one will never have the law enforced against one. The agreement is in fact the contrary of that.

HON J J BOSSANO

Well can the Chief Minister then obtain the information on that because Opposition Members feel that we ought to have the same opportunity to monitoring now as we were getting before the agreement was done. Particularly when we were being told that this was a restoration of the position that existed between 1991 and 1997, presumably we are entitled to try and satisfy ourselves that that is what is taking place.

HON CHIEF MINISTER

If the hon Member had asked that question, had given notice of that question, I would have had the information available to him. He is as free to seek information from the RGP as I am, whether or not they would feel free to give him all the information that they are willing to give me is a different question. But certainly if he gives me notice of that question I will have no hesitation in obtaining the information and giving it to him in an answer.

HON J J BOSSANO

I will put notice or if indeed the Police are prepared to co-operate in providing the information for us then we will not need to bring it here.

NO. 483 OF 1999

THE HON J J GABAY

**OVERSEAS TERRITORIES REPORT.**

What is the Government's position on the environmental aspect of the Overseas Territories Report on the issue of fish stocks and the need for regional consensus on such matters?

ANSWER

THE HON THE CHIEF MINISTER

In countries which have a fishing industry the issue of fish stocks raises economic as well as environmental questions. Gibraltar has no fishing industry and therefore only environmental questions arise. The Government attaches importance to the issue of fish stocks on environmental grounds.

SUPPLEMENTARY TO QUESTION NO. 483 OF 1999

HON J J GABAY

Is it not strange that the Chief Minister should make this statement when by casting aside the Nature Protection Ordinance it has underlined in fact all the good work done by the Gibraltar Ornithological and Natural History Society, who actually made it very clear and public that they were signatories under the Nature Protection Ordinance for all sorts of International Conventions and Directives and so on. So how can we say that we are concerned with the protection of the natural environment and at the same time the reality is so different.

HON CHIEF MINISTER

I have never heard it said that concern for the natural environment requires permitting no fishing at all. Conservation of fishing stocks is not normally a matter of total prohibition, it is normally a matter of control of volumes of fishing so that the depletion is not excessive. Therefore I do not share the hon Member's views since we are discussing this on an environmental basis and not on the legalistic basis, upon which we would be in agreement but on environmental basis I do not share the hon Member's view that environmental concern equates with allowing no fishing at all. Otherwise he would be saying that all countries that allow fishing in any degree do not share a concern in respect of the environment. The Government are satisfied that the amount of fishing that goes on in Gibraltar's waters is not causing any more damage to Gibraltar's environmental interests, Gibraltar's environmental interests than might be caused by the element of degree of fishing that is permitted in any other country which has a respect and values heritage considerations. Having said that, whilst the hon Member may wish to disagree with me on the nature from a legalistic point of view of the agreement to which I entered, and of course we will just have to agree to disagree about that, the hon Member should not delude himself from thinking that such depletion or that such environmental vandalism as takes place in his terms, by fishing in our waters, did not commence on 4 February when I signed the fishing agreement. Therefore, to the extent that he regards any amount of fishing to be in breach with what he regards to be the interests of the environment, they were occurring before 4th February it was occurring on 4th February 1999 back to the 16th May 1996 and indeed was occurring before 16th May 1996 right back to 1991 when

the Nature Conservation Ordinance was taking place. The question of whether there is more or less fishing taking place at any given time from 1991 to today's date is another issue which we cannot debate scientifically but fishing has taken place and to the extent that fishing is what worries him, it does not result from the fishing agreement. It results from the violation of the Nature Protection Ordinance which has taken place since the day it was first enacted in this House in 1991.

HON J J GABAY

Would the Chief Minister not agree that the violation as he puts it, has adversely affected most of the conservation measures of the marine reserve in Gibraltar. And I come back to the same point that it has also undermined the signatures attached by GONHS to quite a number of Conventions and so on. So whether we isolated this or the broader pattern of the conservation of the marine environment I think that much of the good work done has been undermined by this particular arrangement entered into by the Chief Minister for reasons totally unassociated of course with the environment, but for political reasons which we have already questioned of course quite fully in the past.

HON CHIEF MINISTER

I have to say to the hon Member sincerely that I do not think it has undermined any good work as he calls it, but I equally hasten to say that even if it had done, even though the Government do attach importance to environmental considerations, everything in life has a priority. The importance of certain issues to the environment have to be put in the case of Gibraltar in the balance with other interests of Gibraltar which may conflict and to which the Government may attach more importance. I do not know whether the hon gentleman has Dr Cortes's environmental work at the very top of his list of issues of importance to Gibraltar whilst I attach importance to Dr Cortes's environmental work, I can tell him that for sure it is not at the very top of my list of priorities of matters of interest to Gibraltar. Therefore if the need came to sacrifice that interest in favour of something which was higher up on my list of priorities for Gibraltar, I would not hesitate to do so.

HON J J GABAY

We are well aware of the reasons for his actions with which we totally disagree, in evaluating the pros and the cons, and again I have no intention of going into that subject again but we still maintain our contention that the step taken by entering the agreement was unconstitutional and so a total disregard for the law. The proper thing would have been to come to this House and repeal the law but not to make a fuss of a law which is supposed to be operative and which has been passed through this House, whatever the priority.

HON CHIEF MINISTER

Is the hon Member recommending that we repeal the law?

HON J J GABAY

No, far from it. That is entirely his prerogative, because the Government are setting a precedent which in our opinion is unconstitutional and is against the principle of the supremacy of the law. I am not the only one to feel that way I can assure the Chief Minister.

HON CHIEF MINISTER

In a country which has rule of law and independent courts, the usual thing to do when a citizen thinks that governments have done things which are unconstitutional, which governments sometimes do unwittingly, is to challenge the government's actions in court. But the hon Member will forgive me if I do not bow to his inferior, to mine at least given that he is not a lawyer by profession, view of what is constitutional and what is not. He does not expect me to share his view that it is unconstitutional simply because he asserts it. That is why we have courts of law. I am assured that what the Government have done is not unconstitutional. I personally do not believe that it is unconstitutional. If the hon Member thinks that it is unconstitutional and is so upset and worried about this, he ought to challenge this in court, this is what our courts are for.

HON J J GABAY

I seriously think that we should consider this and I will give it some thought. I am indeed not a lawyer but en passant I would say that even though I am not I do not confuse two terms which he constantly confuses as being synonymous, legalistic and legal.

NO. 484 OF 1999

THE HON J J GABAY

REGIONAL UNIVERSITY.

Will the Chief Minister state whether anything of practical interest to Gibraltar transpired in his meeting in Cadiz with Dr Brademas, President Emeritus of New York University?

ANSWER

THE HON THE CHIEF MINISTER

During a lunch to which I was invited I met Dr Brademas at La Almoraima, in the Province of Cadiz. During the lunch the issue of a regional university involving Spain, Morocco and Gibraltar was mooted. The opportunity to meet several mayors from the Campo was also of practical interest.

SUPPLEMENTARY TO QUESTION NO. 484 OF 1999

HON J J GABAY

Since the creation of the university in Gibraltar played such an important electoral role in the last manifesto did he take the opportunity of discussing the possibility of a university in Gibraltar.

HON CHIEF MINISTER

No. I thought it impolite, given that I was the guest of the people from Cadiz, to sit at their dinner table trying to persuade this chap to bring his project to Gibraltar. But I will give him his name and address and if the hon Member wishes to write to him and ask him if the University of New York wishes to establish a branch in Gibraltar, he is free to do so.

HON J J GABAY

Would it not be more appropriate for the Chief Minister, I repeat since he had actually included it in the electoral manifesto?

HON CHIEF MINISTER

If I had thought it appropriate to do it I would have done it.

HON J J BOSSANO

Is it that Dr Brademas was looking at the possibility of opening a branch of the New York University in La Almoraima, is that what was happening?

HON CHIEF MINISTER

Dr Brademas was a guest of the Diputacion de Cadiz generally to the Cadiz area and as part of that general visit one of the functions was a lunch that the local mayors from the Mancomunidad to which I was invited. During that lunch the issue of would it not be nice, would it not be good to have a university of Afro-European whatever or the Arab/European connection, would it not be a good idea, to which I concurred. It would be a jolly good idea and that was more or less the extent of the discussion on the matter.

ORAL

NO. 485 OF 1999

THE HON A J ISOLA

**IMPORTS.**

What was the value of goods imported by sea and land, other than petroleum products, in 1998?

ANSWER

THE HON THE CHIEF MINISTER

By land £193.8 million, by sea £33 million.

NO. 486 OF 1999

THE HON A J ISOLA

**RATES - 20% REBATE.**

Can Government state what was the total amount of rates paid in the quarters ending 30 September 1998, 31 December 1998 and 31 March 1999 in respect of commercial premises where the 20 per cent rebate was obtained by those paying the rates demanded within 3 months of the due date?

ANSWER

THE HON THE CHIEF MINISTER

The total estimated rates paid in respect of commercial premises which benefited from the 20 per cent discount for the period requested was as follows:

Quarter ended 30 September 1998	£1,152,234
Quarter ended 31 December 1998	£1,148,365
Quarter ended 31 March 1999	£1,202,849

NO. 487 OF 1999

THE HON A J ISOLA

**CASEMATES PROJECT.**

Are Government proposing to limit the type of activity to be carried out in the new units at Casemates Square and if so what types of activity are intended?

ANSWER

THE HON THE CHIEF MINISTER

I think we have more or less covered this issue, I do not know if the hon Gentleman wants to labour it. It is our intention to limit the type of activity that are carried out at Casemates. We have not yet decided how to limit it but we would like Casemates to be a particular type of commercial area and not just be a straightforward extension of Main Street.

SUPPLEMENTARY TO QUESTION NO. 487 OF 1999

HON A J ISOLA

Are the Government intending, when the properties go out to tender, to limit a type of activity per unit which will give them the global mix that they are looking for?

HON CHIEF MINISTER

Yes, the Government will indicate in the tender process what the activities are for and what it would like established in which particular unit.



NO. 488 OF 1999

THE HON A J ISOLA

**BANKING PASSPORTING.**

On what date did the UK Government inform the Gibraltar Government that it was possible to apply Community legislation on Banking Passporting by UK secondary legislation under the powers of the 1972 European Communities Act?

ANSWER

THE HON THE CHIEF MINISTER

The UK Government informed the Gibraltar Government that it was possible to extend banking passporting rights to Gibraltar by amending UK secondary legislation on 11 March 1996. At the time, the UK Government said they had a number of conditions regarding supervisory systems and procedures which needed to be put in place to match UK standards.

SUPPLEMENTARY TO QUESTION NO. 488 OF 1999

HON J J BOSSANO

March 1996?

HON CHIEF MINISTER

Yes.

HON J J BOSSANO

They came in on 16 May 1996 after the elections, how did he manage to get told that when he was in Opposition?

HON CHIEF MINISTER

It is evident that it was not we who got the information but he.

HON J J BOSSANO

Can I draw the Chief Minister's attention to the reply that I gave him to Question No. 48 of 1995. When I informed him that the position of the UK Government then, and it had not changed by May 1996, was that the vires to do so did not exist. To refresh his memory of the reply I gave him to Question No. 48 of 1995 if I can just quote the relevant paragraph, I said at the time that the United Kingdom Government told Lord Bethell and myself that because there was no vires, that is to say no power, under section 22 of the 1972 Act to extend Community rights to Gibraltar institutions in the UK because the right was only given to other Member States and Gibraltar was not a Member State, Gibraltar had been left out of the second banking co-ordination regulations which came into effect in December 1992, and that we had sought independent legal advice and given our advice to the United Kingdom Government but the United Kingdom Government position was not changed. So can the Chief Minister say on what basis he has come to the conclusion that the Government of Gibraltar prior to May 1996 had been so informed.

HON CHIEF MINISTER

Yes. On the basis of a letter, a copy of which I had with me but I have mislaid and which I will certainly provide to him for his interest. A letter dated March 1996 which arrived, he may by then have been distracted with other matters and may not have focused on it, and I did have it attached, I do not know if somebody else has copied these and has left it, it was attached in the last file of this that I saw, a copy of that letter was attached to supplementaries but it seems to have disappeared. So I will get a copy of that letter to the hon Member.

HON J J BOSSANO

Is the Chief Minister aware that in March 1999 Ms Quinn in answer to a Parliamentary Question said the opposite.

HON CHIEF MINISTER

No I am not aware. Let us be clear what we are talking about here. We are talking about extending the Banking Passporting regime to the UK, in other words, Gibraltar licensed companies can do business in the UK. If that is what we agree we are talking about the same thing. It is not the position of the United Kingdom Government that cannot be done by secondary legislation, indeed it is the position of the UK Government that it can and will be done by secondary legislation and the question is simply when that legislation is going to be put in place. I do not recall seeing any Parliamentary answer by Ms Quinn to the contrary and I would be very surprised if she had made one. If she had made one I believe she is mistaken and it is not what her officials are saying to us and indeed Treasury officials are saying to us. So perhaps we will exchange a copy of my letter of March 1996 for a copy of the Hansard to which he is referring.

HON J J BOSSANO

In fact I think it was towards the end of March and it was in a question where the answer that was given by Ms Quinn was that certain things needed to be done and that the Banking Act needed amending.

HON CHIEF MINISTER

Indeed. But amendment which can be done by regulation. The hon Member knows that those procedures exist in the United Kingdom. So even if she did say that, and I take the hon Member at his word because I am not conceding that that is what was said, because he is speaking from memory and he does not have the text in front of him, but if that is indeed what she said it does not necessarily mean that it cannot be achieved by secondary legislation.

HON J J BOSSANO

I see. So what the Chief Minister is saying is that the United Kingdom Government can change the Banking Act even though the passporting is not in the Banking Act but in fact the passporting was done by regulation and that the powers of the European Communities Act and not under the powers of the Banking Act.

HON CHIEF MINISTER

Yes. On the generality of the points that he makes indeed the United Kingdom can and often does amend principal primary legislation by subsidiary legislation but if Ms Quinn said what the hon Member says, I think she or whoever drafted the answer for

her unless she said it in a supplementary, is mistaken. Especially if she said that it was in the Banking Act and the hon Member is just saying that it was not in the Banking Act it is in regulations.

HON J J BOSSANO

No. What I am saying is that in 1992 when we were promised that Gibraltar was going to be included, as I explained to him in 1995, the provision to give recognition to credit institutions licensed in other Member States was done under the powers of section 22 of the 1972 European Communities Act. And that the United Kingdom Government at the very last minute in December 1992 claimed to have had top legal advice, which I explained to him in Question No. 48 of 1995, which said that it was impossible for Gibraltar credit institutions to be so treated because the enabling provisions of the 1972 Act limited the power of Ministers to make regulations to their obligation in respect of reciprocal rights with other Member States. Because we were not another Member State this raised an issue which was not unique to banking but the reciprocity of treating each other as if we were separate Member States required independent separate legislation to give effect. To my knowledge, that was the position of the United Kingdom until very recently. Now if the Chief Minister is saying that the position of the United Kingdom changed in March 1996, can he tell me when he discovered that it had changed in March 1996.

HON CHIEF MINISTER

This has not been an issue for the Government. I cannot tell him when that information became an issue, we have only focused on when in preparation for the answer to this question. He may be interested in when these things happened, it is only until recently that we have managed to persuade the UK that we have complied with all the other hurdles for banking passporting. So frankly whether it could be done by primary or subsidiary legislation has not been an issue in our minds. The Treasury has always said to us that it is to be done by subsidiary legislation. The UK Government have never told this Government that it needed primary legislation.

HON J J BOSSANO

Well I am very surprised to hear that because I think that if the Chief Minister cares to check back on the answers that have been given in this House last year, I will find the precise question and provide it to him, I was told by the Minister for Trade and Industry last year that they had recently been successful in persuading the United Kingdom that it could be done by secondary legislation. So how does he explain that when I was told that in 1998.

HON CHIEF MINISTER

On the basis that what the hon Member is saying is correct, what is the point, what is the importance of this?

HON J J BOSSANO

The point is that I always act on the assumption that the Chief Minister is telling me the truth when he gives me an answer and if he tells me it has never been an issue then it could not be true when I was told six months ago that they had only recently persuaded the United Kingdom that subsidiary legislation was possible. Now he tells me that it has never been necessary because it has never been an issue. Well both answers cannot be true one of them must be wrong. That is the point. I believe that it is a legitimate question to ask if one gets an answer today which is in fact contradiction to an answer to the same issue put six months ago.

HON P C MONTEGRIFFO

My understanding, I hope that my contribution to this point is comprehensive though I may have been out of the Chamber for a little, is that the UK did revisit the issue of whether primary or secondary legislation was required to give effect to banking passporting even though they might have come to the view some time ago that secondary was possible. We certainly were involved in the process as recently as seven or eight or nine months ago to put the matter back on track. That I think would explain the answer given to the hon Member by myself when we had to confirm that indeed the UK had been prevailed upon to confirm the position it had agreed to take that secondary legislation was a perfectly adequate way of giving effect to passporting rights in the UK.

HON J J BOSSANO

I look forward to getting a copy of the letter dated March 1996 but I would have thought if the Chief Minister had in his possession since May 1996 that letter certainly I would not have had to wait until 1998 to prevail upon the UK. My understanding of the position was that they were having the same difficulty in convincing the British Government in 1997 as we were having in 1993.

ORAL

NO. 489 OF 1999

THE HON J C PEREZ

**ELECTRICITY ARREARS.**

Can Government state how much electricity arrears has been collected in the period 31 March 1998 to 31 August 1998 and from 1 September 1998 to 31 March 1999?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 490 to 492 of 1999.

ORAL

NO. 490 OF 1999

THE HON J C PEREZ

**ELECTRICITY CHARGES.**

Can Government state what was the level of electricity charges arrears at 31 March 1999?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 489 and 491 to 492 of 1999.

ORAL

NO. 491 OF 1999

THE HON J C PEREZ

**ELECTRICITY CHARGES.**

Of the total amount collected in electricity charges in the financial year 1996/1997, how much was collected by Lyonnaise des Eaux and how much was collected by Land Property Services?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos. 489, 490 and 492 of 1999.

NO. 492 OF 1999THE HON J C PEREZ**LAND PROPERTY SERVICES - COLLECTION OF ARREARS.**

Can Government confirm that the contract for the collection of arrears with Land Property Services has been terminated, and if so, on what date?

ANSWERTHE HON THE CHIEF MINISTER

The electricity collections for the period requested was as follows:

1 April 1998 to 31 August 1998	£3,388,390
1 September 1998 to 31 March 1999	<u>£5,626,045</u>
	£9,014,435

The electricity arrears as at 31 March 1999 stood at £5,295,145.

The total amount collected in electricity charges in the financial year 1996/1997 was £7,951,917. Of this, £7,808,014 was collected by Lyonnaise des Eaux Ltd and £143,903 was collected by Land Property Services Ltd.

The contract for the collection of arrears with Land Property Services Ltd has not been terminated.

SUPPLEMENTARY TO QUESTION NOS. 489 TO 492 OF 1999

HON J J BOSSANO

When did the Government change its mind about terminating the contract?

HON CHIEF MINISTER

I have said that the contract for the collection of arrears with Land Property Services has not been terminated.

HON J J BOSSANO

Yes and I am asking the Government when it changed its mind about terminating it because they made no provision in last year's Budget and they announced that it was not being provided for because they were terminating it.

HON CHIEF MINISTER

The contract is not being performed by either side because of the reasons that we went into when we last discussed it. Namely that there was some difficulty with the transfer to Land Property Services of the information in computer form to enable them to check it so in fact Land Property Services are not performing this service and the Government are not paying the £60,000 although I think last June there was a part payment.



Yes in the virements that were laid yesterday, the hon Member will see that there is a part payment of £30,000 I think it was that we made, but this is one of the issues that the Government are about to discuss with Land Property Services, in addition to other outstanding situations relating to their various contracts, for example, the question of the Land Property registry, that the Opposition Members also entered into some arrangements about.

HON J J BOSSANO

Apart from the overall position, we have been trying to establish since last year what was the position on the collection of electricity and we have had questions answered by the Minister for Government Services earlier on related to the sale of units, because I am sure that the Chief Minister will remember that when last year he put in the Budget that they expected to collect £8.8 million instead of £7.8 million, I asked whether the additional £1 million was expected to be the result of higher electricity sales or collection of arrears, and I was told it was collection of arrears. Now in fact, given that the arrears are £5.29 million in March 1999 and they were £5 million in March 1998, does it mean that the arrears have gone up and not come down?

HON CHIEF MINISTER

Well the level of arrears at any one time is a fluctuating target but it may well be that on those days that this question relates to, they may well be higher now.

HON J J BOSSANO

No, it is not a fluctuating target because I am not asking at random dates. I am asking at the end of the financial year. If one makes an estimate that in the next 12 months one is going to collect £1 million in arrears, then it is not an unreasonable question to ask at the end of the 12 months what has been collected in arrears if the figure is higher instead of lower. The answer that I have just been given is that the arrears in March 1999, that is at the end of the financial year 1998/1999, is higher than the figure we were given previously for March 1998.

HON CHIEF MINISTER

Well I have not got in front of me the figures for arrears in March 1998 but certainly if the figure for March 1998 was higher than the figure for March 1999 or vice versa then that is the position. If the figure for March 1999 of arrears is higher than the figure for arrears in March 1998 then it follows that there are more arrears in March 1999 than in March 1998.

HON J J BOSSANO

So in fact that would be consistent with the answer we were given in September last year when the Chief Minister said they no longer expected to be able to collect the amount in the Estimates because in fact in the five months from April to August, the amount that had been collected was not consistent with the estimated budget. I am sure the Chief Minister will recall that he first argued that it was a hypothetical question in the first leg of the September meeting and then he accepted that it was a reasonable assumption in the second leg of the September meeting, if he cares to look at the relevant questions in Hansard he will find that that was the answer we were given then. Since then, in the light of the payments to LPS, and we had understood were not going to get paid because precisely the system was not working they were not bringing the money in, we are trying to make sense of the figures with which we have been provided, that is all we are doing. If the figures do not seem to tally then it seems a reasonable position to come back and ask for clarification.

HON CHIEF MINISTER

The fact that the arrears are higher now than they were last year at the month of March does not mean that the revenue for electricity has not risen by £1 million as a result of the collection of arrears.

HON J J BOSSANO

Does it not?

HON CHIEF MINISTER

No not at all. It depends on how much electricity has been sold in between the two dates.

HON J J BOSSANO

Yes but we have also been told the amount of electricity that has been sold in answer to a previous question. If the price of electricity is the same, if the amount of arrears is higher and if the number of units have only increased by 3 per cent, then how does one produce £1 million? Perhaps the Chief Minister has discovered some secret formula for producing money out of thin air and we would like him to share it with us.

HON CHIEF MINISTER

Well, I am not saying that £1 million has been collected. The £1 million that he is referring to was an estimated figure. I do not know, I happened to check the forecast outturn I do not know whether it materialised in fact or not. At the time of the Estimates one estimates a figure on the basis of improved collection of arrears, there have been improved collections of arrears, which does not mean that arrears are still not high. It means that we have collected, if we have collected more money I do not know whether the forecast outturn is.....

HON J J BOSSANO

I can still remember the forecast outturn is £200,000 more than the Estimates.

HON CHIEF MINISTER

Well fine. So therefore there has been, there must have been an element of collection of arrears.

HON J J BOSSANO

Well then can the Government explain how it is that they reduce the arrears by £1.2 million and increased it by £295,000 in the same 12 months. Because the arithmetic is something that is beyond me.

HON CHIEF MINISTER

The Government do not do arithmetic and the Government do not post figures for arrears, they are whatever they are. And they are given to us by the company that does the billing. The arrears are whatever they are from time to time and the Government Revenue is whatever it is declared to be from time to time. But as Government revenue originates from payment of current electricity bills and from collection of arrears. The fact that we thought there was going to be £1 million and it turns out to be more or less is neither here nor there.

HON J J BOSSANO

It is not what they thought more or less because we are talking about substantial sums of money and we have actually put something like eight questions on this subject so it is not something that we have not given the Government more than sufficient time.

HON CHIEF MINISTER

Well what is the issue?

HON J J BOSSANO

The issue is that we expect to be given accurate information in the House and I believe we are entitled to it.

HON CHIEF MINISTER

But the hon Member has been given it, who says that they have not been given accurate information?

HON J J BOSSANO

I will tell the Chief Minister who says that the information is inaccurate - anybody who can count will come to the conclusion that it is not possible for all the answers to all the questions that we have been provided to be accurate. Since we have been given six different answers to six questions on the same subject and they cannot all be right I do not think it is unreasonable to say to the Chief Minister well which is the right answer.

HON CHIEF MINISTER

No, the hon Gentleman is up to his usual tactics of announcing a logical supposition on his part and then proceeding on the basis that it must be correct. I do not accept that any of the six answers that he has been given are either inaccurate or inconsistent. The fact that he refers glibly to the answers given by Mr Britto before, does not make either his answers inaccurate or the ones he is getting now inaccurate. If the hon Member wishes to make allegations of inaccurate information, he has got to demonstrate it, not by some loose allegation which he has worked out in his mind as he stands up on his feet, what figure does the hon Member think is inaccurate?

HON J J BOSSANO

Well, let me say to the Chief Minister that he is going down the Moroccan route again. He is going down the Moroccan route again and he will have to come back here again and admit that we were not scaremongering, that we were not inventing figures and that all we were doing is a conscientious job because it seems to me that the problem is that they produce answers to questions which are then read by Ministers who do not read them until they get here. Then they read them out and they assume we will just take it away and not compare it. Since we take the job seriously and since they think it is so important to be accountable to the House, all that we are doing is precisely what he attaches so much importance to.

HON CHIEF MINISTER

I am not conceding that the hon Member is right. I know that the hon Member has great belief in his infallibility but very few people share that belief.

HON J J BOSSANO

I am not suggesting that I am infallible. What I am saying to the Chief Minister is that if he gives an answer to a question then presumably I have the right in a supplementary to ask him how can he explain, does he know whether the arrears have been collected or not collected in the last twelve months? Yes or no?

HON CHIEF MINISTER

Neither question time nor supplementaries are for me to satisfy the hon Member's quest for explanations. They are for me to provide information to the House and we are providing information to the House. What use he makes of that information is a matter for him but I am not here to give the hon Member numerical explanations about the conundrums that he likes to machinate in his mind. My task is to provide the Member with the information that he seeks. Whatever commentary he wishes to make from that information, whatever use he wishes to put that information to is a matter for him.

HON J J BOSSANO

Mr Speaker, we have put a whole series of questions, all of which ask for information and nothing else.

HON CHIEF MINISTER

And they have been answered.

HON J J BOSSANO

No they have not been answered because when the Chief Minister gives an answer in one question which contradicts the answer in another question and we put a supplementary.....

HON CHIEF MINISTER

Which information is inaccurate?

HON J J BOSSANO

Mr Speaker if he shuts up long enough for me to finish then he will find out.

MR SPEAKER

Yes you had better keep quiet, let him finish and there is one answer.

HON J J BOSSANO

If we then point out the contradiction so that we can try and establish which is the correct answer, that is not machinations. He chooses to answer the question, we put the question to the Government. It can be answered by the Minister for Government Services or by the Financial and Development Secretary or whoever is better equipped to understand the figures. If in fact the Chief Minister has told us that a figure was collected of arrears in these last 12 months and he also gives us a figure which says that the arrears position was £5,295,000 in March 1999, my question is how can he explain that that answer indicates more arrears at a time when in another answer he has told us the arrears have been collected and consequently the figure should be lower not higher. Can he explain that?

HON CHIEF MINISTER

Well it is now clear why the hon Member is labouring under a misapprehension. He has understood neither the questions that have been asked nor the answers that I have been given. I have not said that the arrears are at £5,626,045, I have said that between 1st September 1998 and 31st March 1999 £5,626,045 were collected in arrears and that the electricity arrears as at 31st March 1999 stood at £5,295,145. Now what is the figure that is inaccurate then?

HON J J BOSSANO

That figure. The one that he has just said is precisely the figure that I have used.

HON CHIEF MINISTER

Why is it inaccurate?

HON J J BOSSANO

Because it is higher than March 1998. If one collected arrears over and above the current billing then the arrears position should be lower and not higher. We would like to ask the Government to explain if we were told in March 1998, 12 months ago, the Government put in the Estimates that they expected to collect £1 million pounds in electricity more and since that was a surprising figure I asked the Government a year ago, did they expect in the next 12 months to achieve £1 million additional revenue because of higher electricity sales or because of better collection of arrears. The answer that the Chief Minister gave me was because of better collection of arrears. Well having been given that answer in the Budget last year, during the course of the year we have been asking questions about the collection of arrears to see whether that was being achieved or not. In September the Minister gave us an answer on the basis of the figures up to August which showed no collection of arrears by August, the figure that was given in September was that they had collected £3.6 million which with 5/12 th of the year gone by did not extrapolate to £8.8 million. Mr Speaker, the Chief Minister in Hansard agreed with that. So before he starts waving his hands in alarm about extrapolations let me remind him that he agreed with that. His position was no realistically speaking we no longer expect to collect £1 million of the arrears element in the Estimates. That is the truth of it.

HON CHIEF MINISTER

So that is not the same as the hon Member has just said.

HON J J BOSSANO

So this is the end of the story as far as we are concerned. This is the extrapolation that is now worrying the Chief Minister so much. He agreed with it in September, we now come to the position today when we have been told by him they have surpassed the £1 million of arrears. They have collected £1.2 million.

HON CHIEF MINISTER

The hon Member is unduly pessimistic.

HON J J BOSSANO

Well then can the Chief Minister explain if they collected £1.2 million between September and March, how is it that the arrears in March are higher than they were the previous year?

HON CHIEF MINISTER

Well, because there must have been sales of electricity in the meantime which have not been paid for and which as of today constitutes arrears.

HON J J BOSSANO

The Chief Minister rather than accept the possibility that there could be a mistake is the one that makes up possible explanations as he is on his feet. If he says there could be sales of electricity then how is it that his Colleague sitting next to him does not seem to know about these sales of electricity. We asked a question over the units consumed. My question is, if the Chief Minister says the possible explanation is the sales of electricity, can the Minister for Government Services tell the House by what percentage the sales of electricity went up in 1998/1999 which was a question in the Order paper earlier on?

HON CHIEF MINISTER

The hon Member is confusing the issue. Whatever the number of electricity units consumed has got nothing to do with the number of electricity units that have been paid for. What is the connection between the number of millions of units sold and what might be now the level of arrears, which are generated not by the number of units consumed but by the number of units consumed and not, as of today's date, paid for. So why the hon Member thinks that the hon Minister's answer as to the number of units consumed somehow supports his extraordinary convoluted logical roots to demonstrating that the figures are inaccurate, beats me. The hon Member must say which figures are inaccurate by reference to mathematical calculation not by reference to say on his feet logic, which frankly does not persuade. If units of electricity have been sold, whatever the number of units of electricity consumed, if there are £5.295 million of arrears as at 31st March 1999, it must be because the ones that he has answered that have been consumed plus the ones that have been consumed in previous years, which have still not been paid for, amount to this sum of money. I have frankly heard the hon Member say nothing during this exchange which means to me that there is any likelihood that he has found another mine of Moroccan statistics. Now, the hon Member may be right but he has said nothing here this evening which suggests that he is likely to be right. Of course he is perfectly at liberty to demonstrate that he is correct but he has not demonstrated it yet and as he has not demonstrated it yet, it should not surprise him that I do not accept that the figures are inaccurate. I am not going to accept the figures that are inaccurate on the basis of a convoluted logic which to me contains a great illogicality and therefore, if the hon Member wishes to make a case for this figure being inaccurate it has got to be a better case than he has made now, which does not mean that he may not be correct, it simply means that he has not yet made a case which persuades me to agree with him that he is right.

NO. 493 OF 1999THE HON J C PEREZ**ADMINISTRATIVE GRADES.**

Can Government state what is the total complement of the Administrative Grades in the Civil Service, including those in the Health Authority, as at 31st March 1999 giving a breakdown by grades?

ANSWERTHE HON THE CHIEF MINISTER

The total complement of the Administrative Grades in the Civil Service, including those in the Health Authority as at 31st March 1999 is as follows:-

(a)	GHA	<b>Approved Complement</b>	<b>Actual Complement</b>
	AA	} 29	4
	AO	}	24
	Total	<b>29</b>	<b>28</b>
(b)	Other Depts.	<b>Approved Complement</b>	<b>Actual Complement</b>
	AA	19	74
	AO	222	156
	Total	<b>241</b>	<b>230</b>

In the Gibraltar Health Authority approved complement, for some reason the figure for AA and AO is given to me as a total of 29 because I think it is a question of complement. I think in the Health Authority they do not have complements they just have people in post. They do not have approved complement. Whereas in the actual complement they give me four AAs and 24 AOs. So that the approved complement is 29 and there are 28 bodies in post. In respect of the other departments, in respect of AAs the approved complement is 19 and the actual complement is 74. In respect of AOs the approved complement is 222 and the actual complement is 156. So the total approved complement is 241 and the total actual complement is 230.

SUPPLEMENTARY TO QUESTION NO. 493 OF 1999

HON J C PEREZ

Did the hon Member say AA 90.

HON CHIEF MINISTER

AAs 19, one nine.

HON J C PEREZ

So there are 74 in post and the approved complement is 19.

HON CHIEF MINISTER

Yes. That is because all the recruits are at the AA level and therefore there are many AAs who are acting AOs.

HON J C PEREZ

Yes but with respect, the Chief Minister is stretching the interpretation of approved complement. Normally approved complement is what is the desired number that the department wants to employ and it is normally higher than the people in post. The people in post normally is perhaps lower than the approved complement and the difference between one and the other are the vacancies. But if the Chief Minister is saying that there is an approved complement of 19 and there are 74, what he is saying is that he has got to lose about 50 posts. That is essentially what he has got to lose. He cannot call it approved complement because complement must be something different.

HON CHIEF MINISTER

No, because he will notice that the approved complement for AOs is 222 of which there is only 156 in post and I have tried once to give him an explanation and I will try again. When the Government did its restructure of the Civil Service and promotions and there was what we had in the past, the sort of process of musical chairs, eventually one gets a lot of vacancies at the bottom. Those vacancies are filled by recruiting people in from the street and they are recruited in from the street as AAs. So that is why there are now more AAs than there are approved complement for but there are less AOs in post than the approved complement. Because we are bottom heavy with AAs because everyone gets in as an AA.

HON J C PEREZ

Two questions out of that. The Chief Minister has not given me the figure for the EO, the HEO and the SEO and therefore one cannot look at the whole ladder. And if there are 66 vacancies of AO, why is it that the Government are taking so long to fill them from the 74 AAs that it has got waiting there for promotion?

HON CHIEF MINISTER

Well, in the first place the question asks only for administrative grades.

HON J C PEREZ

Well EO, HEO and SEO are administrative grades.

HON CHIEF MINISTER

No, they are the executive and administrative grades. The administrative grades are AA and AO, the executive grades are Executive Officers which starts with EO. This is why the Personnel Department has given this information. He asked for administrative grades, I think what he obviously meant to have asked was for the administrative and executive grades and the question has been taken very literally.

HON J C PEREZ

In my time there was only a difference between technical grades and administrative grades. The fact that they were executive or not did not matter but fine. I accept that there might have been a mistake. Is it possible for the Chief Minister to give me the whole picture possibly before the Budget so that we have not got the problem we had last year?



HON CHIEF MINISTER

Yes, the information that he has on the front page of each departmental bid in the Estimates booklet that he has in front of him is now the desired level of staffing, as far as the Government are concerned. There are some vacancies but the posts are now all listed as they are intended to be.

HON J C PEREZ

Not if they reflect the figures as he has given me, because he is telling me that for example, there are 74 AAs and there should be 19. So I presume that the Estimates will not cover for 19 AA posts, it will cover money for 74 AA posts.

HON CHIEF MINISTER

Well I have to check that particular point because certainly there is an intention very shortly to confirm in AO posts at AO grade many of the AAs that have been substituting for some time and I will have to check how that has been reflected in the Estimates. But I will find that out for him so that he will know at the AA and AO level whether what the Budget Estimate booklet says is the position as we speak or whether it is the position as it will be when all the confirmations in post at AO level have been decided. In fact, I do not want to start a debate on this now so I would ask him please not to come back but one of the things that the Government are considering is doing away with the AA grade altogether.

HON J C PEREZ

Yes well that is something that has been under consideration for some time. But I do take it that the Chief Minister will try and provide me with the figures for EO, HEO and SEO as well, as soon as possible.

HON CHIEF MINISTER

Yes.

NO. 494 OF 1999

THE HON J C PEREZ

**EXECUTIVE OFFICERS - DIRECT ENTRY.**

Can Government state how many posts of EO or above have been filled in the Civil Service by direct entry during the financial year ending 31st March 1999?

ANSWER

THE HON THE CHIEF MINISTER

Three posts of EO have been filled in the Civil Service by direct entry during the financial year ending 31st March 1999. All three posts have been recruited for the Information Technology Unit of the Support Services Department.

SUPPLEMENTARY TO QUESTION NO. 494 OF 1999

HON J C PEREZ

Can the Chief Minister say whether it is the desire of the Government to increase this number or whether at the present time they are satisfied that they have got the quality people that they need and that they do not intend, in the short term, to recruit any more.

HON CHIEF MINISTER

I do not know if the hon Member's supplementary is limited to the Information Technology Unit or generally.

HON J C PEREZ

Generally.

HON CHIEF MINISTER

Well, the question asked for the information in respect of the financial year ending 31st March 1999. Since that date I believe that there has now been an advertisement and a selection board for two EOs with accounting qualifications to be inducted on the graduate entry scheme at EO level. So, since 31st March 1999, there have been a further two at accountancy level. Whether that is the end of the process of attracting graduates into the Service by means of offering them direct entry at EO, I cannot say. What I can tell the hon Member is that I am not aware of any current proposals to do so, but I would not like to give him the impression that it might not happen again.

NO. 495 OF 1999

THE HON J C PEREZ

**GIBRALTAR DEVELOPMENT CORPORATION - CONTRIBUTORY PENSION SCHEME.**

Can Government state whether all the employees of the Gibraltar Development Corporation are covered by a contributory pension scheme?

ANSWER

THE HON THE CHIEF MINISTER

Not all of the employees of the Gibraltar Development Corporation are, at present, covered by a contributory pension scheme. Many of these employees are covered by the pension schemes to which they were contributors when they joined the Corporation.

The Government are currently looking into the establishment of a new pension scheme to be administered by the Treasury. This scheme will mainly cater for employees who are in mobile employment but will also be made available to those Gibraltar Development Corporation employees who are not at present covered by any pension scheme.

SUPPLEMENTARY TO QUESTION NO. 495 OF 1999

HON J C PEREZ

Can I ask whether it will be a contributory pension scheme and whether it will be optional. That is to say, if it is contributory will it be full contributions by the employee with the employer making none and part contributions, and obviously if it is part and part, people will take up the option. If it is solely the employee putting in the contributions then it is probably optional for people whether they want to join that or on another one in the private sector.

HON CHIEF MINISTER

No, it is a contributory scheme to which both parties contribute and indeed, it is geared to induce as much contribution as possible from the employee, and therefore the Gibraltar Development Corporation's own contribution is geared to the contribution of the employee. I do not think it is even on the basis of equality, I think that the employer contributes a greater share but it is certainly both.

HON J J BOSSANO

Is that referring to the existing pension arrangements in the Development Corporation, where the Corporation pays a fixed amount and then tops it up by matching the employees, is that the position?

HON CHIEF MINISTER

It is based on, I can never remember which of the two it is, whether it is the Provident Scheme or the Provident No. 1 Scheme, there are two. I think that the employer makes no contribution unless the employee makes a certain level of contribution but if

the employee makes a certain level of contribution the employer's contribution is higher than his. I do not want him to take me too literally on the detail of the Scheme but it is not the existing, there is not an existing GDC scheme. What there is, is the Provident Schemes of which he is aware, which are run by the Treasury. Those schemes are going to be made available to non-Government company employees, to anybody in the private sector, who works for an employer that does not have a pension scheme. Especially for people in mobile types of employment, people who jump around from short term employment to short term employment, and we are intending to extend that scheme, with modifications, to GDC employees. But there is not as such at the moment a GDC scheme. I can tell the hon Members that of the 126 employees in the Corporation, 73 are not covered by any pension scheme. And the ones that do have are the ones that brought them in because they had one with Gibraltar Information Bureau or whoever, wherever they came from.

HON J J BOSSANO

But is it the intention that everybody will be on the same terms at the end of it or not?

HON CHIEF MINISTER

If people have got a scheme, and that is a private scheme that scheme will continue. To the extent that people take part in the scheme that we will introduce, everyone will be on the same scheme. In other words it is either the Treasury-run scheme or it is whatever pension scheme. Out of 126 employees, 25 employees were already members of the GSL Provident fund, 14 had pension plans with Axa Equity and Law and 11 were members of the Gibraltar Provident Fund No. 2. So in respect of the others they will be brought into, I cannot remember if it is the Provident No. 1 or the Provident No. 2, that is the detail that I cannot remember. But it is basically into that, one of the two schemes.

HON J C PEREZ

Did I understand the Chief Minister well when he said that the pension scheme to cover those who were uncovered will also be available to other employees in the private sector that move around? That is to say, that even though they change employers, the pension scheme is transferable.

HON CHIEF MINISTER

Well, it is not transferable, it is static. In other words, whoever his employer is at any given time, will make a contribution to this central scheme. So rather than transferring the policy, the pension scheme is static centrally-run, the employee will make his contributions to whoever he is working for and the employer, whoever it is from time to time, will make the employer's contributions. By this way we hope to persuade employers in the private sector who use as an excuse for not making occupational pension scheme provision, the fact that employees are not with them long enough to justify it, well we hope to deprive them of that argument by in effect having a centrally-administered scheme that places no commencement periods and no administrative liability on the employer.

HON J L BALDACHINO

Of the 73 that do not have a pension or who are not included, are the ones that were Sights Management also included in the 73 or they are not included?

HON CHIEF MINISTER

I do not know. This information is at 1st April and I cannot remember when they came across. They came across in February so they would be included, then yes. But I think the Sights Management people, the Sights Trading people rather, I beg your pardon I think the Sights Management people did have pension arrangements. Yes, certainly the Sights Trading people, the cleaning people have got pension schemes, whether the Sights Management employees had as well I do not know, but I would have thought so. If one group of companies had it I suppose the others did as well.

ORAL

NO. 496 OF 1999

THE HON J C PEREZ

**DIPUTACION DE CADIZ.**

What proposals for co-operation on essential services have the Government considered or discussed with the Diputacion de Cadiz?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question No. 497 of 1999.

NO. 497 OF 1999

THE HON J C PEREZ

**DIPUTACION DE CADIZ.**

Is Government involved in discussion with the Diputacion de Cadiz with the intention of making a joint submission for funds to the European Union on matters involving essential services?

ANSWER

THE HON THE CHIEF MINISTER

No such proposals have been put to or by the Government, or discussed.

SUPPLEMENTARY TO QUESTION NOS. 496 AND 497 OF 1999

HON J C PEREZ

Has not the customary offer made by Spaniards of cheap electricity and water been made to the Chief Minister by the Diputacion de Cadiz?

HON CHIEF MINISTER

No.

NO. 498 OF 1999

THE HON J J BOSSANO

**INCOME TAX - EMPLOYERS DECLARATION.**

How many employers have returned the 1997/1998 Employer's Declaration and PAYE certificates to date, and what is the number of employees affected and the total amount of tax deducted?

ANSWER

THE HON THE CHIEF MINISTER

One thousand, six hundred and nineteen employers, reporting on a total of 19,556 taxpayers, lodged their 1997/1998 Employer's Declaration and PAYE certificates at the close of business on 13th May 1999. The amount of PAYE tax deducted is approximately £38.06 million.



NO. 499 OF 1999

THE HON J J BOSSANO

**INCOME TAX - EMPLOYERS DECLARATION.**

How many of the employers who have returned the 1997/1998 Employers Declaration and PAYE certificates have not yet paid over to Government the tax deduction from their employees up to 1st July 1998, and what is the number of employees affected and the total amount of tax due?

ANSWER

THE HON THE CHIEF MINISTER

As at 14th May 1999, from a total of 1,619 Employers who have returned the 1997/1998 Employers Declaration and PAYE Certificates, there is PAYE tax outstanding on 249 Returns totalling £290,000.

SUPPLEMENTARY TO QUESTION NO. 499 OF 1999

HON J J BOSSANO

The 249 returns are what, employers?

HON CHIEF MINISTER

Yes. The hon Member will recall that in Supplementaries to previous similar questions in the past, I have told him that it is not possible to identify the number of employees affected, as there is no way that it can be established to which specific employees the PAYE tax outstanding refers.

HON J J BOSSANO

That is I take it because the amount that is handed over does not tally with the total amount collected. But obviously if there was an employer who paid nothing, one would know the number of employees.

NO. 500 OF 1999

THE HON J J BOSSANO

**INCOME TAX - EMPLOYERS DECLARATION.**

How many employers have yet not returned the 1996/1997 Employers Declaration and PAYE Certificates and what is the estimated number of employees affected?

ANSWER

THE HON THE CHIEF MINISTER

One hundred and ninety-four is the number of Employers that the record shows have not returned the 1996/1997 Employers Declaration and PAYE certificates as at 13th May 1999.

I am advised that considering that it is now almost two years since that year ended, it would not be prudent to venture an estimate of employees affected until it can be established that the said employers did in fact employ personnel during the year in question.

SUPPLEMENTARY TO QUESTION NO. 500 OF 1999

HON J J BOSSANO

Does the Department know whether all these employers or any of them or a substantial number of them continue trading or not?

HON CHIEF MINISTER

Well I think that is what is implicit in the second half of the answer that I have given him, that the non-materialisation of declarations and certificates may reflect either tardiness, but after two years the tardiness becomes so extreme as to perhaps raise the possibility that the company is not around at all and is not trading. What I cannot tell the hon Member is what steps, if any, the administration takes to establish which of the two cases it is, or whether it just leaves them there pending and the number either does not whittle down any further or whether from time to time it whittles down by small amounts. I cannot tell him what the answer to that is.

NO. 501 OF 1999

THE HON J J BOSSANO

**INCOME TAX - EMPLOYERS DECLARATION.**

How many employers have not yet returned the 1997/1998 Employers Declaration and PAYE certificates and what is the estimated number of employees affected?

ANSWER

THE HON THE CHIEF MINISTER

As at 13th May 1999, 260 employers under which approximately a total of 2,500 taxpayers are registered, have not returned the 1997/1998 Employers Declaration and PAYE Certificates.

SUPPLEMENTARY TO QUESTION NO. 501 OF 1999

HON J J BOSSANO

Do the Government check whether the same employer appears in a number of years? Is it the case that when the 1996/1997 employers have not made their Return, does the Department not check whether they paid their 1997/1998 Return to see whether in fact the 194 are included in the 260?

HON CHIEF MINISTER

Well, I cannot with certainty say that that is so but it would seem to me a logical thing to do. But whether they actually do it or not I do not know. I should perhaps add, although it does not follow from the hon Member's supplementary, that of that 2,500 approximately 2,000 are individuals returned by Government Departments and details of which are currently pending amendment, consequent to pay review arrears. So really the non-Government related is about 500.

HON J J BOSSANO

I am sorry I did not follow that explanation. I wonder whether the Chief Minister could repeat it again.

HON CHIEF MINISTER

Yes, I have told him that the current total is 2,500, now, that total, that figure of 2,500 includes approximately 2,000 individuals details of whom are returned by Government Departments, and details of which are currently pending amendment consequent to pay review arrears issues. So, of the 2,500 only 500 are not related to Government by one means or another. In other words, they are not Government employees.

HON J J BOSSANO

I see. So in fact, that implies that one of the 260 employers who have not yet returned the certificate are the Government.

HON CHIEF MINISTER

Well, it is not that we have not returned the Certificate, it is that the return has to be amended for reason of subsequent pay arrears issues. In other words, it is a question of amendment rather than having a need to amend it, rather than not having submitted the certificate in the first place.

HON J J BOSSANO

I see. I am grateful for that additional information because of course, since the question says the number of employees affected in the employment of those employers who have not yet returned, then I would have thought the answer to the original question logically would have been 500 and not 2,500. Now, would the Chief Minister check whether in fact in previous answers, where they have had figures of 4,000, similar considerations apply. Because that explanation has not been given previously and it is certainly not self-evident from the answer, that is, if the question is how many employees are affected by employers not returning the Declaration, then at face value the 2,500 would indicate that they are in the private sector.

HON CHIEF MINISTER

No, I can tell the hon Member that previous answers to similar questions have been on the same basis and actually I think the hon Member's recollection on this occasion is failing him, because I think I gave him exactly the same. Well, I am reading from my notes on the Supplementary, and I think it was there the last time and I think that if he checks with Hansard he will see that I probably did. Certainly I can tell him that it is the same basis and my recollection is that I have explained this across the floor to him at the House before, but I cannot be certain, but I would ask him to check because I think it has been.

HON J J BOSSANO

I think it may be that the Chief Minister had the answer prepared but the question was not asked.

HON CHIEF MINISTER

But he has not asked it this time.

HON J J BOSSANO

I have not asked it this time either.

NO. 502 OF 1999

THE HON J J BOSSANO

**INCOME TAX - PAYE ARREARS.**

Can Government state what was the amount of arrears of PAYE for the tax year 1997/1998 and the amount in respect of previous years as at 31st March 1999?

ANSWER

THE HON THE CHIEF MINISTER

PAYE outstanding as at 31st March 1999 was £2.66 million, of which £1.10 million was in respect of the tax year 1997/1998.

SUPPLEMENTARY TO QUESTION NO. 502 OF 1999

HON J J BOSSANO

When I have asked this question before, the Chief Minister was able to provide the balance telling me for two or three years what the balances were. Has he been given that information this time?

HON CHIEF MINISTER

No, I am afraid I have not been. But I can only make to the hon Member the same offer as we have made in respect of other issues. He asks these questions repeatedly, he seldom puts Supplementaries which suggests that he is just interested in having the information to put to some use outside this House, but that is fine. If the hon Member will write to me and tell me what is the information that he would like to have on a regular basis, I am quite happy to have it provided for him and he does not have to use Question Time simply to elicit statistical information.

HON J J BOSSANO

Well, it is only when the statistical information does not tally, that I feel the need to ask Supplementaries but then I normally get an avalanche of attacks from the Chief Minister for asking them. So perhaps I am safer in writing than I am verbally.

HON CHIEF MINISTER

That is almost certainly true.

ORAL

NO. 503 OF 1999

THE HON J J BOSSANO

**INCOME TAX - ABANDONED CLAIMS.**

Can Government say what was the value of abandoned claims for PAYE and Corporation Tax arrears in the financial years 1997/1998 and 1998/1999?

ANSWER

THE HON THE CHIEF MINISTER

In the financial year 1997/1998 the amount of PAYE and related penalties written-off, including individuals' Income Tax was £1,286,809. In respect of Corporation Tax, £339,661 was written-off in 1997/1998. No PAYE or Corporation Tax debts were written-off in 1998/1999.

NO. 504 OF 1999

THE HON J J BOSSANO

**INCOME TAX - CORPORATION TAX.**

Can Government state how much of the Corporation Tax collected in the financial year 1998/1999 was in respect of current payments and how much in respect of previous years?

ANSWER

THE HON THE CHIEF MINISTER

The total amount of Corporation Tax collected in the financial year 1998/1999 was £11.5 million. Of this £2.9 million was in respect of assessments raised for the tax year 1998/1999. £8.6 million was in respect of assessments raised for other years.

NO. 505 OF 1999THE HON J J BOSSANO**INCOME TAX - CORPORATION TAX.**

Can Government state what is the total amount collected in Corporation Tax in each month since January 1999?

ANSWERTHE HON THE CHIEF MINISTER

The Corporation Tax collected in each month since January 1999 was:

	£m
January 1999	0.19
February 1999	0.21
March 1999	2.22
April 1999	0.73

These figures are subject to change on reconciliation with the Treasury Books.

SUPPLEMENTARY TO QUESTION NO. 505 OF 1999

HON J J BOSSANO

Is there any explanation for the very large amount collected in March as compared to the other months? It is ten times as much.

HON CHIEF MINISTER

I do not know as a matter of fact although I can find out, I am sure the Income Tax have got a pretty well proven theory as to what the reason is. It could either be the approaching end of the Tax Year or the approaching end of particular company's accounts year, when a lot of companies do reports on 31st March or April.

HON J J BOSSANO

So it is not related to some particular effort to collect arrears in that particular month?

HON CHIEF MINISTER

I really do not think so because these things are self-generating and it is a question of when they flow in. I do not think the Income Tax Office has any great system for binges at particular times of the year, I think it has something to do with the financial year end. But if the hon Member is interested, as indeed he has kindled my interest, when I find out the answer to that I will pass it on to him.



NO. 506 OF 1999THE HON J J BOSSANO**INCOME TAX - SELF-EMPLOYED PERSONS.**

Can Government say what was the amount of tax payable by self-employed persons in respect of earnings in the tax year 1995/1996, the total earnings assessed to tax and the amount of tax due, paid as at 31st March 1999?

ANSWERTHE HON THE CHIEF MINISTER

I am advised by the Commissioner of Income Tax that the information requested is not readily available in a reliable form in the time available. The Commissioner of Income Tax is assessing whether it can be obtained, given more time, but without a disproportionate administrative effort. I will advise the hon Gentleman of the position at a later date.

SUPPLEMENTARY TO QUESTION NO. 506 OF 1999

HON J J BOSSANO

Well, I accept that that may be true of some elements of the question, but the amount of tax payable by self-employed persons in respect of earnings in 1995/1996 must be something that has already gone through the system and been audited. There must be a figure because it is something that appears when the audited accounts appear. I would have thought how much of it has been paid by now is something the Department must know. Otherwise, how do they know who has paid and who has not. I accept that probably the total earnings assessed is a different kettle of fish.

HON CHIEF MINISTER

Well, the problem may lie in the fact that the question does not ask how much was payable by self-employed in a year but how much is payable in respect of the earnings of a year. Moneys may be payable in the tax year 1995/1996 in respect of previous years' earnings and that might be the explanation why the information cannot be extrapolated. In other words, they do not have sub-totals for the particular years to which the income, if the hon Member follows his question, can Government say what was the amount of tax payable by self-employed persons in respect of earnings in the tax year 1995/1996. That requires a process to separate from the tax payable during the tax year 1995/1996, that which related to earnings in that year and that which related to earnings in a previous year. I am told, and I have spoken personally to the Commissioner of Income Tax to ask why this information is not available, he has told me that he thinks it would require a manual exercise on a file by file basis but that he is going to consult with the Information Technology people to see whether there is any way of extrapolating this information from the computer, which he is not aware of. That is why he has asked for more time to see if it is possible.

HON J J BOSSANO

I take the point. My understanding was that in fact, the way that self-employed tax was payable was always on the earnings of the preceding year, that is, the Chief Minister should know better than me because he has been self-employed for many

years, and when he made his tax return I am told by those who do, that what he declares is the money he earned in the previous year.

HON CHIEF MINISTER

Yes, I am sorry, then I have not made myself clear. It may be that the Tax keeps a computerised running total of the amount of tax payable by self-employed people in the year 1995/1996 but not in respect of income of that year. Because as the hon Member knows self-employed people are often assessed in one year for the income of three or four years if they are in arrears. So the point is that of the running total of tax payable during the year, he says he cannot separate what relates to the earnings of that year or any particular year from that which is in respect of arrears or that which is in respect of perhaps the consequence of having been assessed in one year in respect of four years' tax. Nor incidentally if I could add, does he think that they keep a running total of the earnings assessed to tax.

HON J J BOSSANO

Knowing more or less that there may be a difficulty in that area, this is why I was drawing a distinction between the two elements in the question. But obviously, I am not entirely familiar with the way they actually do these calculations but I understood that even if one was getting a bill for a number of years, since the question is the amount of tax payable, surely it would be payable not in the year when it was paid. I mean if they get assessments for a number of years I would have thought even if they all arrive in the same year, they would be for different tax years, would they not be?

HON CHIEF MINISTER

Yes indeed they would be. But they would all be payable on two dates of the same tax year and it goes into the running total for that year, without distinction of the year to which the income period to which they relate.

NO. 507 OF 1999THE HON J J BOSSANO**INCOME TAX - PAYE.**

Can Government say what was the breakdown of the amount of £13.8 million collected in the financial year 1997/1998 in respect of tax of previous tax years for employees of:

- (a) M.O.D.
- (b) Gibraltar Government
- (c) Government-owned Companies and Joint Ventures
- (d) Private Sector employers?

ANSWERTHE HON THE CHIEF MINISTER

The Income Tax Office is unable to answer the question as it is not able to identify the sum of £13.8 million on which the question is based. It has been suggested to me that the question could be based on Question No. 599 of 1998 when a figure of £13.9 million was given for the PAYE collected in the financial year 1997/1998 in respect of tax years other than the tax year 1997/1998. If that is so, I can tell that following further adjustments the position can today be summarised as follows:

	<b>£m</b>
M.O.D.	1.2.
Government-owned companies and Joint Ventures	1.0
Private Sector Employers	11.4

SUPPLEMENTARY TO QUESTION NO. 507 OF 1999

HON J J BOSSANO

Can I ask as a Supplementary on this, because I think we have tended to assume that all the arrears were in fact for the Private Sector and the purpose of the question was to establish whether this was the case. Is this because the money is not coming in on the 15th of each month as really is required by the Ordinance, is that correct?

HON CHIEF MINISTER

Sorry, I have not understood the question could the hon Member repeat it.

HON J J BOSSANO

When we have been given this kind of information in previous questions, we have tended to assume that in fact the tax collected in respect of previous years was all Private Sector arrears that were not being paid on time. We have just put the question this time just to be sure that we were interpreting the figures correctly. Given the fact that we have been told, for example, that the M.O.D. accounted for £1.2 million of the tax collected in respect of previous tax years, is it that in fact the M.O.D. was not paying on the 15th of each month?

HON CHIEF MINISTER

Probably, they pay at periodic intervals during the year and the end of the year arrives and it has not paid in respect of the last part of it. The MOD is not a bad payer, but does not necessarily do it on a monthly basis I understand.

-----

HON J J BOSSANO

Can I just draw the attention of the Chief Minister that in Question No. 587 of 1998, he did not give me the breakdown showing how many of the 4,800 taxpayers covered by 478 employers, were in fact Government employees. So it is the first time I hear of it.

HON CHIEF MINISTER

I recall that I had it.

HON J J BOSSANO

So obviously, when he has an opportunity to give me the breakdown I would be grateful.

NO. 508 OF 1999

THE HON J J BOSSANO

**INCOME TAX - DIRECT ASSESSMENTS.**

Are Government now in a position to say how much of the tax due by direct assessments on individuals amounting to £13,491,754 was paid by 31st March 1998, and how much was still due on that date?

ANSWER

THE HON THE CHIEF MINISTER

As I think I have told the hon Member before, and as I think he probably was aware of when he was in office, it will not be possible to produce the information sought until the Tax Office computer system is replaced by a more sophisticated system.

SUPPLEMENTARY TO QUESTION NO. 508 OF 1999

HON J J BOSSANO

Well I am not sure that that was the answer that I got the last time but I will check.

HON CHIEF MINISTER

I can give the hon Member the number of the question so that he can check them with more ease. It was the answer he got to Question No. 243 of 1998 and to Question No. 597 of 1998.

HON J C PEREZ

Can one ask whether the Tax Office computer is 2000 Year compliant?

HON CHIEF MINISTER

It jolly well better be, but I am told that it will be.

ORAL

NO. 509 OF 1999

THE HON J J BOSSANO

**INCOME TAX - GROSS INCOME TAX RECEIPTS.**

Can Government state what was the actual amount collected in the financial year 1997/1998 in respect of income tax and of this how much was PAYE?

ANSWER

THE HON THE CHIEF MINISTER

In the financial year 1997/1998 gross income tax receipts amounted to £46.05 million of which gross PAYE revenue was £42.02 million. The total for the year, net of PAYE refunds effected, was £45 million.

NO. 510 OF 1999

THE HON J J BOSSANO

**INCOME TAX - TAX COLLECTED.**

Can Government give the breakdown of tax collected in the financial year 1998/1999, showing the amount in respect of PAYE, individuals, Section 67 and refunds?

ANSWER

THE HON THE CHIEF MINISTER

In the financial year 1998/1999 income tax receipts amounted to £47.18 million which can be analysed as follows:

	<b>£m</b>
Gross PAYE revenue	43.97
Assessed individuals	4.56
Other receipts	1.07
Less refunds	<u>(2.42)</u>
Net total	<u>47.18</u>

These figures are based on the Tax Office records and are subject to change when reconciled with the Treasury Books.

SUPPLEMENTARY TO QUESTION NO. 510 OF 1999

HON J J BOSSANO

I thought the Chief Minister said £47.81 million.

HON CHIEF MINISTER

No £43.97 million, £4.56 million, £1.07 million less refunds of £2.42 million, if whoever has done this has added it up correctly is £47.18 million.

ORAL

NO. 511 OF 1999

THE HON J J BOSSANO

**INCOME TAX - PAYE.**

Can Government give a breakdown of PAYE collected in 1998/1999 showing the amounts in respect of current PAYE and the amount in respect of arrears of previous financial years?

ANSWER

THE HON THE CHIEF MINISTER

£43.97 million is the total PAYE revenue collected in the financial year 1998/1999, of which the sum of £30.2 million is in respect of the tax year 1998/1999 and £13.77 million is in respect of previous tax years.



NO. 512 OF 1999

THE HON J J BOSSANO

**INCOME TAX - PAYE.**

Can Government state how much was collected in PAYE in February, March and April of this year?

ANSWER

THE HON THE CHIEF MINISTER

Subject to adjustment when reconciled with the Treasury Books PAYE collected in February 1999, March 1999 and April 1999, was:

	<b>£m</b>
February 1999	3.35
March 1999	4.13
April 1999	3.66

NO. 513 OF 1999

THE HON J J BOSSANO

**INCOME TAX - PAYE.**

Can Government give a breakdown of PAYE collected in 1998/1999 in respect of employees in:

- (a) MOD
- (b) Gibraltar Government
- (c) Government-owned and Joint Venture Companies
- (d) Private Sector Employment.

ANSWER

THE HON THE CHIEF MINISTER

The total amount of PAYE collected in 1998/1999 was £43.97 million analysed as follows:

	<b>£m</b>
(a) MOD	4.19
(b) Gibraltar Government	15.04
(c) Government-owned and Joint Venture Companies	2.56
(d) Private Sector Employment	<u>22.18</u>
	<u>43.97</u>

Figures are not final figures for the year and are subject to change.

NO. 514 OF 1999THE HON J J BOSSANO**INCOME TAX - DIRECT ASSESSMENTS.**

Can Government say what was the value of direct assessments of tax payable on (a) individuals, and (b) self-employed as at 31st March 1998 and 31st March 1999?

ANSWERTHE HON THE CHIEF MINISTER

The value of tax outstanding in respect of direct assessments on individuals and on the self-employed as at 31st March 1998 and as at 31st March 1999 is:

	<b>31st March 1998</b>	<b>31st March 1999</b>
Individuals	£4,198,789	£4,714,394
Self-employed	£7,463,254	£9,279,949

I would just like to point out to the hon Member so that he can better interpret that information, that the term "self-employed" is really something of a misnomer, as a more correct description would be assessments other than PAYE assessments. Because included in the self-employed total are high net worth individuals and qualifying individuals and individuals whose only source of income is unearned income. So he should not assume that the definition of self-employed comprises solely people who earned income in self-employment as opposed to employment.

SUPPLEMENTARY TO QUESTION NO. 514 OF 1999

HON J J BOSSANO

Well who is included then in the definition of individuals?

HON CHIEF MINISTER

People on PAYE.

HON J J BOSSANO

People on PAYE who are getting direct assessments in respect of what, not PAYE surely?

HON CHIEF MINISTER

No, but people on PAYE also get assessed when they have other income.

HON J J BOSSANO

I see. So this is the £4 million is the assessment made on persons who have already paid tax in PAYE and who in addition have got income which is not subject to PAYE.

HON CHIEF MINISTER

That is my understanding of the position yes.

HON J C PEREZ

Included there are people who live off some wealth which is not employment.

HON CHIEF MINISTER

They are the self-employed category. I should also add that the figures are cumulative so that they do not relate to tax payable in respect of one year of assessment.

HON J J BOSSANO

So in fact the figures that we have been given for 1999 will include what was not paid in respect of the figure for 1998.

HON CHIEF MINISTER

Absolutely.

NO. 515 OF 1999

THE HON J J BOSSANO

**INCOME TAX - CORPORATION TAX.**

Can Government state how many companies have now had assessments for the tax year 1996/1997, the total amount of Corporation Tax assessed and the amount received to date?

ANSWER

THE HON THE CHIEF MINISTER

The Corporation Tax payable as at 14th May 1999 on 1,342 companies now assessed for the year of assessment 1996/1997 totalled £10.73 million as follows:-

	<b>£m</b>
Assessed	13.85
Less Discharged	3.12
	<hr/> 10.73
Less Paid	9.60
Outstanding	<hr/> £1.13

SUPPLEMENTARY TO QUESTION NO. 515 OF 1999

HON J J BOSSANO

Are the Government in a position to say whether there is likely to be much of an increase now on this figure, given that it is for 1996/1997? I asked the same in relation to the figures for 1995/1996 at one stage and I was told that there was unlikely to be much movement. Is that true in this case, or can we still expect more to be coming in?

HON CHIEF MINISTER

Well I think it is unlikely to be very very significant or substantial but even from my own experience in legal practice of companies and their habits in filing accounts, I dare say that there are still companies out there from whom tax can be collected, that have not yet submitted accounts for these years, for this year of assessment. So I think we have got the lion's share but I would be surprised if the figures did not creep up with the passage of further time. I mean, two years is not an enormous amount when it comes to company accounts.

HON J J BOSSANO

When I started this line of questioning going back to 1996, I am sure the Chief Minister does not need reminding, he was telling me that in fact the level of collections must be because there was a backlog of arrears that was being collected and that we would see whether in fact with the passage of time the level was being maintained. Would he not agree that now that we have got what are very close to the final figures for 1996/1997, which shows a figure close to that for 1995/1996, not what was actually collected but what was assessed for that year, it indicates that the tax due based on profits in the private sector have been running consistently at about £11 million. If there was any question of arrears it was over and above the £11 million.

HON CHIEF MINISTER

Well, what the hon Member says is possible but because above all else corporation tax that is collected relates to so many different company tax years.

HON J J BOSSANO

This is assessments for that particular year, this does not cover more than one year surely. If it is it is not the information I am seeking, if that is the answer.

HON CHIEF MINISTER

Well, again, I would not dare answer that question. I would not without checking it out say with complete certainty that the answers given relate only to the year of assessment 1996/1997 as opposed to assessments made during 1996/1997 notwithstanding which year. But I tend to think that the answer probably is that it does relate only to 1996/1997. But before committing myself to that answer I would need to check it. I think probably these figures relate only to the year 1996/1997 in respect of the relevant basis period for that year of assessment. But I will check.

HON J J BOSSANO

But it is the information the question seeks. If it is not I would be grateful for the corrected figure.

NO. 516 OF 1999

THE HON J J BOSSANO

**INCOME TAX - CORPORATION TAX.**

Can Government state how many companies have not had assessments for the tax year 1997/1998, the total amount of Corporation Tax assessed and the amount received to date?

ANSWER

THE HON THE CHIEF MINISTER

This question is an exact duplicate of Question No. 517 which is the very next question. Both questions were signed by the Leader of the Opposition but each is written in the handwriting of a different person. I will answer it together with Question No. 517.

HON J J BOSSANO

Given that the Chief Minister has chosen to make a point of that, all I can tell him is that the House was told that I was sending some questions in at the time when some had already arrived from the office and that we were not sure whether the one that I was sending the second time round was already covered or not. I mean, it must be obvious that there would be no point in asking two identical questions unless I signed the same piece of paper in two different places.

HON CHIEF MINISTER

I think the hon Member misses the sort of tongue in cheek point that I was making, which is that clearly somebody other than himself writes some of his questions. The point being that they are each written by different hands. Obviously he was not seeking to ask the same question under an element of duplication, but the interesting point is that each has been scribbled out by a different hand.

HON J J BOSSANO

If the Chief Minister is mystified by that, I think if he cares to look at all the previous questions, he will find that they are all in different handwritings because it appears that the only handwriting that cannot be deciphered by the administration is mine. So I get my questions copied by people with legible handwriting. Primarily by my Colleague Juan Carlos Perez but if he is not available somebody else does it. So he will find that no handwriting in any question ever matches so that should put him out of his agony.

HON J C PEREZ

The Chief Minister will have noticed that the signature is not forged, it is the same one which is that of the Leader of the Opposition, because each question is signed. And I did tell the Clerk that indeed if there was any repeated question he should take it away.

MR SPEAKER

Actually the responsibility is the responsibility of the Speaker because I should pick that up. The trouble is that you only put in the question at the very last moment. Half an hour later I get communication from No. 6 that they want the questions there, so there was a ruling by the previous Speaker that it had to be five or seven days and it counts from the time not from the full day. So if I had more time it would not have happened.



NO. 517 OF 1999

THE HON J J BOSSANO

**INCOME TAX - CORPORATION TAX.**

Can Government state how many companies have now had assessments for the tax year 1997/1998, the total amount of Corporation Tax assessed and the amount received to date?

ANSWER

THE HON THE CHIEF MINISTER

The Corporation Tax payable as at 14th May 1999 on 1,315 companies assessed for the year of assessment 1997/1998 totalled £9.45 million as follows:-

	<b>£m</b>
Assessed	12.47
Less Discharged	<u>3.02</u>
	9.45
Less Paid	<u>7.71</u>
Outstanding	<u>1.74</u>

SUPPLEMENTARY TO QUESTION NO. 517 OF 1999

HON J J BOSSANO

Obviously in this case one can expect, given that it is a year later, that at this stage the figure is not directly comparable to the 1996/1997.

HON CHIEF MINISTER

Not at all comparable.

NO. 518 OF 1999

THE HON J J BOSSANO

**INCOME TAX - PAYE.**

Can Government state what was the amount of PAYE payable in the tax year 1997/1998 by area of employers as follows:

- (a) MOD
- (b) Gibraltar Government
- (c) Government-owned and Joint Venture Companies
- (d) Private Sector Employment?

ANSWER

THE HON THE CHIEF MINISTER

The total amount of PAYE payable in respect of the tax year 1997/1998 was £38.06 million analysed as follows:

	<b>£m</b>
(a) MOD	4.18
(b) Gibraltar Government	13.38
(c) Government-owned and Joint Venture Companies	2.49
(d) Private Sector Employment	18.01
	<u>38.06</u>

NO. 519 OF 1999

THE HON J J BOSSANO

**INCOME TAX - HOME OWNERSHIP.**

Can Government state what was the total amount claimed by taxpayers in respect of tax relief granted for home ownership in the tax years 1995/1996, 1996/1997 and 1997/1998?

ANSWER

THE HON THE CHIEF MINISTER

I am told that the Tax Office is unable to provide the information requested as no separate records are kept to monitor the cost of home ownership in terms of tax relief.

SUPPLEMENTARY TO QUESTION NO. 519 OF 1999

HON J J BOSSANO

Does the Chief Minister have the amount of tax relief granted in the different years in respect of the £10,000 capital sum which was provided previously? I can understand that perhaps the interest element may be impossible to extract but I think the capital sum was one that they kept a record of.

HON CHIEF MINISTER

Well it may be available but it has not been provided to me, so I will find out for him if that is available, but it is not on my paper.

NO. 520 OF 1999

• THE HON J J BOSSANO

**IMPORT DUTY - CIGARETTES.**

Can Government confirm whether the trend of the cigarette imports reflected in receipts of import duty to December 1998 has continued in the first three months of this year?

ANSWER

THE HON THE CHIEF MINISTER

Now that the hon Member has revealed to me in a moment of peak what he wants the information for I suppose that I had better be careful how I give it to him. The import duty receipt figure for the first three months of 1999 is below the average quarterly figure for 1998.

SUPPLEMENTARY TO QUESTION NO. 520 OF 1999

HON J J BOSSANO

Well I did not have the information at the time of the question but in fact, is there an indication of a trend or is he comparing it with the same three months of last year or the previous quarter?

HON CHIEF MINISTER

No no, the comparison of the first quarter of 1999 is with the average of the four quarters of 1998. The figure for 1999 for the first quarter, is actually higher than the figure for the first quarter of 1998 but lower, much lower, than the figure for the second quarter of 1998 and lower by a significant margin than the third and fourth quarters of 1998.

HON J J BOSSANO

Yes, but is it not the case that in the second part of the first quarter there were unusual circumstances affecting perhaps the flow of business?

HON CHIEF MINISTER

Indeed. We have not addressed why, it is lower in the first quarter than in the second, third or fourth quarters in the previous year and I cannot tell him whether it is a trend. I can tell him that there is a downward trend commencing with the second quarter of 1998. So the third quarter is lower than the second quarter 1998, the fourth quarter is lower than the third quarter, the first quarter 1999 is lower than the fourth quarter, but whether the figure for the first quarter of 1999 is lower by virtue of the continuation of the trend in 1998 which is downwards, or whether it is due specifically to the unusual circumstances at the border, I cannot tell him and we shall find out in the second quarter, if the situation began to recover.

HON J J BOSSANO

I think, if my memory serves me right in fact, that the average for that quarter shows a lower than normal figure for February, is that not correct?

HON CHIEF MINISTER

I cannot tell the hon Member because I have not got the monthly figure. Actually I have got the monthly figures. Not on the paper that was written but on the next one. Surprisingly, the figures for February 1999 in terms of import duty collected in cigarettes rather than volumes, was only marginally lower than the corresponding figure for 1998, but of course one has got to bear in mind, I cannot remember when we introduced the import duty increases on tobacco. That was in 1997, that was when he gave up smoking. So yes, then it is surprising that the figure is within £20,000 one February to the other.

I have here a note, if the hon Member would just give way to me, that the duty on other brands was increased to bring them into line with American brands in October 1998 but I do not think it was that reason. That does not sound right, it must have been October 1997.

HON J J BOSSANO

Yes it was October 1997 because I used to smoke.

NO. 521 OF 1999THE HON J J BOSSANO**FAMILY EXPENDITURE SURVEY.**

What was the average weekly household expenditure of all households, in Spain, giving a breakdown by each of the eight groups of expenditure, as calculated from the Family Expenditure Survey results of 1998?

ANSWERTHE HON THE CHIEF MINISTER

The 1995/1996 Family Expenditure Survey gives the following results:

AVERAGE WEEKLY HOUSEHOLD EXPENDITURE IN SPAIN

	£
Food	9.28
Alcohol and Tobacco	0.42
Clothing and Footwear	2.43
Durable Household Goods	0.72
Housing	0.17
Services	1.26
Other Goods	1.88
Transport and Vehicles	0.59
TOTAL	<u>16.75</u>

SUPPLEMENTARY TO QUESTION NO. 521 OF 1999

HON J J BOSSANO

The figure of 16.75 is related to the average household expenditure in Gibraltar which I think was in excess of £300, is that correct?

HON CHIEF MINISTER

I take the hon Member's word for it. I cannot remember what the Survey threw up as the average household expenditure.

HON J J BOSSANO

Would the Chief Minister not agree that in fact, if these figures are accurate, obviously they are based on responses from the households, that they could not indicate a very large level of expenditure by residents in the hinterland, which is an assumption which I think was not based on any figures before, was based on a feel for the situation.

HON CHIEF MINISTER

Yes, these are average figures and therefore as I think we all know do we not, that there are many people in Gibraltar who do not go shopping in Spain at all and there are some people in Gibraltar who shop a lot in Spain and this is what one gets when

one gets the average. I suspect that thousands of Gibraltarians do not go to Spain to shop at all on a weekly basis and many go regularly and one can see them and they go and do their weekly shopping in PRYCA and come back. I think that is probably the explanation. Of course, the hon Member should know this is a household expenditure so it does not include, for example, expenditure on holidays. So if somebody goes to Fuengirola or to Marbella for three weeks on their holidays, that is not included in this.

HON J J BOSSANO

No because it would be included in the amount shown in the public expenditure survey being spent on holidays irrespective of where the holiday is.

HON CHIEF MINISTER

Exactly so.

HON J J BOSSANO

In terms of what this translates to as £x millions a year of expenditure in the hinterland, I mean this does not reflect the situation at all.

HON CHIEF MINISTER

No I think that most of the expenditure is spent on holiday related things and I do not think the loss of expenditure on what we might call recurrent durable consumable expenditure, is significant. But if the results of this survey are to be believed I agree with the assessment that the hon Member is making as a first reaction to hearing these figures, that it would not suggest a massive outflow from the economy in terms of retail expenditure in the hinterland.

NO. 522 OF 1999

THE HON J J BOSSANO

**RATES - ABANDONED CLAIMS.**

Can Government say what was the value of abandoned claims in respect of arrears of rates and penalties in the financial years 1997/1998 and 1998/1999?

ANSWER

THE HON THE CHIEF MINISTER

The value of abandoned claims, that is amounts written-off, during the financial years 1997/1998 and 1998/1999 is as follows:

	<b>Rates</b>	<b>Penalties</b>	<b>Total</b>
1997/1998	£42,306	£24,219	£66,525
1998/1999	£88,922	£75,389	£164,311

SUPPLEMENTARY TO QUESTION NO. 522 OF 1999

HON J J BOSSANO

Are these primarily connected to the companies that have been put through the process of liquidation by the Arrears Unit?

HON CHIEF MINISTER

I am told by he who has to sign the bit of paper to lawfully write-off such debts that it could be that generated by the Central Arrears Unit but it could also be debt which just stays on the arrears list year after year and which the Financial Secretary and the Accountant General have judged there is no prospect of recovering. I think the point is that I am not sure that the Government always pursues to winding-up every company of whom it writes-off a debt.

HON J J BOSSANO

But presumably when the decision is taken to write it off it is because a judgement has been made that it is not collectable any more.

HON CHIEF MINISTER

Yes but the company is not necessarily wound up. Yes the judgement is made that it is not collectable that it is a bad debt.

HON J J BOSSANO

Yes but either the company is not wound up because it has disappeared or one would not allow a company to keep on trading and owing money.



HON CHIEF MINISTER

No absolutely. Because the company is defunct, abandoned, inactive, yes. We would not abandon debt in respect of an active company unless there was presumably some valid claim that an error had been made and it settled the way in a bona fide context.

NO. 523 OF 1999

THE HON J J BOSSANO

**GOVERNMENT TENDERS.**

Can Government specify in which of the tenders awarded since December 1997, did the inclusion of the criteria that the tenderer employ Gibraltar labour, influence the selection of the successful tenderer, and in respect of each such successful tenderer the number of Gibraltarians employed at the time of the tender award?

ANSWER

THE HON THE CHIEF MINISTER

A total of 134 tenders have been awarded since December 1997, (73 supply tenders, 37 works tenders and 24 service tenders). The criterion referred to in the Question only applies to works tenders and service tenders. The provision of the information sought would require an analysis of the Minutes of the Departmental and Treasury Tender Boards relating to all those awards. That requires a disproportionate administrative effort.

SUPPLEMENTARY TO QUESTION NO. 523 OF 1999

HON J J BOSSANO

Will the Government undertake to record that information from now on and then it will not require a disproportionate administrative effort.

HON CHIEF MINISTER

Certainly I can ask the Treasury Tender Board to keep a running total of all those cases in which the bid has not been given to the lowest bidder because of employment considerations.

NO. 524 OF 1999

THE HON J J BOSSANO

**GIBRALTAR DEVELOPMENT CORPORATION.**

Can Government state whether employees of the Gibraltar Development Corporation are public officers?

ANSWER

THE HON THE CHIEF MINISTER

Under the Interpretation and General Clauses Ordinance, "public officers" means "any person in the service of, or holding office under the Crown in right of the Government of Gibraltar, whether such service or office be permanent or temporary, or paid or unpaid".

None of the employees of the Gibraltar Development Corporation fall under that definition.

SUPPLEMENTARY TO QUESTION NO. 524 OF 1999

HON J J BOSSANO

So when the decision was taken to bring legislation to the House to transfer the functions of the Financial and Development Secretary to the Finance Centre Director or other public officer, it was not intended that it should be an employee of the Gibraltar Development Corporation, which I understand. But is in fact the Finance Centre Director a public officer? He is not.

HON CHIEF MINISTER

The intention was that it would either be the Finance Centre Director or one of the Civil Servants in the Ministry for Trade and Industry, so yes he is right in the conclusion reflecting the first part of his Supplementary that it would not be any other employee of the Gibraltar Development Corporation.

By stint of the definition that I have now given him, and given that the Finance Centre Director's contract is with the Gibraltar Development Corporation, he is not a public officer as defined in the Interpretation and General Clauses Ordinance.

HON J J BOSSANO

So, is this a deliberate policy decision of the Government that it should be a public officer unless it happens to be him. Obviously that they thought was a public officer.

HON CHIEF MINISTER

Not really. He is sufficiently senior and experienced, notwithstanding that he is not a public officer, to discharge that function. I think it is true to say other officers of the Gibraltar Development Corporation engaged in relation to financial services are much less senior, and that therefore if it was not going to be done by the Finance Centre Director it would have to be one of the Civil Servants in the Department of Trade and Industry.

HON J J BOSSANO

If the seniority is because of what he gets paid then obviously he is the most senior person in Gibraltar because he gets £80,000 tax free. So that makes him very senior. More senior than all of us put together. But I mean, independent of his income, seniority in what sense? He is the equivalent, other than salary wise, there must be people who are Heads of Departments who in their establishment are as senior as he is in his.

HON CHIEF MINISTER

Well, seniority in the sense that he is a professional man with judgement and experience in whether it is right or wrong that a particular company should be given exempt status and qualifying status. So it is not seniority by reference to any grading or by reference to any formal structure but he is the sort of individual in whose judgement the Government can have confidence in the exercise of the discretions attached to that function. That is what I mean by perhaps suitability is a better word than seniority.

HON J J BOSSANO

And the Government do not feel that it is something that ought to be done by a public officer. That is to say, that somebody who comes in from the private sector and may go back to the private sector, should really be deciding who gets tax free status and who does not. I mean, do the Government not accept that in fact in the scenario we have got today, we were talking earlier about whether the contract is renewed or not. He could be in competition with people in July this year over who he has been presiding and making a judgement.

HON CHIEF MINISTER

Well, indeed, as was the previous I do not know what Mr White's title was in the Income Tax Office, but there is a man who one day was assessing your tax and mine and the next day he went into the private sector and started advising the very people whose tax he had been collecting before, presumably advising them on how they should organise their affairs to pay less. Nor would the defect, if a defect it is, nor would the issue that the hon Member is addressing, be corrected by him being a public officer. Because a public officer could be a contract officer. I mean the Financial and Development Secretary is not a permanent and pensionable employee, he is a public officer but he is a contracted public officer, and he could theoretically have left his job, as indeed the previous's predecessor did, left from the office of Financial and Development Secretary to (at least he tried) a private sector job with a local connection. The point that the hon Member makes, if it is a good point, is not addressed by whether one is a public officer or not but whether one is a permanent and pensionable public officer as opposed to a contracted public officer. I think there is little difference in terms of the point that he has raised, between a contracted public officer and an officer contracted by the Gibraltar Development Corporation, in that both terminate their contracts and theoretically are free to go straight into the private sector into related employment.

HON J J BOSSANO

I think there is some validity in the argument in the example the Chief Minister has given, but it is not entirely correct. Because I would imagine the tax assessment process in the tax office does not allow the freedom of discretion as to whether one is given the status of not paying tax or given the status of paying tax. They may be better or less good at assessing the level of profitability in relation to what is declared

and in that context well, perhaps somebody that knows how the assessments are made is better placed to advise somebody else how to prepare the information for those assessments. But the point is that it seems to me that when the legislation was brought to the House, on the basis that it was the Finance Centre Director or other public officer, it seemed almost to suggest that the policy was to retain it in the hands of somebody who was a public officer.

HON CHIEF MINISTER

First I think the hon Gentleman sort of kills the lily a little bit when he talks about this being a function that decides whether somebody pays tax or does not. No, because by definition anyone that applies for tax exempt status is somebody who is not otherwise liable to pay tax in Gibraltar. I mean, the applications would not come in respect of you or me, they would come in respect of some non-resident individual whom if he did not obtain tax exempt status would not establish the taxable activity in Gibraltar in the first place. So we are not talking about a discretion to exempt from tax, somebody who would otherwise pay tax. In the second place, there is relatively little discretion. There are guidelines, the guidelines are operated by people at HEO level, who do the paperwork and who handle their, for example, when it was the Financial and Development Secretary, signing off the certificates - which is what the Finance Centre Director is now doing. The paperwork, the application will be continued to be assessed against established guidelines by the same sort of staff that used to do it before. Indeed I think one of them, the principal officer, is coming across with the function and indeed some of his subordinates. Therefore, the only real element of judgement, is whether the people behind the company are fit and proper in the sense of whether there is any known criminal involvement, and that is a judgement that is made in the Law Enforcement Agencies through certain enquiries that are made on a standard basis. So all I am trying to say is that in real terms, the element of discretion exercised is very little. Because unless something is known about the underlying shareholders that makes them undesirable, the application would tend to be granted. And such discretion as exists is going to be exercised in practice by the same people that have always exercised it, and if there is a problem area, it is going to come to the place where it has always gone, in effect, to Ministers for a policy decision. So really, in a sense, there are very little changes.

NO. 525 OF 1999

THE HON J J BOSSANO

**JOHN MACKINTOSH HOMES.**

What are the proposals that have been put to the Board of John Mackintosh Homes by Government and when were these proposals made?

ANSWER

THE HON THE CHIEF MINISTER

On 27th January I wrote to the Chairman of the Board of Governors to enquire whether the Trustees and/or the Board of Governors would consider making the buildings available in the context of restructuring the services available for care for the elderly.

SUPPLEMENTARY TO QUESTION NO. 525 OF 1999

HON J J BOSSANO

Is that the only proposal that has been put?

HON CHIEF MINISTER

It is the only proposal that is of relevance to the Board of Governors. Because in a sense, what we are saying to the Board of Governors is stop providing the service and make the building available for the service to be provided in a different context and by a different party. So there is no need really for us to put detailed proposals to the Board of Governors as to the future operation.

HON J J BOSSANO

So effectively the proposal of the 27th was "will you let us have the building so that we take over the running of the John Mackintosh Home". Is that the proposal?

HON CHIEF MINISTER

Not necessarily we but some other entity. In other words, an entity other than the Governors of the John Mackintosh Hall. Certainly it would be an entity in which the Government will have more input, given that I have spoken, the hon Member will notice that I have not spoken about the continuation of the Mount Alvernia service as it now is, I have spoken about in the context of restructuring the services available for care for the elderly. Therefore, what we want for Mount Alvernia is that it should form part of a wider project for delivery of elderly care services, expanded services and not just a continuation of the existing residential home services.

HON J J BOSSANO

What reply, if any, have they had to date since 27th January?

HON CHIEF MINISTER

The Board of Governors are in principle content. A process of discussion is taking place. They have suggested to the Government that they have a number of concerns that they would wish to see protected, continuity of making sure that the property carries on being used for purposes consistent with the will of John Mackintosh, that sort of thing. We have not yet had formal agreement to the Government's proposal to them but discussions are progressing on the assumption that, and on the basis that, that formal agreement will be forthcoming.

HON J J BOSSANO

The Chief Minister talks about the Board of Governors as if it was some kind of independent organisation, but in fact we have got the Deputy Governor there and Government representatives and I think representatives of the different denominations in Gibraltar. So really, in terms of the Board of Governors, who precisely do the Board of Governors pick that is not already predominantly the input of the Government?

HON CHIEF MINISTER

Well, the hon Member must know the answer to his own question. He has been in government for eight years, he knows that although the Government of Gibraltar now increasingly provides by way of subvention the lion's share of their revenue, that the Governors of the John Mackintosh Home are not a Government service. They are not delivering a service on behalf of the Government. Such influence as the Government wields in there, it wields because it pays the piper and that is not the same thing. There are no Government representatives on the Board of Governors of the John Mackintosh Homes. The Deputy Governor is not there representing the Government, he is there because the will of John Mackintosh specified that the Deputy Governor, in his capacity as Deputy Governor, should be the Chairman. But the Board in no sense is obliged to pursue Government policies, nor is it obliged nor does it deliver a service on behalf of the Government. I have to say I am a little bit surprised that the hon Member should indicate so starkly that this is as good as a Government Department.

HON J J BOSSANO

Well, I have not said anything about delivering a service on behalf of the Government. All I am saying is, if the Government go to the Board of Governors, I mean the Board of Governors gets the money from the Government and depends on the Government's money to survive.

HON CHIEF MINISTER

Therefore they do what we tell them.

HON J J BOSSANO

Well they do what the Government tell them because the Government say they want to take over the whole place and pay for the whole of it. I cannot understand who in the Board of Governors has the negotiating capacity to say no. So, who is it?

HON CHIEF MINISTER

No, no one is saying no. The Government do not think that it is proper to allow the responsibility for the delivery of the service to rest with the Board of Governors who are then expected to do as they are told. Well if the Government are going to throw its weight around and say because I pay I say, then the decent thing is for the

Government to relieve the Board of Governors of the responsibility. The Government also keeps afloat GBC and contrary to what the hon Members believe, we do not tell them what they have got to do. And this idea that the Government uses the power attaching to the fact that it is paymaster, to seek to control organisations which it finances but which are not part of the Government, it is not in the style of at least this Government. I do not know if the hon Member had that approach when he was in office. We take the view that we provide a subvention and that means that we certainly expect our views to be taken into consideration but we do not issue instructions to the Board of Governors. We do not say to the Board of Governors "because we pay you will do this that or the other". The only case that I can think of on my feet of that, is that we did say to the Board of Governors "it is Government policy that publicly funded employees should be recruited by open recruitment process following advertisement, given that in practice, employees in Mount Alvernia are through the subvention almost completely financed by it, would you agree to fall into line with Government recruitment policy?" And they agreed to do so. But other than that, I really cannot think of any other areas in which the Government has sought to issue instructions simply because we pay a subvention upon which they rely.

HON J J BOSSANO

Well certainly if there is truth in the stories that I hear, they issue instructions even when they are not paying, never mind when they are. But then of course I do not pursue my questions in this House based on the stories that I hear outside. That practice stopped on 16th May. The question is, is it the case then that the problems that staff in Mount Alvernia have been experiencing in the last three or four months because of some pending undecided negotiations, is related to the fact that the proposals of Government to the Board has still not been accepted or rejected or agreed?

HON CHIEF MINISTER

No, the Government are not yet free to deploy the new structure and the new services and the new management and the new organisation that it wants in that context, because we have not yet got our hands on the building.

HON J J BOSSANO

Well I am not sure that anybody there is asking for new structures and new management and new anything. The problems to which I am referring are problems which are related, not to anything new but to things old. That is to say, is there any problem with Mount Alvernia continuing to get the finance it requires until a decision on the new structure is made?

HON CHIEF MINISTER

There is no problem on it getting the finance that it requires, but of course there appears to be a difference of opinion between the staff and the management about what is required. The hon Member should be aware that there has been no decrease in the establishment at Mount Alvernia, indeed there has been an increase, since May 1996. The management have never put to the Government a request for funding for additional personnel which has been refused. I am aware that there are two, possibly even three now, vacancies for qualified nurses as opposed to the nursing assistant, that they have not been able to fill because they are competing for recruits for qualified nurses from the Health Authority, that also has vacancies in qualified nurses, but of course the terms and conditions are better. Therefore Mount Alvernia finds that it has got vacancies which it has got funds to fill, it puts out advertisements but it finds that there are no takers for the job. Those are the only difficulties that I am aware in respect of staffing problems at Mount Alvernia.



HON J J BOSSANO

But irrespective of how long it takes to sort out whatever problems there may be, the continuing operation on the basis that it is now, I mean the Government are not in any way impeding the flow of money to the existing operation.

HON CHIEF MINISTER

Absolutely not. Not at all.

HON J J BOSSANO

Can I ask, is in fact, have Government made any kind of provision in the Estimates in the House in the expectation that some agreement will take place during this current financial year or not?

HON CHIEF MINISTER

No we have not.

HON J J BOSSANO

So the possible financing implications of any changes in the structure are not reflected in the Estimates.

HON CHIEF MINISTER

They are not reflected in any identifiable Head of the Estimates but they will have to be funded through an existing Head and Subhead, fed through either savings or virement, or from the Supplementary Funding vote. But there is no specific Subhead which makes provision for the possible financial implications of anything further that we might do in that area.

HON J J BOSSANO

And is the nature of the proposal that the elderly persons home should be managed by a private contractor, as happened in the case of Milbury, or are we talking about them being incorporated into the Health Service?

HON CHIEF MINISTER

I was wondering how long it was going to take the hon Member to put that question. He has camouflaged it well. Those decisions have not been made. It is unlikely that the structure, the restructured structure of which we are talking, it is unlikely that it will be integrated into the Gibraltar Health Authority or the Government.

HON J J BOSSANO

But the proposal put to the Board at the moment is not definitely one or the other. It is unlikely but it is not ruled out?

HON CHIEF MINISTER

No, I cannot remember the exact wording of the letter but certainly, the letter makes it clear that it would be a structure which would be formally closer to the Government but it does not say it is going to be the Government. I think the Trustees understand that.

HON J J BOSSANO

Well presumably the Trustees would have had very little to do with the structure once the structure is in. I would have thought the people who would be most interested in knowing what is on offer are the employees rather than the Trustees who, presumably, will have very little part to play in the new proposals, no?

HON CHIEF MINISTER

No we have not ventilated the proposed restructure with the Governors at all. The hon Member is trying to prise information out of me prematurely. It is not yet crystallised. The Government have not yet made a final decision on the form of the model of the new structure that it wishes to see replace the current one.

HON J J BOSSANO

So in fact, the only thing that the Government have done since January is to say to the Trustees "can we have your buildings?"

HON CHIEF MINISTER

Well, we have put the position in writing, we have had a couple of meetings with them to explain our thinking, and we have not thought it appropriate to impose ourselves on them by harassing them to make a decision more quickly than such entities are accustomed to making their decisions. They would have to take legal advice, they would have to consult the Trustees, the Board of Governors has had to consult the Trustees of the Trust, they have got a process, they have had discussions amongst themselves, they have had discussions with us. It is not true to say that all that has happened since February or January that we have sent the letter. There has been a process of bilateral discussions and unilateral discussion, both between themselves and between ourselves, and them together.

HON J J BOSSANO

Is the staff conscious of the fact that this is going on? Because they seemed to have very little idea, notwithstanding the fact that I think they have had meetings with the Minister for Health, they seem to have very little idea of what in fact is being thought about.

HON CHIEF MINISTER

Well, it is not usual for governments to consult staff about what they are thinking about. It is appropriate for the Government to consult the staff's representatives in terms of their Union, when the Government have themselves made up their mind of what it would like to do, and then consults the Staff representatives about what the Government would want to do there, as opposed to varying thought processes in the run up to that. It is not usual to share your thinking with your staff until it has crystallised into a proposal.

HON J J BOSSANO

But in this case what we are talking about really is a transfer of undertaking where the undertaking has got Trustees who depend on a Government subsidy, and where it is not very clear. I can well understand that they have to make sure that any assets that were left by the will of John Mackintosh, that nothing is done which in any way conflicts with the terms of the will, I can understand that that part is one and obviously the Government would want it that way, understandably. But independent

of that, if what we are talking about is a completely new entity replacing what is there, or not even replacing it, something bigger incorporating what is there, then I would have thought an early indication that this is what is being thought of should have been given by now. Given that the first approach was made in January.

HON CHIEF MINISTER

That is almost a rhetorical question. The hon Member thinks it should have happened by now and we do not think it should have happened by now. I do not think we can carry on bantering on this basis.

NO. 526 OF 1999

THE HON J J BOSSANO

**HOME OWNERSHIP SCHEME.**

Do Government apply any nationality conditions in considering applications for participation in the 50/50 Home Ownership Purchases?

ANSWER

THE HON THE CHIEF MINISTER

When considering applications for participation in the Government Shared Home-Ownership Scheme, the Government applies the conditions that are set out in the Underlease as to who is eligible to be a lessee.

The Underlease states that for a person to be a lessee, that person must satisfy the provisions of the Housing Allocation Scheme on the eligibility for Government Housing.

SUPPLEMENTARY TO QUESTION NO. 526 OF 1999

HON J J BOSSANO

Well, does that mean that only persons, if I have understood it right, only persons who are on the waiting list may buy on a 50/50? (Or can join the waiting list).

HON CHIEF MINISTER

Eligible for Government housing. In other words, that could be eligible to be on the waiting list.

HON J J BOSSANO

They have to be eligible to be on the waiting list, is that correct?

HON CHIEF MINISTER

Yes.

HON J J BOSSANO

I see. So that means, in fact, that if I have understood the answer, I mean I am not particularly familiar with what the Underlease says, but it certainly does not seem to be to me what the Underlease was providing when Westside I and Westside II were sold, because all one needs to do is to have a walk around the Estate and listen to the accents to realise how many of the people there were not eligible for Government housing.

HON CHIEF MINISTER

Well, if he is referring to Anglo-Saxon accents.

HON J J BOSSANO

Absolutely.

HON CHIEF MINISTER

Then one has got to bear in mind that some Anglo-Saxons have married Gibraltarians and that might explain their presence on the Estate. But certainly I can tell him that he said that he is not familiar with what the nitty gritty of this is, and nor really would I, but if he asks the question what I can tell him is that there has been no change. The position continues to be what it has always been. We have not changed policy in this matter from what it was when they were in office.

HON J J BOSSANO

I accept what he is telling me but I am not aware that people were experiencing difficulty previously on the basis that because they were UK nationals, even though they might have been here a lifetime, they were not able to buy on a 50/50. I understand that there have been cases recently, and people have approached us on this, and our response has been "well it did not seem to be happening before".

HON CHIEF MINISTER

The only case that I personally am aware of is of a Spanish lady that has had a business in Gibraltar, I think a fritter business in Gibraltar, for quite some time. It is the only case that I am aware of that we have not allowed access to the 50/50 scheme. That was on a re-sale, the lady wanted to buy a flat that was already on a 60/40 in effect.

HON J J BOSSANO

No I am aware of that case but the specific cases that I am referring to in the last couple of months are people who are UK British but with the lifetime residence in Gibraltar. But I think strictly speaking by the letter of the Housing Regulations will probably not be eligible to apply for Government housing, but otherwise they have got a long-standing connection with Gibraltar. My understanding is that that kind of case before was allowed. But if it was not and there has been no change, I stand to be corrected.

HON CHIEF MINISTER

I think the hon Member should assume that it is unlikely that we will be tougher even than him in that department.

HON J J BOSSANO

Well perhaps by mistake, deliberately.

NO. 527 OF 1999THE HON J J BOSSANO**HOME OWNERSHIP SCHEME.**

What is the policy of the Government as regards persons who wish to re-sell property owned 100 per cent to purchasers who wish to obtain 50/50 finance from Government?

ANSWERTHE HON THE CHIEF MINISTER

The Government do not as a matter of general policy extend the 50/50 scheme to the purchase of a property owned on a 100 per cent basis by the seller. However, Government will consider each case on its merits and may allow it in appropriate circumstances.

SUPPLEMENTARY TO QUESTION NO. 527 OF 1999

HON J J BOSSANO

Have there been such instances of being considered on their merits and being allowed?

HON CHIEF MINISTER

I think there has been only one, and it was a case of a young family who had bought themselves a 50/50 flat in the Brympton Estate on 50/50, they had the first or subsequent children, that flat had grown too small, the flat next to it (which was on a 100 per cent) became vacant and really they had the choice of moving out of Brympton altogether, selling up their 50/50 flat (which they had invested money on the refurbishment and redecoration), and they came to us and said look, to save us having to sell up from what is presently our whole home and incur all the costs, would Government just give us a 50/50 for the flat next door, which was on a 100 per cent. We said yes, but not in respect of the whole flat. In other words, the result of the decision was that they got the 50/50 on so much of the second flat as when added to the whole of the first flat, amounted to the largest flat on the Estate in which 50/50 had been given. So they did not get 50/50 for the whole of the two flats. They got 50/50 for part of the second flat. Because they wanted to join the flat and make one larger home incorporating their existing one, rather than have to sell up, move, give up all their fixtures and fittings and carpeting and everything else they had put in, and go and buy a bigger flat, perhaps on a 50/50, in a completely different Estate. There was no logic to it. So that was a situation which it was permitted and I think that was the only one.

NO. 528 OF 1999

THE HON J J BOSSANO

**SCHENGEN AGREEMENT.**

Have the Gibraltar Government informed the United Kingdom Government which aspects of the Schengen Agreement it wishes Gibraltar to participate in?

ANSWER

THE HON THE CHIEF MINISTER

Yes Sir.

SUPPLEMENTARY TO QUESTION NO. 528 OF 1999

HON J J BOSSANO

Would the Government like to inform us which aspects of the Schengen Agreement it wishes to participate in.

HON CHIEF MINISTER

The Government would be very happy to inform Opposition Members except that we have already said so publicly. We have said to the British Government on several occasions that we wish to participate in all parts of the Schengen implementing Convention. Well more than that, in any part of the Schengen *acquis*, into which the UK is opting in. In other words, we do not wish to be excluded from any part in which the UK is included.

HON J J BOSSANO

Can the Government then explain why it is that in answer to a Parliamentary question, the Minister has said that this is now what it is that Gibraltar wants to be included and is under discussion with the Gibraltar Government. If all that they have done is say several times we want to be in, in what you want to be in, what exactly is the discussion that has taken place?

HON CHIEF MINISTER

I cannot explain that reference. The Government wrote twice saying that we wanted to be in all parts that the UK were in. On the occasion of a very recent visit by me and the Chief Secretary to London, we were asked to go to the Foreign Office, where we met with officials from the Foreign Office and the Home Office. They took us through article by article, the ones that the British Government was wanting to opt into. They expressed the view that some of those may not be appropriate for Gibraltar for a number of reasons. We came away and considered the situation and wrote back as a follow up to that meeting saying we had thought about it and we think on balance, we stick to our previous position which is that which we have never changed. In other words, our position remains as we had stipulated, specified before that meeting. So, I do not want to be critical of Parliamentary answers but to the extent that that suggests that there has been any indication by the Government that its position on the matter was negotiable, it does not totally reflect the position. Certainly, the United Kingdom has at that one meeting and in a subsequent follow up

letter, explained to us why they think some of the bits that they are opting into ought not to be extended to Gibraltar. Then we replied. I do not know if that constitutes a discussion but certainly there has never been any indication by the Government that our position had changed from what we had put in writing twice before that meeting. Namely, that we wanted it all extended to us.

HON J J BOSSANO

It is the case then that we are being given the option to opt in or not opt in independent of the United Kingdom, is that correct?

HON CHIEF MINISTER

No it is not correct. We are not being given the option to opt into anything that the United Kingdom is not opting into. So, from the things that the United Kingdom is opting into, the United Kingdom is suggesting that we should be excluded from some of them for legalistic arguments.

HON J J BOSSANO

If we have got an element of choice in deciding whether we want to go in or not, should there not be an opportunity to discuss what are the options rather than the Government committing Gibraltar to go in but none of us outside the Government know what it is we want to go into?

HON CHIEF MINISTER

Is the hon Member suggesting that there might be bits of the Schengen Convention from which he wishes to be excluded?

HON J J BOSSANO

Well there might well be if I knew what they were.

HON CHIEF MINISTER

They are matters that relate to extradition, matters which relate to mutual legal assistance, matters which relate to police and customs co-operation, especially rules about hot pursuit and one aspect, one clause, one article for which the legal base is the old Article 100A of the Treaty, now Article 95 of the Treaty establishing the Community, which is the freedom of movement of goods, the single marketing goods, which as he knows does not apply to Gibraltar. Those basically are the four areas, there are two articles, well more than two articles, there are two parts of the Schengen Convention which supplement, which build on much earlier Conventions. In the case of the Mutual Legal Assistance I think a 1959 or 1960s Convention, which does not apply to Gibraltar. The argument is well, if the Convention which is being built on and which is being modified does not extend to Gibraltar, then how can the modifying bits by themselves extend to Gibraltar. That accounts for two of the sections, for two of the parts. The other is this one which has been provisionally given a legal base in article 95 of the Treaty establishing the Community, which is the one for which we do not apply Directives at the moment, because they relate to goods. Then there is this one about police and customs co-operation and rights to hot pursuit across borders, across land borders. Those are the four areas from which the UK thinks we ought to not be included.



HON J J BOSSANO

Well I would have thought the Government were not very keen to be seeing hot pursuit across land borders given that pursuits are likely to be in one direction.

HON CHIEF MINISTER

Well the hon Member will be I am sure interested to know that those are precisely the arguments deployed by the Foreign Office. The hot pursuit of course would be reciprocal and it is not just hot pursuit. Hot pursuit does not mean that one just goes across, one goes across on terms of notification, advice, permission with this time and all the sorts of procedures that would be difficult for the Spaniards to recognise. The Government does not attach great importance to inclusion or non-inclusion in those bits for the substance of them but the Government are worried, as we said in the Press Release that I issued, that if for whatever reason Gibraltar is excluded from any bits that the UK now wishes to opt into, there is the danger that when the UK, if the UK at any time in the future, chooses to opt into the Internal and External Frontiers parts of the Schengen implementing Convention, that others might say, "well look, if you for your reasons opted out of this then the principle of universal application to Gibraltar cannot be sacrosanct so why is it such a big deal to agree to exclude them from the bits that we have difficulty with you including them in". That is principally the areas that concerns the potential argument that concerns the Government. The hon Member indeed will recall that at the time of the Naples 1, he came under pressure from the United Kingdom Government to sign up to it, and he was reluctant to do so precisely because of the hot pursuit provisions in it. So, all these things have to be put carefully into the balance and because these provisions are now contained in the Schengen acquis, and because there are other things in the Schengen acquis, exclusion of Gibraltar from which would really be prejudicial, and I am sure he will agree on that, I think there is a danger in Gibraltar to be seen to be cherry picking, if I can borrow that phrase from the UK, from what the UK is itself accused of doing in relation to Schengen. If Gibraltar or the UK in respect of Gibraltar is seen to be cherry picking, then it strengthens the hands of others who may wish to exclude us from other bits, from other cherries, from the same cherry bowl.

HON J J BOSSANO

So in fact the Government have got no guarantee that by saying it wants to be included, Gibraltar will be included, no?

HON CHIEF MINISTER

Of course not. The hon Member knows that Governments of Gibraltar fight their corner and put their case across and then the United Kingdom Government takes the Government's views into account or not, as it pleases, and then makes its decisions in accordance with what it calls the balance of its national interests. I can tell the hon Member that I have discussed this matter with the Minister, with Joyce Quinn, I believe that Joyce Quinn is wanting to bat hard for Gibraltar and wanting to resist pressure that they might come under from Spain, it is early days in the negotiating process. I believe that Joyce Quinn is on side on this matter. We have got to bear in mind that this is a matter in which negotiations on behalf of the UK are not driven by the Foreign Office but by the Home Office and therefore, it remains to be seen the position that HMG will take. Certainly I can tell the Opposition Members that at this stage, we have not yet succeeded in persuading the UK Government of the merits of our views.

HON J J BOSSANO

Well, I do not think that the Chief Minister has succeeded in persuading me of the merits of his views. I can well imagine the difficulty he has with the UK Government. I have got other questions on related subjects.

HON CHIEF MINISTER

Can I just ask, as he is not obliged to answer my questions, but is he suggesting that there are circumstances in which he would support the exclusion of Gibraltar from part of the Schengen Convention?

HON J J BOSSANO

Well yes. What I am suggesting is in fact that we should have the same right to choose as the United Kingdom has negotiated for itself. I do not see why what is good for the UK is necessarily good for us, any more than what is good for us is necessarily good for them. So I think the position of Gibraltar should be that if they have negotiated, and they announce it with such pride in the House of Commons that they had negotiated the right to opt in, then we should say we want the same right to opt in. But if in fact what we have is a position where we can apply to join everything and then Spain will decide which of the things we apply they will agree to, then it seems to me we are putting ourselves in a very vulnerable position.

HON CHIEF MINISTER

Well, first of all let us agree that we are only talking about the right to opt in to the bits that the UK chooses to opt in to.

HON J J BOSSANO

Yes but presumably that is not a finalised list. That list could grow tomorrow.

HON CHIEF MINISTER

Tomorrow. But we have always got to be in parallel with the UK and of course, let us not forget that Spain has a veto in respect of the entirety of this acquis.

HON J J BOSSANO

We never doubted it.

HON CHIEF MINISTER

Nor do we. And this is the discussion which we have been having for such a long time. No one has ever doubted it and it certainly was not the hon Members who first alerted to the fact that the United Kingdom had given away to Spain effectively, a veto on the United Kingdom's subscription to any part of the Schengen acquis, of the existing Schengen acquis. The only problem is that the hon Members appeared at the time to think that it related to borders. We knew that the Schengen acquis contained much which was not just borders and the hon Members have spent the last years saying that we thought it was only about borders.

HON J J BOSSANO

I think the Chief Minister would have done well not to say that. Because in fact it takes an incredible amount of hard face for somebody who at the time said in this House of Assembly, and I am willing to go back and read what he said at the time in

1997, that we should not be alarmed because in any case it was all academic. Here he is saying that we were the ones who thought it only had to do with borders and he was the one who was telling us it had to do with a lot of other things. But I have got questions in the order paper today which will give him an opportunity to tell us how it is that he still thinks what he thinks according to that answer, when in fact it contradicts lots of other things he has said on a lot of other occasions.

HON CHIEF MINISTER

I do not accept that it contradicts anything of what I have said on the other occasions. The hon Member is back to the same tactic as before, of making wild and unsubstantiated allegations so that people listening think that they are fact and correct. I have never said anything contradictory on this. The Opposition Members are the ones who are confused, not just about the Schengen acquis. But as he will discover when we discuss the question on the order paper about other aspects of the Amsterdam Treaty and amendments introduced by the Amsterdam Treaty into the Treaty establishing the Union and the Treaty establishing the Community.

NO. 529 OF 1999

THE HON J J BOSSANO

**ALLEGED CRIMINAL ACTIVITIES BY THE SPANISH GOVERNMENT.**

Can Government list the specific alleged criminal activities which were being looked into in March as a result of complaints by Spain in February?

ANSWER

THE HON THE CHIEF MINISTER

I notice that since he asked the question and I penned this answer, that Joyce Quinn has made a Parliamentary answer. I think it was to Martin Smyth, in which she basically says the Spanish allegations were wild and incapable of substantiation.

But in any case my answer is. I do not think that it is appropriate to list publicly the specific criminal activities alleged by the Spanish Government. Much of the information contained in the Spanish paper was wrong. Other allegations were unfounded.

SUPPLEMENTARY TO QUESTION NO. 529 OF 1999

HON J J BOSSANO

I think if they were wrong and unfounded and I do not see what is wrong with mentioning them. If in the House of Commons until this last answer, in answer to a previous question, the British Government says that they were being investigated together with the Authorities in Gibraltar, then I would have thought it is a possibility for us to find out what it is the Authorities in Gibraltar have been investigating as a result of complaints received by the UK.

HON CHIEF MINISTER

No, I do not think that anybody has ever said that the Spanish complaints were being investigated. Certainly, a paper was received by No. 10 Downing Street from the office of the Spanish Prime Minister, listing a whole series of boats by name, alleging that they were registered in Gibraltar, which they were not. Alleging that they were based in Gibraltar which they were not, some of them indeed had never been registered and had never been based in Gibraltar. Referring to two cases that were in any case under prosecution already and before the courts, and therefore, irrelevant to put in a document about alleged un-investigated criminality. There actually was no specific allegation of evidence saying look, this case or this individual or this company, and therefore a reply went back in the same vein. What there was is the usual wild and unsubstantiated broad brush allegations of money laundering and drug smuggling and illicit and the like. There was no specific dossier saying, "look, this is a case which we want you to investigate". There was no such allegation.

NO. 530 OF 1999

THE HON J J BOSSANO

**SPANISH GOVERNMENT - DOSSIER ON CRIMINAL ACTIVITY.**

Have the Spanish Government now produced a dossier on criminal activity in Gibraltar which they claimed to be in the process of preparing in April? Might I just add that I am not referring to the same matter as in the previous question because what I have read on the subject was that there were the preliminary one and that was going to be followed by a more substantial one.

ANSWER

THE HON THE CHIEF MINISTER

I understand that Her Majesty's Government in the United Kingdom have received no such document.

NO. 531 OF 1999

THE HON J J BOSSANO

**CONTROLS EXERCISED BY SPAIN AT THE FRONTIER.**

Can Government say when the European Commission replied to the UK complaint of 11th February 1999 about the disproportionate nature of the controls exercised by Spain at the frontier, and what was the reply?

ANSWER

THE HON THE CHIEF MINISTER

I understand that Her Majesty's Government have as yet received no response from the EU Commission. They have raised the issue with the Commission on more than one occasion. Her Majesty's Government have established that the issue has been passed for further consideration to the Commission Legal Service.

SUPPLEMENTARY TO QUESTION NO. 531 OF 1999

HON J J BOSSANO

Do the Government think that this is the kind of action that we were being told the United Kingdom was free to take if the controls at the frontier were disproportionate. Is that what was anticipated, that they should complain on the 11th February and we should be at the end of May and they have still not had a formal reply?

HON CHIEF MINISTER

I would have thought not. I can refer the hon Member to Question No. 48 of 1999 asked in the European Parliament by our good friend Tom McGaughey who asked a question on the effects of the interruptions of our EU rights at the border. In the relevant paragraph, the answer from the Commission was, and I quote, "as a matter of principle the legality of national provisions is subject to the proportionality test. The Court of Justice attaches special importance to the principle that the action of public authorities, whether Community or national, and obligations imposed on citizens who exercise individual rights for freedoms guaranteed by the Treaty, should be proportionate to the legal objectives sought by the public authorities.

Any Community or national measures limiting the exercise of a fundamental right such as the right to move freely within the territory of the Member States, shall therefore respect the proportionality principle."

All that sounds correct. What that basically means in our case, is that Spain has the right to apply customs checks because we are not in the Customs Union. She has a right to apply light passport checks, simply to establish that the bearer is a Community national, because we are not part of Schengen. The question is, is what they are doing in fact proportionate to those legitimate purposes. We think that they are not. The United Kingdom clearly think that they are not, because they are constantly describing them as unacceptable. The Commission has referred it to its lawyers. But certainly I do not see any great sort of urgency or rushing around going on to bring pressure to bear on the Spaniards about it.

NO. 532 OF 1999

THE HON J J BOSSANO

**GIBRALTAR IDENTITY CARDS.**

What has been the reply of the European Commission to the two test cases submitted in March 1997 and March 1998 concerning Spain's refusal to accept Gibraltar ID Cards as valid EU travel documents?

ANSWER

THE HON THE CHIEF MINISTER

The latest written reply from the EU Commission to enquiries by the Gibraltar Government was sent on 11th March 1999. It confirms that the matter was under active consideration and formed part of the main dossier on the infringement procedure being followed in this case. The Commission said that it has suspended action pending the outcome of negotiations between the UK and Spain over the various points at issue. The Commission said that it would consider further steps in the light of that (the bilateral negotiations).

It confirmed also that the file on the complaint is incorporated as an important addendum to the main dossier on this matter, which remains active. That is a blessed relief. The Commission went on to add that further action on the infringement procedures is effectively suspended, for the moment, pending what it called bilateral negotiations between UK and Spain.

On 19th March the Gibraltar Government wrote to Her Majesty's Government in the United Kingdom, seeking clarification of the Commission's reference to bilateral negotiations on this issue. The UK responded that they did not understand the Commission's reference to bilateral negotiations and that there were no such negotiations nor had Her Majesty's Government entered into any agreement to participate in any.

Subsequent clarification has been sought from the Commission, who have said that by a decision taken by the College of Commissioners, it had been decided to "freeze" any further action which it could have taken and that it expects the matter to be resolved in the context of general bilateral meetings between the UK and Spain on Gibraltar.

The Gibraltar Government are taking legal advice on the options available in the light of this position.

SUPPLEMENTARY TO QUESTION NO. 532 OF 1999

HON J J BOSSANO

So effectively in simple language, the Commission has told the Government of Gibraltar that it is washing its hands of the complaint and that instead of demanding that the Spanish Government respects Community law, it is saying it is a matter for the UK and Spain to sort out. That is what it amounts to.

HON CHIEF MINISTER

Not quite. What they are saying is, although I agree it is probably a distinction without a difference, what they are saying is we think we can take action but we are freezing it until the United Kingdom and Spain negotiate bilaterally on the matter in a discussion process, which the United Kingdom says is not taking place, that they have not agreed that it should take place and is not in process. So in other words, the Commission has suspended action, frozen (whatever that means) action, pending a bilateral thrashing out, which the United Kingdom says is not taking place and will not take place. So there is an impasse there, not to say a possible contradiction. In the light of that, the Gibraltar Government is taking legal advice to see what other options there are available to it to push this matter forward, perhaps through the court, ourselves or somebody else.

HON J J BOSSANO

When I started raising this matter I was told that the test cases were two individuals who had gone through the process of doing it so that they could produce a case. Presumably, what is being investigated is whether an individual action can be mounted as was the case in the Euro Vote.

HON CHIEF MINISTER

I have not been told by Michael Llamas what avenues he is pursuing but he is looking into all possible options, and when he has got them all he will put them to the Government for consideration. Including, I am sure, the option of a personal action by one of those two individuals.



NO. 533 OF 1999

THE HON J J BOSSANO

**AMSTERDAM TREATY - FREE MOVEMENT CHAPTER.**

Have the United Kingdom Government informed the Gibraltar Government which measures under the Free Movement Chapter of the Amsterdam Treaty it proposes to participate in?

ANSWER

THE HON THE CHIEF MINISTER

Yes Sir. In a public statement made on 12 March 1999, the Home Secretary indicated the broad policy areas in which the UK wished to participate under Schengen and the Free Movement Chapter under Amsterdam. Insofar as the Free Movement Chapter is concerned, the Home Secretary explained that the UK would be interested in the asylum and civil judicial co-operation measures. The UK will not wish to participate in areas which impinge on the frontiers protocol and therefore enhanced visa co-operation is likely to prove difficult. If the hon Member has not seen a copy of that statement by the Home Secretary I will be happy to provide him with one.

SUPPLEMENTARY TO QUESTION NO. 533 OF 1999

HON J J BOSSANO

I have got one.

Has there been a comparable discussion with the Government of Gibraltar about participation in matters coming under the Free Movement Chapter as there has been in matters related to the participation under some parts of the Schengen acquis?

HON CHIEF MINISTER

No, there has been no discussion at all in that respect and I suspect that the reason might be, because given that the Free Movement Chapter is part of the First Pillar there is a presumption that as all other First Pillar measures United Kingdom includes Gibraltar.

HON J J BOSSANO

But is it not the case that the new Free Movement Chapter Title IIIA will lead to things previously done under the Maastricht system which were inter-government now passing to be part of Community law?

HON CHIEF MINISTER

Yes, the Amsterdam Treaty transferred certain justice and home affairs matters, which had previously been in the Third Pillar, that is inter-governmental, it will upon ratification of Amsterdam be transferred to the First Pillar. Indeed that is true.

HON J J BOSSANO

Did not the Government previously say that if that should happen and we were being left out under the Third Pillar in the Maastricht Conventions, then it would be a very serious situation for us if we were not included when they became part of Community law, in answer to a previous question in this House?

HON CHIEF MINISTER

I am not sure I follow the hon Gentleman. Is he referring to the Eurodat, Eurothin and driving disqualification which is the only thing.....

HON J J BOSSANO

That or other measures that there may be in the pipeline.

HON CHIEF MINISTER

Yes, if Gibraltar is excluded for things in the Third and the First Pillar because they are inter-governmental and the UK does not include us and those things are then transferred to the First Pillar, we will then find ourselves excluded from First Pillar stuff whereas at the moment the only First Pillar stuff that we are excluded from historically has been the airport directives and regulations. Our exclusion in the First Pillar has until now, and hopefully long may it continue to be so, been ring-fenced around aviation measures. That is why the Government attach so much importance to us not being excluded from other First Pillar measures because once it becomes acceptable to exclude Gibraltar from First Pillar measures, there is in theory no limit to the number of, First Pillar measures are Community measures unlike Third Pillar measures which are inter-governmental. I think our exclusion from Community measures is prejudicial because it tends to suggest that we are not really in the European Community.

NO. 534 OF 1999

THE HON J J BOSSANO

**AMSTERDAM TREATY - FREE MOVEMENT CHAPTER.**

Is it still the view of the Gibraltar Government that Spain does not have the option to veto UK participation in measures under the Free Movement Chapter of the Amsterdam Treaty?

ANSWER

THE HON THE CHIEF MINISTER

The Free Movement Chapter is Title IV of the Treaty establishing the Community. Ex Title IIIA during the negotiating process. Indeed now it is Title IV in the consolidated Treaty. Under Article 2 of the Protocol on the position of the United Kingdom and Ireland, none of the provisions of Title IV and no measure adopted pursuant to that Title shall be binding upon or applicable to the United Kingdom or Ireland. Under Article 3 of that Protocol the United Kingdom may notify the President of the Council in writing within three months after a proposal or initiative has been presented to the Council pursuant to Title IV, that it wishes to take part in the adoption and application of any such proposed measure. Whereupon the United Kingdom shall be entitled to do so. That is, entitled to take part. Accordingly, provided that the United Kingdom gives notice within three months that it wishes to participate in such measures, it can do so as a matter of right. Consequently, Spain does not have the option to veto the United Kingdom's participation in such measures under the Free Movement Chapter.

SUPPLEMENTARY TO QUESTION NO. 534 OF 1999

HON J J BOSSANO

Are the Government not aware that in the statement that was made on 12 March by the Home Secretary, and in the briefing paper produced by the Home Office for the media at the time, where it talks about the United Kingdom's participation in Schengen and the Free Movement Chapter, it points out that the provisions in the Protocol that he has just read out, which incidentally is Protocol Y what he has just read out, it goes on to say the point we were making all along that if within a reasonable time the Member States are not able to reach agreement with the United Kingdom, they can proceed without the United Kingdom. I think that the fundamental difference that we held at the time that we put this question in the House, which was a question that the Chief Minister answered in September 1997 on Protocol Y No. 344, the main difference was whether in fact this was the case or was not the case.

HON CHIEF MINISTER

No I do not agree and it is not the case. In any case it is a very different question. The point that the hon Member is now making and which we will now go on to discuss, is a very different issue to whether Spain has a veto on the UK's participation. Spain does not have a veto on the UK's participation if the UK wishes to participate, however, the UK could decide that it wishes to participate and then in the negotiations on the detail of the initiative of the proposal, it may adopt a position which is irreconcilable with where the others want to go. In those circumstances, if within a reasonable period of time the United Kingdom having indicated that it wishes to participate then is unable within a reasonable period of time to sign up to the detail of

whatever the others want to do, then the others can move on without the UK. The hon Member will recall that when we last discussed this point, I think it was at the last meeting of the House, we said "well, does not being able to proceed with the UK include not being able to proceed with the UK because the UK insists on taking Gibraltar in with it and Spain says no you cannot come in with Gibraltar". That is the narrow point to which I think we have reduced the debate on this matter. The United Kingdom Government's view is that Spain would not be entitled, because one thing is the detail of the substance of the proposal and the other thing is the territorial application, the scope in territorial terms of that measure. Because it is First Pillar there is a presumption in European law that Gibraltar is entitled to participate and therefore the UK is simply saying yes I want to participate, yes I agree with all the details of the proposals and it must include Gibraltar, if not the failure of the others to proceed with the United Kingdom as it is intended to mean under this Article. Of course, how it works in practice will be tested and we shall never know until it is tested what arguments Spain will field. But I can tell the House that it does not raise questions of Spanish veto, the reasonable period bit does not according to the United Kingdom Government mean that if the only difference between Europe and the United Kingdom is the inclusion or not inclusion of Gibraltar, that that constitutes an inability to proceed with the United Kingdom which then enables them to ditch the United Kingdom and say now well you have forfeited your right to be included and now we proceed without you. That is the position as I have always understood it, that is the position as it has been explained, that is the British Government's position as it has been explained to me and that is the position upon a logical interpretation of the text, although I will concede to the hon Member that a mischievous interpretation by Spain of the reasonable period paragraph, might lead it to seek to argue that if the only difference is whether Gibraltar is included or not, that is sufficient to invoke those provisions. It remains to be seen whether Spain takes that line and what line the others take in the face of it.

HON J J BOSSANO

I am glad that on this occasion he has put in the possibility of a mischievous interpretation in the hands of Spain and not in my hands and he is not suggesting I am making a mischievous interpretation. But can I simply point to the Chief Minister that in the press release issued on 17 May, where he talks about the Schengen Convention, he says "however the United Kingdom participation requires unanimity among Schengen Convention countries". This includes Spain. The current Schengen Convention deals with the following issues: crossing internal borders; crossing external borders; visas; movement of aliens; residence permits; asylum applications; police co-operation; and if I remind him of the submission that he made to the Foreign Affairs Committee on 5 November 1997, what he told the Foreign Affairs Committee then was although we are assured she would not be able to do so, should Spain attempt to exclude Gibraltar from other measures to be drawn up under Title IIIA of the Treaty, the Free Movement Chapter, in the field of visas (which is here on this list) asylum (which is here on this list) immigration (which is here on this list) police co-operation (which is on this list) so, we have got a situation where he is now telling us that Spain will be able to veto all these things because this is covered by Schengen. Yes he has said that in his press release. I have read the things that came under Title IIIA as we understood it and as he understood it in 1997, which he said was one that Spain could not stop. The Government have now issued a press release saying that crossing internal borders, crossing external borders, visas, movement of aliens, residence permits, asylum applications and all these things, are not Title IIIA. That is what they are saying.

HON CHIEF MINISTER

The hon Gentleman's grasp of these issues is considerably more superficial than he likes to pretend. Look, this list numbers 1 to 16 is a litany of the issues covered by the

Schengen implementing Convention. Under the Treaty of Amsterdam the United Kingdom's ability to subscribe to any part of the existing Schengen implementing Convention, or any other part of the Schengen acquis for that matter, requires unanimity which includes therefore, the vote of Spain and that is how we have come round to the Spanish veto. All that is Schengen and Schengen has provisions about crossing internal borders, it has provisions about external borders, it has provisions about visas and movement of aliens etcetera. And to the extent which the United Kingdom wishes to subscribe to the Schengen provisions on those issues, it requires the unanimity of the Member States. Title IIIA and let me tell the hon Member that notwithstanding the unanimity provision, some of the Schengen acquis will be given a legal base in the Third Pillar and other parts of the Schengen acquis will be given a base in the First Pillar. Probably, though not necessarily Title IV, but most probably Title IV, although some things could also be given a legal base in other parts of the Treaty establishing the Community, the First Pillar. So, all that is Schengen acquis, it all requires unanimity, Spain can veto the UK's participation in any of that and when all this is transferred into the Community structure, some of it will be put into the Third Pillar and some of it will be put into the First Pillar. The First Pillar being probably and mainly the Title IV. In addition to these measures, to which all that I have said applies, the First Pillar, that is to say Title IV of the Treaty establishing the Community, creates a framework for the adoption in the future of additional different measures relating to visas, asylum, immigration and other policies of free movement separate from the Schengen acquis, and there is a very different regime for UK, and we have just discussed it before, the regime for the UK subscription to the Free Movement Chapter. The fact that the First Pillar, the fact that Title IV of the Treaty establishing the Community deals with issues similar to the list of matters covered by the Schengen Convention, does not mean that one can confuse the procedures for subscribing to this list to the procedures for subscribing to this, they remain different legal regimes with different UK subscription provisions, notwithstanding that the word visa appears on both lists, notwithstanding that the word asylum appears in both lists and notwithstanding the fact that other issues appear on both lists. The fact that things appear on two lists and that are dealable with under two different regimes, does not mean that there is no difference between the two legal regimes. I hope that that is sufficiently succinct and clear for the hon Member now to grasp the difference between these matters.

HON J J BOSSANO

No I do not agree.

HON CHIEF MINISTER

Well if the hon Member does not agree then he is mistaken because that is the correct legal.....

HON J J BOSSANO

Let us be clear, he is telling this House that although he accepts that when the United Kingdom discusses participating in the visa regime under the Schengen hat, Spain will be able to veto the United Kingdom and leave Gibraltar behind.

HON CHIEF MINISTER

The existing acquis.

HON J J BOSSANO

Yes. But the moment there is a new agreement on visas which is now done under the new Title IV, Spain will not be able to leave Gibraltar out.

HON CHIEF MINISTER

Absolutely so. He has grasped it at last. Because there is a difference.

HON J J BOSSANO

I do not agree that that is what is going to happen.

HON CHIEF MINISTER

Well I do not know if he thinks it is going to happen or not, all I can tell him is that at last for the first time in the last 18 months, I have heard a statement emanating from the hon Member's mouth on this issue which indicates to me that at last he has grasped the complex legal treaty issues arising from this matter. There is one regime for the UK joining the existing Schengen acquis and a quite different regime, not just for the Free Movement Chapter measures but indeed for future measures building on the Schengen acquis. Absolutely, he has grasped this at last.

HON J J BOSSANO

No, it is not that I have grasped it, it is that I am not looking at this to advise a client of whose lawyer I am. I am looking at this on the basis of what we know is the way Gibraltar has been treated in the European Union and outside the European Union whenever there has been negotiations between the UK and Spain. All I need to remember is that in November 1997 the degree of conviction that the Chief Minister has expressed today was not what he expressed in the House of Commons to the Foreign Affairs Committee. Because he said that he asked the Committee to ensure, to get the United Kingdom to give an assurance that if Spain attempted to do what he says is impossible.....

HON CHIEF MINISTER

No I have not said that is impossible.....

HON J J BOSSANO

Oh it is not impossible.

HON CHIEF MINISTER

No of course it is not impossible but he knows that. He has read my evidence to the Foreign Affairs Committee on this last occasion when he did not give evidence, and I have covered the ground again and explained it. The fact that it is a First Pillar measure means that Gibraltar has a right to participate. Spain has no veto. Spain cannot say to the United Kingdom "you may not participate in this because you require my consent to do so". That is the position under the Third Pillar. Under the First Pillar the United Kingdom is free to participate as a matter of right but as we know to our cost, even under the First Pillar, the United Kingdom has in the negotiating cut and thrust agreed to exclude us from things. The aviation measures were part of the First Pillar in which Spain had no veto, in which Gibraltar had a right to participate yet the United Kingdom agreed, gratuitously, in order to unblock an impasse in the European Community to exclude Gibraltar. Not because Spain has a veto, not because Spain has a Treaty right to demand Gibraltar's exclusion but because the United Kingdom simply gave the ground away in order to block the impasse. What I was saying to the Committee in that Part which they have now understood, but obviously not yet the Leader of the Opposition, is that just as the United Kingdom has, notwithstanding that Spain does not have a veto, agreed in the past on aviation matters to exclude us from

First Pillar measures, what I was saying to the Committee members was please be vigilant that she does not do it again in respect of non aviation First Pillar measures. Not because Spain has a right to exclude us, not because we have not got a right to be included but because the United Kingdom appears to think that she is free lawfully to agree with the other 14 Member States that this Directive or this Regulation, which hon Members will recognise as the language of First Pillar measures, should not apply to Gibraltar, as she has done with the original aviation directives, access directives and which she has subsequently done with two or three others, one in the dying days of the hon Member's government, I cannot remember if it was airport charges or ground handling or one of these things. And she has done again subsequent to that with one or two others. On the other hand recently, with the random checks directive John Reed at the Ministry of Transport stood his ground and said no, this is not an aviation matter but it is a safety related aviation matter and I am not going to concede the Gibraltar participation point. The result is that the measure has been lost for the whole Community. Now we are saying to the British Government "that is the position that you should take in defence of Gibraltar's interests in all First Pillar matters". What I was saying to the Committee is please be vigilant and help us ensure that the United Kingdom Government do not extend beyond aviation matters, agreements to exclude Gibraltar from First Pillar matters. That is what I have said, that is the meaning of those words that he keeps on referring to. I have explained it a second time to the Committee after a year put doubt into their minds when they visited Gibraltar and they came straight from his office to mine bearing his arguments and they asked me to give evidence to the Committee when I was next in London. I did, I clarified it. They have now understood the distinction and they, hopefully, indeed will remain vigilant. I hope that I am able to persuade the hon Member that that piece of evidence to the Foreign Affairs Committee when it speaks of rights, it means the rights Gibraltar has because it is a First Pillar measure because it is not an inter-governmental agreement where Spain can say I will not agree. This is an inter-governmental matter this is not a Community matter. Prima facie Gibraltar has no right to participate in inter-governmental matters if the other 14 Governments do not want it to. But that is not the case we maintain and the UK agrees, that is not the case in First Pillar measures. So we can only be excluded from First Pillar measures if the United Kingdom collapses to an impasse caused by Spain and agrees to exclude us.

HON J J BOSSANO

Well, I do not agree with the Chief Minister. This is his arrogance. If one does not agree with him either one is mischievous or a hypocrite or ignorant, because the Chief Minister seems to think he has got the monopoly of the truth and he then accuses other people of being like that.

HON CHIEF MINISTER

It is not that I think that I have got a monopoly on the truth. It is that by his own admission ten minutes ago, I am looking at this legalistically in terms of treaty rights and by his own admission he does not give a damn about all of that and he is just worried about what Spain is going to do in practice. Well, we can speculate until the cows come home about what Spain is going to do in practice. The position, the legalistic position is exactly as I have just explained to the hon Member. If he does not want to accept it, let him go and seek advice from lawyers and then he can defend whatever position he wants but let him not assert his view as correct.

HON J J BOSSANO

I do not need to seek advice from lawyers. I do not need to. He is entitled to beg to differ but that is all he is entitled to do, beg to differ. Not say I am ignorant. The Chief Minister has told us that under the First Pillar measures it is only the weakness of the United Kingdom that has kept us out. He has referred to the fact that we were kept

out of the air liberalisation measures. In the air liberalisation measures we were kept out because Spain used its veto. It vetoed at the agreement stage in the meeting of Transport Ministers the proposal for the directive and having vetoed it there, it stopped it for the whole Community.

HON CHIEF MINISTER

There is a difference.

HON J J BOSSANO

Well yes there are different kinds of veto but what is clear is that there is more than one. Then maybe the veto that there is in Schengen, which he says there is a legitimate veto, and then there is the veto that there is in the proposal stage of the directive which is the illegitimate veto.

HON CHIEF MINISTER

No I am sorry. Again he is demonstrating his lack of grasp of the detail here.

HON J J BOSSANO

No Mr Speaker.

HON CHIEF MINISTER

In Schengen the United Kingdom says Spain has a veto to the participation of the United Kingdom. In other words, in the Schengen Agreement Spain can say "you the United Kingdom may not attend but the matter continues for everybody else". That is a veto to the United Kingdom's participation. In the First Pillar, in those parts of the First Pillar that require unanimity, any country, for example tax harmonisation, which is one of the areas that requires unanimity, any country can say I do not agree. But the result of saying I do not agree is not to veto the participation of one particular country, it is that the whole measure disappears for the whole Community. Well that is not a veto on UK participation. That is every country having the right to withhold its consent from the measure proceeding for the whole Community in which case it dies. If Spain has that right the United Kingdom has that right and Denmark has that right. That is very different to the situation under the Schengen acquis arrangements.

HON J J BOSSANO

The Chief Minister has either overlooked or conveniently forgotten that the very point of the new situation created by Protocol Y, which is the one that governs the new Title IV, which was the old Title IIIA, is that whereas the unanimity until that agreement, until Amsterdam came in, the unanimity meant that the United Kingdom could also hold up indefinitely any measure and if they did not it is because they lack the political will. Under the new proviso they cannot hold up the measure indefinitely. It means that if the experience that we have got is that when she had the power she lacked the political will, why on earth should we believe that she is going to have the political will when she has not got the power.

HON CHIEF MINISTER

Because, and here is my brief reply, because contrary to what the hon Member says she still has the power if she opts to participate. If she opts to participate she is deemed to be part of the unanimity. Now if she ceases to be part of the required unanimity, they cannot proceed with the United Kingdom within a reasonable period of time. The United Kingdom says that does not mean if we cannot proceed without the



United Kingdom because the United Kingdom insists on taking Gibraltar in with her, it means if the United Kingdom does not agree with the nitty gritty of the proposal, of the measure itself and not to its territorial extension. That is the point which I agree with the hon Member will be tested, because Spain may seek to interpret those lines differently and then we will see what happens. But I do not think the hon Member should give Spain so much encouragement as to assert here and now that if Spain adopts that argument, the Leader of the Opposition in Gibraltar agrees with it. Because that is the natural meaning of these words. I regret that, one thing is for the hon Member to say well we know what the Spaniards are like they will argue anything, and they will certainly try to argue that, and if he says that I agree with him. But if he says if the Spanish argue that I agree with their interpretation which would be correct, I think that is unhelpful.

HON J J BOSSANO

No, I am saying to him that is my interpretation irrespective of what the Spanish interpretation may be. And I am telling him that it is absurd for the Chief Minister to suggest that the Spaniards are going to be tuning in to Radio Gibraltar to hear my argument here today so that they can find out what argument to put. For heaven's sake, they do not need any arguments. The Chief Minister in November 1997 wanted a guarantee that if Spain made the attempt, the United Kingdom would ensure it would not succeed. Let me just say. Yes that is the assurance that he wanted, in the First Pillar yes, in Title IIIA as it was then. I am not sure whether he has got it or not but let me make clear, in case he is given the impression that in the representations we made to the Foreign Affairs Committee when they came to Gibraltar which were then followed up in writing, although we have not given the matter any publicity, to which he says I have put doubts in their minds, let me make it absolutely clear that whatever criticisms I may have of him here, all my criticisms in my submission to the Foreign Affairs Committee were directed at the British Government and not at the Government of Gibraltar. When he said I had put doubts in their minds, the only doubts I could have put about in their minds was the doubts of the confidence, reliability, that we can have in the Foreign Office. Indeed, what I asked them to do in the submissions that I put to them, was in fact to say that given that we continue to believe that under Title IIIA of the Treaty Spain would be able to object to the United Kingdom's participation in the new Free Movement Chapter and that the reading of Protocol Y, which I had told them about before, given that that was our reading of it that the Foreign Affairs Committee should now, when they cross-examine the Foreign Secretary, which I regret they did not do, but I asked them and I put it in writing to them that when they cross-examine the Foreign Secretary, they should ask the Foreign Secretary to give the assurance that the Chief Minister was seeking in November 1997. I would just like for the record to make sure that it is clearly understood that whatever criticisms I used, the representations were made in order to assist the position of the Chief Minister, even though I do not agree with his interpretations.

MR SPEAKER

Is it possible to give a very short answer?

HON CHIEF MINISTER

Indeed, non polemic. The sort of answer that the hon Member will not wish to reply to.

First of all just for the sake so that we understand each other, would the hon Member take note of the fact that there is no longer something called Protocol X and Y, that those were letters given in the negotiating documents. That the document is now called the Protocol on the United Kingdom and Ireland and they have no letter and no number or anything else. Secondly, we can do no more than rely on the position that

the United Kingdom says is the case but then hold them to it. Fine, if the hon Member says, this is what I have said to the United Kingdom Government, if the hon Member says that this is the correct interpretation of this paragraph in the Protocol, first of all confirm it to me in writing and then tell me that he will defend that view. But until the matter comes up for adjudication in the context of a particular case, we cannot resolve who is correct, whether London's interpretation is correct, whether the hon Member's interpretation is correct, whether some variation that the Spaniards might come up with is correct, until the matter is tested until the matter is adjudicated, until a concrete case arises in which the matter has to be put to practical application, everybody's views are just everybody's views - which of course they will assert and claim to defend to the death. But we will moot and just moot until such time as it comes to be tested.

ORAL

NO. 535 OF 1999

THE HON J J BOSSANO

**1976 EUROPEAN COMMUNITY ACT.**

Can Government confirm that the United Kingdom has tabled amendments to the 1976 EC Act to provide for the territory of Gibraltar to be included in European Parliament Elections?

ANSWER

THE HON THE CHIEF MINISTER

The UK Permanent Representative to the European Community announced HMG's intention to table an amendment to the 1976 EC Act on Direct Elections in Brussels on 4th March. I am informed by Her Majesty's Government that it tabled its proposed amendment on 16th March at the General Affairs Council.

NO. 536 OF 1999

THE HON J J BOSSANO

**MATUTES PROPOSALS.**

Have the United Kingdom Government now confirmed that the Matutes proposals will be rejected when a reply is given to the Spanish Government?

ANSWER

THE HON THE CHIEF MINISTER

The information that is available to me is the recent statement made by Her Majesty's Government that they will reply to the Matutes proposals at the next meeting of the Brussels process. I am not aware of the form which that reply will take nor when the next meeting of the Brussels process will take place.

SUPPLEMENTARY TO QUESTION NO. 536 OF 1999

HON J J BOSSANO

When we passed a unanimous resolution calling on Her Majesty's Government to reject this proposal, I take it that that was transmitted to the United Kingdom. Could not the Government on behalf of the whole House point to them that we expect a reply. We expect confirmation that the unanimous wishes of this House are going to be respected.

HON CHIEF MINISTER

Please rest assured that I do communicate that with similar sentiments, albeit not necessarily in the same terms that he would choose, but the British Government are in no doubt about what Gibraltar wants. I suppose that what this proves is that one thing is what we want and call for, and a quite different thing what the United Kingdom Government does. The moral of the story is that we lack the power to oblige the United Kingdom Government to do what we want even when what we want is the right thing and no more and no less than what we are entitled to. Having said all that, I would not if I were him assume that the United Kingdom Government are not going to make its position clear on the proposals in terms that he and I would find more acceptable than what they have done to date.

HON J J BOSSANO

The United Kingdom making its position clear on anything will certainly be a great advance on the way the United Kingdom performs as the norm, because they always hedge things in such a way that what appears to be clear one day is not clear. Would the Government not agree that what we want of them is something that is unambiguous and categorical, so that there can be no doubt left in Spain's mind as to what the position is. Not just here, but also when the United Kingdom speaks on our behalf as the colonial power that is responsible for our external affairs.

HON CHIEF MINISTER

Again, I do not think the United Kingdom is in any doubt whatsoever of what the Government, the Opposition in Gibraltar want it to do. The matter still arises from time

to time when I speak to Joyce Quinn and the position is I get the same answer as everybody else gets. That is, that the matter, the response will be given at the time of the next Brussels meeting which is the appropriate forum, because that is the forum in which the proposals were tabled. I have not yet been able to extract from the British Government a firm commitment to do that. Whenever the next Brussels meetings are, what we would like them to do is to use at least the same language that the British Government used in 1993 when they eventually got round to Douglas Hurd's Parliamentary answer dealing with the Moran proposals, and which they should have no difficulty in using that language which really says little more than these proposals are fundamentally about sovereignty, we have a commitment to the people of Gibraltar on the question of sovereignty, these proposals are not acceptable to the people of Gibraltar and therefore they cannot be accepted by us. Which was what Douglas Hurd said at that time in a Parliamentary answer which was the way that the so called rejection by Douglas Hurd was initially communicated and made public.

NO. 537 OF 1999

THE HON J J BOSSANO

**TAX HARMONISATION PROPOSALS.**

Were the Gibraltar Government consulted by Her Majesty's Government on the policy papers recently adopted with respect to Commissioner Mario Monti's Tax Harmonisation proposals?

ANSWER

THE HON THE CHIEF MINISTER

I am not aware of which "policy papers" the hon Member is referring to.

I can however tell the hon Gentleman, that there has been no consultation recently by Her Majesty's Government with the Gibraltar Government about the European Union Tax Harmonisation proposals.

SUPPLEMENTARY TO QUESTION NO. 537 OF 1999

HON J J BOSSANO

Are the Government not aware that a week ago Commissioner Monti was invited to London to address the City and that in fact, at the time in an interview on BBC, he said that it was in the context of the latest proposals which had been made on the implementation of the draft directive which was published a year ago.

HON CHIEF MINISTER

Yes of course I am aware of that. The question does not identify that, that is not a policy paper recently adopted with respect to Commissioner Mario Monti's tax so the meeting which he now describes and the visit to London by Commissioner Mario Monti that he now describes, could not possibly be identified from the question that he has put which asks whether the Government of Gibraltar have been consulted by Her Majesty's Government on the policy papers recently adopted with respect to Commissioner Mario Monti. No policy papers have been adopted following that visit.

HON J J BOSSANO

The Chief Minister has not understood what I have been saying.

HON CHIEF MINISTER

The measures, I will give way to the hon Member in just one moment, the measures that the hon Member refers to is the proposal for a directive on withholding tax on savings, which is not a tax harmonisation proposal.

HON J J BOSSANO

I see. Well they are the part of the package which was partly the guidelines and partly the withholding tax proposals, which require either the Member State to either decide on a withholding tax or on notification to other Member States. I am not saying the proposals were decided at the meeting in London or anything else, I am saying

that when he went to London on an interview on GBC which I heard, Commissioner Monti said that there were now policy papers that had been adopted which were with Her Majesty's Government and other Member States, which apparently were the result of an attempt to achieve a consensus on this package, and were the result of consultation with the different Member States and I can tell the Chief Minister that in that context, the Government of Gibraltar had felt so strongly of the potential negative implications for Gibraltar I would have thought that if there is a consensus in which other parts of the European Union are being given an opportunity to put an input, it would not be unreasonable to have a position where the British Government would have given them an opportunity as well. What I am asking is whether that has happened or not and the answer is it has not happened.

HON CHIEF MINISTER

The answer is that it has not happened. I have not heard the interview to which he is referring although I heard an interview which may have been the same one in the UK where I happened to be at the time. What I did hear Commissioner Monti say was that the onus in relation to the proposal for a directive on the withholding tax, where the UK basically says that morality requires that tax avoidance be addressed, except in respect of the Eurobond market which affects adversely the interests of the City of London. So there are limits to the morality of Her Majesty's Treasury in respect of tax avoidance and the morality goes something like this. Everything is immoral which does not affect me but it is moral if it affects me. What we are saying to the British Government is, "if it is moral for the UK Government to seek exclusion of the City of London from the Monti proposals in so far as they relate to Eurobond, because this would cause great pain to the City of London, why is it any less moral for the Government of Gibraltar to say, well look, exclude us from the withholding tax of bank deposits because whereas you are not very keen on Eurobonds and the City of London is based on Eurobonds, we are very keen on bank deposits and our finance centre is based on bank deposits". But alas, the receptiveness of Her Majesty's Treasury to such logic is not perceptible and we have made no progress with that. But what Mario Monti said in that interview, which is the one that I have heard, was that the onus was on the United Kingdom to put proposals to the rest of Europe about how the Eurobond market could be insulated. Whether it was by reference to wholesale or retail, whether it was by reference to a threshold, I think they meant in the figure of \$30,000 to \$40,000, that is what I heard him say in relation to that particular proposed directive and I certainly did not understand him to say that there had been any agreement on that matter. Indeed I have not seen in the United Kingdom press the sort of criticism, outcry or indeed euphoria that would follow agreement on that issue, which is the one that is holding up the whole matter. Thank goodness that it is.

HON J J BOSSANO

I am aware of the issue of the Eurobond market where in fact Commissioner Monti did say that it was up to the United Kingdom to come up with proposals but seemed to be expressing optimism that this was likely to be resolved because there were policy proposals that had already been circulated and therefore, if that has happened, and the United Kingdom as a result of this policy proposals that have been circulated has come back expressing a reservation about the Eurobond market and nothing else, then the question is quite simple. Having heard this, I thought it was an opportune moment to find out to what degree we have been given an opportunity to have a say in the matter.

HON CHIEF MINISTER

To no degree. There is of course a great difference between policy proposals being circulated, which is what he has now said, and policy papers recently adopted. Adopted means that the matter has been resolved.

HON J J BOSSANO

It must have been adopted at the Commission level or somewhere along the line.

HON CHIEF MINISTER

There is certainly no agreement on the matter. There has been body language which suggests that there might be a way forward but Monti has put the ball firmly in the British Chancellor's court and it remains to be seen whether the British Treasury can make proposals to save the UK Treasury Bond market from this, which would be acceptable to the others. But certainly the answer to the hon Member's fundamental point is that if there has been discussion, it has not included us, because the UK has stopped and we made intense submissions to the UK on this. We even went to the Treasury, the Minister for Trade and Industry and me accompanied by representatives of the Finance Centre, to try and explain to the Treasury, Dawn Primarolo was there, what the effect on the Finance Centre could be, and they said no. Since then, they have been busy only saving themselves on their own interests, in their precious bond market, without any apparent concern for what might be the effects on the economy of Gibraltar of the withholding tax directive on the offshore deposit taking business. So that is the position, they have not consulted us because all they are talking about now are matters connected with the Eurobond market and they are not addressing anything else.



NO. 538 OF 1999

THE HON J J BOSSANO

**GIBRALTAR DEVELOPMENT CORPORATION - AUDITED ACCOUNTS.**

Which is the most recent year in respect of which the Gibraltar Development Corporation has produced audited accounts?

ANSWER

THE HON THE CHIEF MINISTER

The latest audited accounts available in respect of the Gibraltar Development Corporation are for the year ended 31st March 1996.

SUPPLEMENTARY TO QUESTION NO. 538 OF 1999

HON J J BOSSANO

Well obviously since I tabled the question there was no indication that this was going to be on the Agenda of this House, and there was a late addition to the Agenda, I know now that those were the latest accounts. Given that the accounts were in fact produced in July 1998 and that the Government legislated saying the accounts had to be tabled in the House, which was not a requirement before, they chose to make it at the earliest possible opportunity, how come that the earliest possible opportunity since July has been two days ago?

HON CHIEF MINISTER

Well because we are still in a transitional stage, and indeed there is one more year of accounts which still need to be produced by the private auditors of the Gibraltar Development Corporation, with effect from the year ending March 1997 or rather, with effect from the year commencing 1st April 1997, that is 1997/1998, responsibility will be taken over by the Accountant General and the auditing will be done by the Principal Auditor, which is the intention of the Government. Of course the hon Member, I appreciate that this question relates to audited accounts, but the hon Member will be aware that the estimates of the receipts and payments of the Gibraltar Development Corporation have been published together with the Government Estimates since the 1997/1998 Estimates, and a statement of account for the Gibraltar Development Corporation will also be included in the Gibraltar Government's Annual Accounts for the financial year 1997/1998. But certainly the Government looks forward to the transition period being concluded and the accounting for the Gibraltar Development Corporation being taken over by the Treasury so that it is done in parallel with the Government's own financial accounting and reporting.

HON J J BOSSANO

Well, I am not sure why there is this requirement for a transitional period, but in any case, what I was asking was, is it that they forgot to bring it to the House after July or what?

HON CHIEF MINISTER

Yes, Mr Speaker, it is not that we have forgotten, it is that they genuinely came through from the accountant in the interregnum. Bearing in mind that the accounts of the Gibraltar Development Corporation now include activities which previously were not accounted to the Gibraltar Development Corporation, they were accounted to a series of companies, mainly the Gibraltar Information Bureau, and that following the change of Government we have had a considerable difficulty in tracing a lot of the investments, in providing answers which the auditors have put up about certain of those transactions and that this has caused a considerable amount of delay in producing the accounts. Because really we were trying to provide the auditors with answers to questions in respect to a period when we were not there, when things were being done by the other company and which the Ministers in question and indeed some officials in question are no longer there.

HON J J BOSSANO

That was not the question which I asked. The question which I asked is, given that in July 1998 the Government received the audited account for 1996, and we are in May 1999 and we get a supplementary agenda after the 17th, is it that we have had the accounts tabled in this House because the question was put and the fact that they had it since July, they overlooked the need to bring it to the House. Because that is what appears to be the case.

HON CHIEF MINISTER

Well I am not sure that we have had them since July, I recall signing them quite recently and I mean these things as the hon Member will recall, come over one's desk and one signs them. I am not necessarily challenging his chronology of events but the situation is certainly not the one that he has just described, that we have been sitting on them. The hon Members know that we published the accounts even of companies that we do not require to publish and that we do so as soon as possible, and that is all Government companies. So given that we publish the accounts of companies that we have no need to publish, no compulsion to publish, I hope that the hon Gentlemen can accept with relative little ease that in those circumstances there is no reason why we should not wish to publish the accounts of this one, which is the only one that we are required to publish. Given that we publish the ones that we are not required to publish.

HON J J BOSSANO

Well I am simply pointing out that it does say the 22nd July and I am not suggesting that they were hiding the accounts because, although we voted in favour of the provision, we pointed out at the time that we did not think that there was a need to have such a provision but if the Government wanted to put it. My question is quite simple, is it that they having sort of signed off the accounts, they forgot that it had to be brought to the House.

HON CHIEF MINISTER

Is the hon Member assuming that we have had them since July.

HON J J BOSSANO

Yes that is the date of them, I do not see why not.

NO. 539 OF 1999

THE HON J J BOSSANO

**CIVILIAN POPULATION.**

What was the civilian population of Gibraltar as at 31st December 1998 giving a breakdown of the number of (a) Gibraltarians, (b) Other British, and (c) Non-British?

ANSWER

THE HON THE CHIEF MINISTER

The civilian population of Gibraltar as at 31st December 1998 is estimated as follows:

(a)	Gibraltarians	20,921
(b)	Other British	3,825
(c)	Non-British	2,279
	TOTAL	27,025

NO. 540 OF 1999

THE HON J J BOSSANO

**INDEX OF RETAIL PRICES.**

Can Government state what was the quarterly increase in the Retail Price Index as previously calculated in the year since 1st April 1998?

ANSWER

THE HON THE CHIEF MINISTER

The quarterly increases on the Index of Retail Prices as previously calculated were:

April 1998	+ 0.37%
July 1998	+ 0.76%
October 1998	+ 0.02%
April 1999	- 0.22%

**GIBRALTAR**

**HOUSE OF ASSEMBLY**



**QUESTIONS AND ANSWERS**

**21<sup>ST</sup> SEPTEMBER, 1999**

**No. 541 to No. 847**

# INDEX

## QUESTIONS & ANSWERS

21<sup>st</sup> September 1999

Questions 541 – 847

<b>SUBJECT</b>	<b>NO(S)</b>	<b>PAGE(S)</b>
ACTEL Satellite Project	785	436
Afro-Asian Satellites Communications	786	438
Amsterdam Treaty	832-835	518-531
Annual Fair	697	284
Appointment of New Governor	846	551
Bruce's Farm Drug Rehabilitation Centre	627-631	157-169
Business Development in Action Seminar	753	388
Camp Bay	737	357
Casemates Development	792-793	447-449
Casemates Development	813	490
Cemetery – North Front	605	120
Civil Service – Administrative Assistants	807	479
Civil Service – Executive Officers	806	478
Civil Service – General Orders	829	512
Coach Park Terminal	739	359
Commercial Banks – Total Assets	773	419
Commercial Banks – Total Liabilities	774	420
Commercial Rates	794	450
Commercial Rates	811	486
Companies Registered in Gibraltar	778	425
Conferences Held in Gibraltar	744-745	367-370
Decommissioning of the Water Catchments	781	430
Deposits in Gibraltar Banks	757	394
Dr Giraldi Home	614	133
DTI – Finance Industry	755	392
DTI – Training and Liaison Officer	763-767	402-408
EC Regulation 900/99	844-845	545-550
Education – Cammell Laird Training Scheme	704	297
Education – Comprehensive Schools	715	321
Education – Construction Training Centre	698-700	287-293
Education – Cultural Grants	707	308
Education – Dyslexia	716	322
Education – Entry Age to Public Examinations	719	327
Education – Fabrication and Welding Apprenticeships	701-703	294-296
Education – GCSE / 'A' Level Results	720	328
Education – Library Books	713-714	318-320
Education – Literacy and Numeracy Summer Schools	711	315
Education – Mandatory Scholarships	721	329
Education – Non-GCSE Courses	718	325
Education – Non-Mandatory Scholarships	722	330
Education – School of Tourism	708	309
Education – School Rules	712	317
Education – Statutory Induction Year	710	314
Education – Statutory School Leaving Age	717	324
Education – Teaching Profession	709	313
Education – Training Schemes for the Unemployed	705-706	302-307
Electricity Arrears	808	481
Electricity Charges	741	363
Environment Conference	570	54
ETB – Employment Contracts	608	124

<b>SUBJECT</b>	<b>NO(S)</b>	<b>PAGE(S)</b>
ETB – Employment Regulation (Offences) Ordinance	594-596	99-101
ETB – Employment Survey	593	96
ETB – Retail Trade	590	92
ETB – Self-Employed Persons	606	121
ETB – Terms of Engagement Notices	607	123
ETB – Unemployed Gibraltarians	591	93
ETB – Vacancies	583-589	81-91
ETB – Vocational Cadets	601	108
ETB – Wage Subsidy	602	110
ETB – Work Permits	592	94
EU Funding	748	374
EU Funding	750	382
Europa Point – Nuns Well	754	391
European Parliament – Elections	831	516
Exempt Companies	779	426
Finance Centre Development Director	780	428
Fleet Pavilion/NAAFI Stores	782	433
Foreign Affairs Committee	803	470
Garrison Library	797-798	454-458
GBC – New Posts	735	354
GHA – Dialysis Treatment in Spain	551	12
GHA – Dispensing Fee Paid to Pharmacies	552	14
GHA – Elderly Care Patients at St Bernard's Hospital	550	11
GHA – Ex-Gratia Payments	558	24
GHA – GPMS	557	22
GHA – GPMS Prescriptions	554-556	18-21
GHA – Health Centre	548	9
GHA – Health Centre Doctors	549	10
GHA – Health Service Primary Care Centre	563	36
GHA – Non-Quota Patients Treated in UK	545	5
GHA – Patient Referrals	544	4
GHA – Patient Referrals to UK	543	3
GHA – Personal Emoluments	559	25
GHA – Post of Chief Executive	560	28
GHA – Prescriptions Issued	553	17
GHA – Private Practice	561	29
GHA – Rental of Private Accommodation	562	34
GHA – Sponsored Patients	541-542	1-2
GHA – St Bernard's Hospital	546-547	7-8
Gibraltar – Defence Role	842	543
Gibraltar Construction	837-838	534-537
Gibraltar Enterprise Scheme	762	401
Gibraltar Government Funding	749	377
Gibraltar Government Funding	751	385
Gibraltar Government Website	725	335
Gibraltar ID Cards	836	532
Gibraltar Savings Bank	825	504
Gibraltar Savings Bank	826	505
Gibtel – International Telecommunications Charges	726	337
Gibtel/Nynex – Merger	730	344
GNC – Local Telecommunications Charges	727	338
GNC – Mobile Telephone Charges	729	340
GNC – Payment of Bills	731	347
GNC – Telephone Bills	728	339
Government Computers – Year 2000 Complaint	723-724	333-334
Harbour Views Promenade	804	473

<b>SUBJECT</b>	<b>NO(S)</b>	<b>PAGE(S)</b>
Head 2B, Subhead 2D, Bonus Payments	599	106
Head 7 – Subhead 14	768	409
Housing – Applicants	625	152
Housing – Edinburgh House	622-623	143-150
Housing – Pensioner Exchange List	624	151
Housing – Post War Flats	603	114
Housing – Post-War Flats	618-620	139-141
Housing – Pre-War Flats	615-617	135-138
Housing – Waiting List	621	142
I&D Find	827	506
Importation of Mobile Telephones from Spain	732	348
Imports	809	484
Imports – Motor Vehicles	746-747	371-373
Improvement & Development Fund – Head 101 Housing	597-598	104-105
Improvement & Development Fund – Head 101 Housing	600	107
Income Tax – Corporation Tax	814-815	491-492
Income Tax – Corporation Tax	820	498
Income Tax – Employers Declaration and PAYE Certificates	821-824	499-503
Income Tax – Improvements to Frontage of Premises	564	39
Income Tax – PAYE	816-818	493-496
Income Tax – Self Employed Persons	819	497
Income Tax – Taxable Profits	795	451
Insurance Companies – Licenses	756	393
Insurance Companies – Passporting	812	487
Insurance Passporting	810	485
Interreg Gibraltar/Morocco 1994/99 Programme	772	416
Irish Town/Parliament Lane – Pedestrianisation	572	57
Juvenile Detention Facilities	799	459
King’s and Orange Bastion Depots	742	364
Konver II – 1995/1999 Programme	761	399
Leasing of Medium Wave Frequency	787	439
Manx Energy Report	805	474
Marine Sullage and Oil Waste Treatment Plant	566	42
Maritime Security Bill	696	283
Master Service (Gib) Ltd	578-580	66-72
Master Service (Gibraltar) Ltd	573-577	58-65
Master Service (Gibraltar) Ltd	581	73
Matutes Proposals	839	538
Mediterranean Steps	565	40
Mutual Assistance Directive	843	544
No 5 Prince Edward’s Road	788	440
Nun’s Well	569	52
Objective II – 1997/1999 Programme	771	414
OESCO Generators – Noise Pollution	567	44
Offshore Betting	582	80
Pensions Ordinance – Prison Service	828	507
Port – Head 103, Subhead 8	691	268
Port Study	687-690	264-267
Port Study	692	269
Post Office	733-734	350-353
Prison – Number of Inmates	626	156
Proposed Shrine on the Upper Rock	801	467
Public Sea Bathing Pavilion	802	469
Qualifying (Category 2) Individual Rules	775	421
Qualifying (Category 2) Individual Rules 1999	758-759	396-397
Qualifying (Category 2) Individual Rules 1999	770	412



<b>SUBJECT</b>	<b>NO(S)</b>	<b>PAGE(S)</b>
Qualifying (Category 3) Individual Rules	776	422
Qualifying (Category 4) Individual Rules 1999	760	398
Qualifying Companies	769	411
Qualifying Companies	777	423
Referendum Gates – Publics Toilets	571	56
Refurbishment of Housing Unit at Hospital Hill	604	117
Road to the Lines	743	366
Sale of Alcoholic Drinks	847	552
Sea Wall – Catalan Bay	736	356
Seagulls	568	48
Sir Herbert Miles Road	738	358
Social Security – Closed Long-Term Benefits Fund	611	129
Social Security – Open/Closed Long-Term Benefits Fund	610	128
Social Security – Pensioners	609	127
Social Security – Pensioners	612	131
Sports Leisure Complex	740	361
St Bernadette’s Occupational Therapy Centre	613	132
Street Market Traders	791	445
Telecommunications Ordinance	783-784	434-435
Tenders Awarded	830	514
Territorial Waters – Illegal Fishing	800	461
Tourism – Airline Assistance Scheme	668	225
Tourism – Arrivals by Air	639	181
Tourism – Arrivals by Air	642	184
Tourism – Arrivals by Coach	643-644	185-186
Tourism – Arrivals by Sea	648	190
Tourism – Average Length of Stay in Hotels	637	179
Tourism – Barbary Macaques	677	241
Tourism – CARTA Conference	664	221
Tourism – Cruise and Ferry 99	667	224
Tourism – Cruise Calls	646	188
Tourism – Cruise Liner Terminal	650	192
Tourism – Cruise Liner Visitor Arrivals	647	189
Tourism – Discussions with Airlines	669-670	227-228
Tourism – EIBTM	666	223
Tourism – GTB Brochure	671	229
Tourism – Hotel Arrears	660	215
Tourism – Hotel Assistance Scheme	661	216
Tourism – Hotel Bed Nights Sold	636	178
Tourism – Hotel Occupancy Survey	672	230
Tourism – Interviews	633-634	171-176
Tourism – London Dive Show	665	222
Tourism – Maps of Gibraltar	674	234
Tourism – Moroccan Ferry	694-695	278-282
Tourism – New Ferry Service	658	202
Tourism – Number of Arrivals in Hotels	635	177
Tourism – Number of Pedestrian Visitors	645	187
Tourism – Number of Private Motor Vehicles Entering Gibraltar	632	170
Tourism – Overseas Attendances by the Minister	675	237
Tourism – Percentage Occupancy in Hotels	638	180
Tourism – Scheduled Flights	640-641	182-183
Tourism – Spanish Travel Writers	663	219
Tourism – Sun Costa Line	651-657	195-201
Tourism – Sun Costa Line	693	275
Tourism – Tourist Survey Report	673	231
Tourism – Travel Writers	662	217

<b>SUBJECT</b>	<b>NO(S)</b>	<b>PAGE(S)</b>
Tourism – Yacht Arrivals	649	191
Trade Licensing Ordinance	752	386
Transport – Breathalyser Tests	685	260
Transport – Green Lane	678-679	243-246
Transport – MOT Test	681	248
Transport – Public Bus System	684	259
Transport – Seat Belts	676	239
Transport – Tint of Rear Windcreens	682	252
Transport – Upper Town	683	255
Transport – Willis’ Road	680	247
Transport Inspectors	686	262
UN Personnel Ordinance	841	541
UN Personnel Ordinance 1999	840	540
Value of Commercial Freight	659	214
World Athletic Games	796	453
Zenith Printers Ltd	789-790	442-444

NO. 541 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - SPONSORED PATIENTS**

Can Government state the number of sponsored patients treated in the UK for the financial year 1998/99 with the fees being met by the Gibraltar Health Authority and the cost of such fees?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 542 to 545 of 1999.

NO. 542 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - SPONSORED PATIENTS**

Can Government state the number of sponsored patients treated in the UK for the period 1<sup>st</sup> April 1999 to August 1999 with the cost being met by the UK Government and what was this cost?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 541, 543, 544 and 545 of 1999.

NO. 543 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - PATIENT REFERRALS TO UK**

Can Government state since 1<sup>st</sup> April 1999 to the end of August 1999, what was the total number of patient referrals to the UK and the cost of these referrals?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 541, 542, 544 and 545 of 1999.

NO. 544 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - PATIENT REFERRALS**

Since 1<sup>st</sup> April 1999 to end of August 1999, what was the total number of patient referrals?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 541, 542, 543 and 545 of 1999.

NO. 545 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - NON-QUOTA PATIENTS TREATED IN UK**

Can Government state the number of non-quota patients treated in the UK for the months of May 1999 to August 1999 with the fees being met by the Gibraltar Health Authority?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

The details requested are as follows:

The number of non-quota sponsored patients treated in the UK during the financial year 1998/99 was 425. The cost identified to date was £1,081,638. There have been no changes in the position since I answered these questions in reply to Question No.281 of 1999.

The number of quota patients treated between April and August 1999, was 120. No details on costs have been received from the UK.

The number of patient referrals between April 1999 and August 1999 was 392. It is too early to provide details about the cost of these referrals but I will be happy to let the hon Member have them as soon as they are available.

The number of non-quota patients treated in the UK between May and August was 188. It is too early to provide details again about the cost of these referrals but, again, I will be happy to let the hon Member have these as soon as they are available.

SUPPLEMENTARY TO QUESTION NOS. 541 TO 545 OF 1999

HON MISS M I MONTEGRIFFO:

Can the Minister confirm whether the figures of the allowances given to sponsored patients going to the UK are on the increase, static or decreasing?

HON K AZOPARDI:

The hon Member will recall that they were static between 1989, I think it was, and 1997 when we increased it by 10 per cent. They have not moved since then but the criteria is under review.

HON MISS M I MONTEGRIFFO:

I am not talking about the actual level of the allowance, I am talking about the amounts being paid, the cost.

HON K AZOPARDI:

I am sorry, the cost of treatment?

HON MISS M I MONTEGRIFFO:

No, the cost of the allowances.

HON K AZOPARDI:

The allowance has not moved, that is the question is it?

HON MISS M I MONTEGRIFFO:

No, I am not talking about the allowance moving or not moving, I am talking about the global figure of the cost that is being provided to sponsored patients.

HON K AZOPARDI:

In their global cost, in the sense of the budget, it is going up because there are more referrals every year.

HON MISS M I MONTEGRIFFO:

Is the Minister aware that there are presently people in London who are complaining because for the first time they are being asked to provide a receipt for the accommodation where they are staying and that they have been told by the GHA that this is a new condition?

HON K AZOPARDI:

No, I am not aware of it, there are no new conditions. That information comes as a surprise to me. It certainly will be investigated. There are no new conditions in relation to the criteria at all, as far as I am aware, no changes have been put across my desk for approval.

HON MISS M I MONTEGRIFFO:

Then I will be happy to pass the information on to the Minister so that he will investigate it.



NO. 546 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA – ST BERNARD'S HOSPITAL**

Can Government state what was the total number of in-patient admissions and the average number of patients per day at St Bernard's Hospital from April 1999 to the end of August 1999?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 547, 548 and 549 of 1999.

NO. 547 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - ST BERNARD'S HOSPITAL**

Can Government state what was the total number of out-patient attendances at St Bernard's Hospital from April 1999 to the end of August 1999?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 546, 548 and 549 of 1999.

NO. 548 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - HEALTH CENTRE**

Can Government state what was the total number of out-patient attendances at the Health Centre from March 1999 to the end of August 1999?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 546, 547 and 549 of 1999.

NO. 549 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - HEALTH CENTRE DOCTORS**

Can Government state how many house calls were attended by Health Centre doctors from April 1999 to the end of August 1999?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

The information requested is as follows:

In-patient admissions from April to the end of August 1999 – 2,077.

Average in-patients per day at St Bernard's for the same period – 127.

Total out-patient attendances at St Bernard's Hospital from April 1999 to end of August 1999 – 5,482.

Total out-patient attendances at the Health Centre from March 1999 to the end of August 1999 – 64,200.

Total number of home visits from April to August 1999 – 2,070.

ORAL

NO. 550 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - ELDERLY CARE PATIENTS AT ST BERNARD'S HOSPITAL**

Can Government state how many long-stay elderly care patients there were at St Bernard's Hospital at the end of August 1999?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Forty-six.

NO. 551 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - DIALYSIS TREATMENT IN SPAIN**

Can Government now state whether any payments have been made via the UK in respect of dialysis treatment in Spain provided to Gibraltar patients with the relevant EU form?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Yes.

SUPPLEMENTARY TO QUESTION NO. 551 OF 1999

HON MISS M I MONTEGRIFFO:

Can the Minister confirm what these payments have been?

HON K AZOPARDI:

Yes, I am happy to say that there has been some confusion over a number of years whether payments have been made, not made, et cetera and we received confirmation last week from the Department of Health in London that claims have now been paid in respect of 1993, 1995 and certain claims made in 1998 and they have been accepted by the Spanish Government, I understand. It totals a figure in the region of 17 million pesetas.

HON MISS M I MONTEGRIFFO:

I take it 17 million is for all the years.

HON K AZOPARDI:

Yes, but the hon Member should not assume that it covers everything to date even though it covers all the claims that have been paid to date because I understand from the information that we received that they trickle in, as it were, so they might put in a claim in respect of a case that they did not find which was perhaps 1997 but certainly in respect of all claims in relation to the named patients that I have on this list, it covers those particular patients and it breaks down sums in relation to particular patients so it is 17 million in relation to those claims accounts for years post-1998 have yet not been discussed between the UK and Spain.

HON MISS M I MONTEGRIFFO:

Are the Government considering the possibility of opening a dialysis unit in Gibraltar?

MR SPEAKER:

It does not arise as a supplementary but if the Minister wants to answer he is entitled to.

HON K AZOPARDI:

I think I have done so on previous occasions and the Government's position remains the same and Hansard will reflect our position.

HON J J BOSSANO:

Is this 17 million pesetas money that has to be paid by the Health Authority to the UK or it has already been taken into account in the reciprocal agreement between the UK and Gibraltar?

HON K AZOPARDI:

Yes, it is taken into account in the set of arrangements.

HON J J BOSSANO:

Given the fact that the Minister has said that they were notified last week, what I am asking is whether the 17 million will have to be set off or has been set off?

HON K AZOPARDI:

No, I think it may have to be set off now because obviously we were not sure the amount of the payment. It will be set off when the UK and Gibraltar next meet to discuss the usual round of discussions that stem from the agreement.

NO. 552 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - DISPENSING FEE PAID TO PHARMACIES**

Can Government confirm that the dispensing fee paid to pharmacies in respect of each item dispensed on prescription forms issued by the Gibraltar Health Authority, has been increased from £1.20 to £2.35 with effect from 23 August 1999?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

No.

SUPPLEMENTARY TO QUESTION NO. 552 OF 1999

HON MISS M I MONTEGRIFFO:

If in the new regulations that have been published there is an increase from £1.20 to £2.35, can the Minister explain then who will be keeping the £2.35?

HON K AZOPARDI:

The answer to the question is that the dispensing fee has not been increased from £1.20 to £2.35 because the dispensing fee was not £1.20. If the hon Member will allow me, she will recall that the dispensing fee, apart from the £1.20 was also a 4.75 per cent addition to the wholesale cost of medicine and on top of this many medicines were allowed a 25 per cent mark-up, in fact according to the analysis of GHA management, it was the majority of medicines that were having this 25 per cent mark-up which was leading in part to such high cost of medicines. The current method of payment to scheme members is set out in the terms of service that form part of the Medical Group Practice Scheme Pharmaceutical Service Regulations and as the hon Member points out, Regulation 18(3) establishes the method of payment to scheme members for each item dispensed as follows: the basic price, an additional 15 per cent to the basic price and a dispensing fee of £2.35. The payment terms came into effect on the 16 August. We estimate that the global spent in relation to these new terms will not be higher than the old spend.

HON MISS M I MONTEGRIFFO:

I am not too sure what the Minister is actually saying because whereas before there was the wholesale cost of such items which is now reflected in the new regulations as a basic price, previously there was a 4.75 per cent on cost on the wholesale price against, again we had the basic price in the new regulations, but there is an additional 15 per cent to the basic price whereas before there was a 4.75 per cent on cost of the basic price and the sum of £1.20 and now, again we have a dispensing fee of £2.35 so everything indicates that there will be an increase to the fee that the pharmacy will be keeping.

HON K AZOPARDI:

What I am saying is that before we had the £1.20, the 4.75 per cent and then most medicines were carrying the 25 per cent mark-up. Now we have £2.35, 15 per cent and that is it and our calculations when we came to reach that formula suggests that there will be no increase, that there might be a decrease in the outlay of cost to the Health



Authority and that is certainly our position, but in any event in the agreement we reached with the pharmacists we cut the maximum outlay to the pharmacists at 1997/98 levels so there will be no increased outlay to them. Our calculations, certainly the management suggests their calculation is that we will be paying less and not more in the global figure of claims per medicine.

HON J J BOSSANO:

Can the Minister confirm that in fact the calculation would indicate that as a percentage of the value of the medicines the amount paid to the chemists will be higher if the price of the medicines are now lower than they were?

HON K AZOPARDI:

As a percentage of the medicines yes, it will be lower.

HON J J BOSSANO:

So, in fact, what is being done is that in exchange for the chemists agreeing to prescribe lower priced medicines the amount of money they used to get paid is being maintained, is that it?

HON K AZOPARDI:

No, it is not in exchange for them prescribing lower priced medicines. The medicine price prescribed in the drug tariff, the allowed mark-up is lower.

HON J J BOSSANO:

If the allowed mark-up is lower and the price of the medicine is lower then inevitably, as an arithmetic consequence, the amount paid would be lower. If the amount paid is going to be the same and the value of the medicines are lower because they are now generic then with the old formula the chemists will have been paid less. Have they been paid less in the last 12 months?

HON K AZOPARDI:

They have not been paid less because the new pricing formula started on the 16 August, we will know in the next 12 months whether they have been paid less. It is our calculation that they certainly will be.

HON J J BOSSANO:

No, what I am saying is, in the last 12 months with the old formula and the introduction of the restrictions on prescriptions has the amount paid to the chemist declined compared to the previous year and if that is the case will it be going up now?

HON K AZOPARDI:

I do not have the figures to hand, I suspect that it has gone down slightly but purely because of the pricing controls but I do not have the figures to hand. If the hon Member wants to ask me that question in due course.

HON CHIEF MINISTER:

Can I just clarify so that we know what the hon Member wants. When he says the amount paid to chemists, my deduction from this is that he is not talking about the global amount, in other words, in terms of cost to the Health Authority of medicines but rather of the profit element paid to chemists in terms of their own businesses income.

HON J J BOSSANO:

Yes, I think if Mr Speaker will allow me to put an example by way of a question. Is it the case that, for example, if chemists were making £500,000 on a turnover of £5 million they will now be making £500,000 on a turnover of £2.5 million as a result of the change in the formula?

HON K AZOPARDI:

Yes, I have understood the question but again my previous answer is my position.

NO. 553 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - PRESCRIPTIONS-ISSUED**

Can Government give a breakdown of the prescriptions issued and the number of items covered by such prescriptions under the GPMS in the months of May, June, July and August this and last year?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 554 and 555 of 1999.

NO. 554 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA – GPMS PRESCRIPTIONS**

Can Government state the number of items covered by GPMS prescriptions in the months of May, June, July and August 1999 in respect of which £2.50 was paid by patients to dispensing pharmacists and the total value of the medicines so dispensed and the comparable figures for 1998?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 553 and 555 of 1999.

NO. 555 OF 1999THE HON MISS M I MONTEGRIFFO**GHA – GPMS PRESCRIPTIONS**

Will Government state how much revenue the GHA has raised from April 1999 up to August 1999 as a result of Government's policy to increase prescription charges by 100 per cent?

ANSWERTHE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

The details requested by the hon Member are as follows:

Date	Prescriptions	Items	Items at top rate only	Value of Medicines
May 1998	14,023	40,554	15,887	-
June 1998	11,554	32,384	12,252	-
July 1998	16,657	49,822	18,445	-
Aug 1998	9,746	24,403	9,070	£87,941.00
May 1999	10,580	24,448	9,384	£103,125.52
June 1999	9,680	27,545	8,656	£93,493.18
July 1999	11,146	9,954(incorrect)	10,570	£107,878.30
Aug 1999	-	-	-	-

I have excluded when giving the total number of items at the top rate, I have excluded items in relation to 20p because I think she wanted that excluded. I do not have that breakdown anyway. The hon Member should be aware that the £2.50 charges were introduced with effect from 9<sup>th</sup> August 1998, the figures for August 1999 are not available because not all prescriptions have been received from the pharmacists. There are some minor discrepancies, if the hon Member checks now with Question No. 521 of 1998 and No. 51 of 1999 and that is because of adjustments to claims that have been made since the answer was given and I pointed that out to the hon Member the last time I spoke on this issue that there might be some changes and by the same token the above statistics are subject to change when pharmacists sometimes take a long time in submitting forms and so on. The total amount received in respect of the £2.50 prescription charges from April 1999 to July 1999 was £97,042.50; the increase in prescription charges has therefore yielded approximately £50,400.

NO. 556 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA – GPMS PRESCRIPTIONS**

Can Government say whether the person employed by the Gibraltar Health Authority to monitor the issuing of prescriptions has the authority to overrule Health Centre doctors as to the quantities or brand of medicines prescribed?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

The person contracted by the Authority has a dual role. The first is to establish and check the pricing of prescriptions. The other role is to provide pharmaceutical advice to the Authority and its employees. In carrying out his functions, he is implementing Authority policy, much of which is explicit under the Medical (Group Practice Scheme) (Pharmaceutical Services) Regulations which came into effect on the 23<sup>rd</sup> August 1999. It is the formulary published under these Regulations that govern what should be prescribed.

SUPPLEMENTARY TO QUESTION NO. 556 OF 1999

HON MISS M I MONTEGRIFFO:

So the answer, I take it, is no?

HON K AZOPARDI:

The answer is that the formulary governs it and he implements it.

HON J J BOSSANO:

Is the Minister aware, in fact, that there have been instances where the doctor has prescribed a certain quantity for a patient to be used in a month or whatever and that, apparently, the person employed by the Government to monitor this has overruled the amount in the prescription and refused it. Is that something that he has got the authority to do?

HON K AZOPARDI:

What has happened is, I am aware of certain instances, the formulary was set up or identified by a Pharmaceutical committee which contains clinicians and the person contracted obviously has to implement that formulary, he is given instructions to do so because that formulary has been agreed by clinicians. Then specific cases may arise which are exceptional cases which should be considered outside the scope of the formulary and all that has happened, as far as I am aware, is that there are then direct discussions in relation to those particular cases between the person contracted and the clinician to see whether greater leeway can be applied in particular cases and if clinical needs dictates it, I believe that that has happened previously and there is greater latitude.

HON J J BOSSANO:

I am not sure what the relevance of the formulary is in the context of the question that I am asking. I am asking, if I go to the Health Centre doctor and the doctor prescribes me two bottles of pills, can in fact the person who is employed say to the chemist that they shall not give me two bottles of pills, that they shall only give one, is that something that he can do or not?

HON K AZOPARDI:

Well, because there was an agreement between the doctors that medicines would be prescribed for certain periods and I suspect that if more pills are prescribed than the length of period requires, then he is alerted to the fact that he should at least discuss it with the doctor.

HON J J BOSSANO;

Then he has not got the authority to say to the chemist, "You shall not issue the prescription", which has happened?

HON CHIEF MINISTER:

Of course not. He has not got the authority to override the prescription of medicines. What there is, is a system to curtail the prescribing of medicines in terms of repeat prescriptions in length of time. If the doctor prescribes medicine a, b, c one gets given medicine a, b, c for whatever length of time the doctor chooses to prescribe it and one will consume that medicine for whatever length of time the doctor wishes one to consume it. Whether one can have a prescription for three months in a go or whether one has to renew that prescription monthly is a different issue which does not affect one's ability to take one's medicine for however long the doctor wants one to take it.

HON J J BOSSANO:

What I am trying to establish is given the fact that this has happened, is whether a Health Centre patient who goes to a chemist with a prescription that says he shall be given a certain quantity of medicine can, in fact, be told by this person that he shall not have it? Does he have any recourse if that happens? Should he go to the Ombudsman or is it enough that we raise the question in the House?

HON CHIEF MINISTER:

The charge of whether one is entitled to receive medication is one's doctor and nobody else and the control for audit purposes of medications at a central level does not override the clinical judgement of the doctor except in the context of propriety labelled medicine or generic medicines within the formulary which has been agreed between the doctors in the Committee that my hon Colleague the Minister has said but only the doctor is the judge of what medicines should be prescribed and should be dispensed.

HON MISS M I MONTEGRIFFO:

As we have cases of people who have actually been told that they cannot have the quantity prescribed by the doctor, will the Government look into it?

HON K AZOPARDI:

Yes, of course, if the hon Member passes me that information I will of course look into it.

NO. 557 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA – GPMS**

Can Government explain on what basis they are estimating an increase of £1 million in revenue from the Group Practice Medical Scheme?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Treasury estimates the increase in the following manner: collections during the financial year ended 31<sup>st</sup> March 1999 were around £16 million which was £1.8 million more than the collections during the previous year. The projected increase for the year ending 31<sup>st</sup> March 2000 is based on an analysis of collections during the six months ended 31<sup>st</sup> March 1999.

SUPPLEMENTARY TO QUESTION NO. 557 OF 1999

HON MISS M I MONTEGRIFFO:

When the Minister is saying collection does he mean that more people are employed and that they are paying more social security stamps or is he referring to arrears?

HON K AZOPARDI:

It is based on collections, I am not sure if there are more people employed or not. They have taken account of the number of employed persons being 13,000 at April 1997 but the predominant driving force behind their estimate has been actual collections between October 1998 and March 1999 which have averaged about £1.4 million on every month except January for which there is a figure of about £2.2 million.

HON J J BOSSANO:

The figure for January of £2.2 million would be consistent with what is normal in January when people have changed insurance cards when they tend to pay sometimes for the previous months when they have not paid until they have changed the cards, is that not the case?

HON K AZOPARDI:

Yes.

HON J J BOSSANO:

So that in fact it is not an exceptional figure for this year, there is always a higher figure for January?

HON K AZOPARDI:

Yes, I understand that is always the case.



HON J J BOSSANO:

In terms of the collections for the other months, is the Minister aware of the level of increase that has been experienced in other months which suggest an extra £1 million in collection over and above the increase for the previous year?

HON K AZOPARDI:

All I can say is that there is about £2 million more than last year's collected in the financial year ended 31<sup>st</sup> March 1999; the average collection from October 1998 barring the exceptional month was about £1.4 million and that has led Treasury to believe that that estimate should be projected. I think they have taken into account the fact that January is exceptional and partly disregarded that fact.

NO. 558 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA – EX-GRATIA PAYMENTS**

Can Government give a breakdown of the £22,944 they spent under the Head Ex-Gratia Payments for the financial year 1998/99 of the Gibraltar Health Authority?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

The largest payment was £12,000. This was in respect of a settlement of a claim which arose in early 1995. The terms of settlement do not allow for further details to be made public.

The other payments were in respect of the following:-

£144.66 – damages to clothing due to water ingress in the hospital quarter; £89 also damage to clothing; £5,000 in relation to a settlement of a claim for loss of earnings due to alleged misdiagnosis; £225 cost of passage for a parent to escort a student undergoing a procedure in the UK which was dealt with as an ex-gratia payment pending the amendment of the sponsored patients policy; £125 refund of medical expenses; £259 payment of one air passage; £80 which was the reimbursement of a CT scan cost; £24.95 damages to clothes; £38.95 in respect of an article of clothing which was stolen; £122 an allowance paid to a patient through Moorfield's Eye Hospital, I think that was a refund; £1,100 in respect of a claim for injury sustained from a window which shattered; £3,000 in relation to a contribution towards treatment given outside the UK in an exceptional case; £148 in respect of expenses incurred as a result of alleged misdiagnosis; £42 in respect of refund of travel expenses; and £494 being air tickets in respect of patient and escort. The total payments - £22,943.76. I should say, of course, that all payments made under this Head are on an ex-gratia without prejudice basis.

SUPPLEMENTARY TO QUESTION NO. 558 OF 1999

HON MISS M I MONTEGRIFFO:

On the question of the claims, can the Minister confirm whether these claims have been settled directly with the patients concerned or has there been any legal input?

HON K AZOPARDI:

I think there are two on the list which relate to claims in the sense of legal claims; they were writs issued in both cases and I think there was a settlement of claims on advice in both matters. Both matters were being handled through the Attorney-General's Chambers.

NO. 559 OF 1999

THE HON MISS M I MONTEGRIFFO**GHA – PERSONAL EMOLUMENTS**

Can Government give a breakdown of the £8,700,000 they have estimated in this year's budget under personal emoluments salary by grade and numbers of the administrative posts and nursing posts of the Gibraltar Health Authority?

ANSWERTHE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

The nursing and administrative components of the £8.7 million estimate for personal emoluments which was prepared at the time of laying the estimates is as follows:

<u>Administrative Grades</u>	<u>Number</u>	<u>Funds allocated</u>
Managerial grades	13	£305,991
Admin/Secretarial	35.5	<u>£449,647</u>
		<u>£755,638</u>
 <u>Nursing grades</u>		
Nursing management	7	£182,896
Educational grades	3	£76,155
Other nursing staff	296.5	£4,483,675
Students/pupils	22	<u>£181,808</u>
		<u>£4,924,534</u>

SUPPLEMENTARY TO QUESTION NO. 559 OF 1999

HON MISS M I MONTEGRIFFO:

If I am correct I think that the Minister has not given me the breakdown by grade and the numbers.

HON K AZOPARDI:

If the hon Member wants a further breakdown, for example, of the nursing grades, when I say other nursing staff there would – Charge nurse/sister, 31 - £687,050.

HON MISS M I MONTEGRIFFO:

Could I just have a copy and browse very quickly over them?

HON K AZOPARDI:

I only have one copy which is written all over.

HON MISS M I MONTEGRIFFO:

Would the Minister be prepared to give me a copy afterwards?

HON K AZOPARDI:

Yes, of course.

HON J J BOSSANO:

Is the Minister in a position also to provide the grade and the number of administrative grades which the original question asked for?

HON K AZOPARDI:

I can also do that when I send the hon Member the information, yes.

HON J J BOSSANO:

Can I ask, the grade of Health Promotion Officer is included in what, in the administrative or in the nursing grade?

HON K AZOPARDI:

In the administrative one.

HON J J BOSSANO:

Is this a post that was created in this last year or was it there before?

HON K AZOPARDI:

No, this has been there since, I think about early 1997.

HON J J BOSSANO:

In the recent filling of the vacancy the notice that came out said that the job was due to become vacant, is it that the person is retiring who was doing the job until now?

HON K AZOPARDI:

The person took a job in the Education Department.

HON J J BOSSANO:

So in fact it was previously part of the Civil Service structure?

HON K AZOPARDI:

No, it has always been held by someone who falls into the group of professionals ancillary to medicine instead of a hybrid and it is difficult to place in any particular category. It was held by someone who was by vocation a teacher previously, that is why he has gone to the Education Department, and previous to that it was someone who was a dietician by vocation and the new incumbent depends on the Public Service Commission ratification.

HON J J BOSSANO:

If when the job was created in 1997 where was it analogued in the structure given that the Health Authority has either civil service grades or National Health Service grades, where did it fall in that grading structure within the Health Authority?

HON K AZOPARDI:

I think that we took advice, if I recall, from DOH and the Health Education Authority because there are particular grades in health authorities in the UK that handle specific health promotion on health education and we found some sort of parallel to that when we instituted the salary scale.

HON J J BOSSANO:

So it is a National Health Service grade then, not a civil service grade?

HON K AZOPARDI:

Yes, I believe so.

NO. 560 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA – POST OF CHIEF EXECUTIVE**

Can Government state whether they have now reached a decision on the new salary for the post of Chief Executive of the Gibraltar Health Authority?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

No, Sir.

SUPPLEMENTARY TO QUESTION NO. 560 OF 1999

HON MISS M I MONTEGRIFFO:

Can the Minister confirm whether the person who is presently occupying the post is receiving exactly the same remuneration as the previous person who used to occupy the post did?

HON K AZOPARDI:

I believe he is receiving the remuneration that he was receiving. In other words, his remuneration has not moved.

HON MISS M I MONTEGRIFFO:

Can the Minister give an idea to the House why it is that it is taking them so long to take a decision as regards the new salary? I am referring to the new salary because that is what the Minister referred to in the last question I put to him and could he confirm that the government are willing to increase the present person's salary as a result of him occupying the new post?

HON K AZOPARDI:

Obviously he is a Senior Officer so whatever change happens may not have an effect and I think it has to be taken into account when considering his position and that is why the Government have not reached a particular stance or decision in relation to this matter because of the consequences that could have in relation to other posts and I think it has to be seen globally in that regard. So whatever changes there are may trickle down or up.

NO. 561 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA - PRIVATE PRACTICE**

Can Government state whether they intend to regularise private practice and what their plans for regularising it are?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Government do intend to regulate private practice and will announce our plans in this respect when we are ready to do so.

SUPPLEMENTARY TO QUESTION NO. 561 OF 1999

HON MISS M I MONTEGRIFFO:

Can the Minister confirm whether practitioners at the Health Centre will be allowed to do private practice?

HON K AZOPARDI:

Does the hon Member mean do they do it or are they going to be allowed?

HON MISS M I MONTEGRIFFO:

Will they be allowed to?

HON K AZOPARDI:

Government have no plans to allow private practice at the Health Centre.

HON MISS M I MONTEGRIFFO:

Will the Minister agree with me, in our analysis, that if they regularise private practice, the length of time it will take a public patient to see a doctor will increase as a result?

HON K AZOPARDI:

No, is the answer to that question. Given that private practice has been so unregulated and uncontrolled within the Health Authority for so many years, eight of which she presided over, I do not think that the situation can worsen, it can only get better if we regulate it, bring it out of the closet and make people aware of when and if and how they can visit a doctor privately. I think it will be easier for us to account and control waiting lists if we regulate private practice.

HON MISS M I MONTEGRIFFO:

Surely, if the Minister's contention is that there has been private practice in the past, surely he has no figures to know exactly what the amount of private practice has been and therefore I think he is speculating on that matter. Surely, if there are, say, 10 patients waiting to see a doctor and five of them, for example hypothetically, decide to go privately, will it not take longer for the remaining five to see the doctor?

HON CHIEF MINISTER:

I presume, although it would not be obvious from a strict analysis of her question, that the hon Member is not asserting the belief that private practice in Gibraltar is not rampant; that it is not common knowledge in Gibraltar that the way that private practice works in Gibraltar results in people being forced from the public list to the private list if they wish to obtain prompt medical service, I assume in favour of the hon Member that her question is not designed to suggest (a) that there is not private practice, (b) that it is not rampant, or (c) that it is not prudent to regulate it – she uses the word “regularise” it, we prefer to use the word “regulate” because we are determined that private practice be allowed in the correct and proper measure and not be allowed to operate in a way which simply becomes a mechanism through which patients who are entitled to free medicine on the Public Health Service find their arms being directly or indirectly twisted to see the very same doctor privately. Therefore the Government’s plans for the regulation of private practice will limit the times of the day and the amount of hours a day that publicly employed doctors will be able to see patients on private practice and will regulate the manner in which they may use public facilities for that purposes and indeed will regulate the fees that they should pay for the use of publicly funded facilities for the benefit of their private practices and I would expect that when the Government introduce those measures, provided that Opposition Members are satisfied that they represent an improvement on the present situation which I would have thought is almost inevitable, that Opposition Members will join the Government in supporting those measures as being absolutely necessary to prevent the abuse of private practice. Private practice in the correct way and in the correct measure is perfectly okay. Private practice, however, like many other things that are perfectly okay, is capable of being abused and the Government are satisfied that it is currently being abused and all that we will seek to do is to regulate it to eliminate those abuses without depriving those individuals who nevertheless wish to exercise their freedom of choice to have recourse to private practice without denying them the opportunity to do it, without denying Gibraltar the services of the best possible consultants that we can afford which is also a consideration but most importantly, without presiding over a situation in which patients who would wish to go public are forced, in practice, to go privately to get their treatment quickly. I do hope that the hon Member supports the Government in those aspirations.

HON MISS M I MONTEGRIFFO:

After that lengthy speech, he still has not answered my question. I have listened to him very carefully to ensure that he would answer the question that I put which was very clear and which I will put again. Are the Government satisfied that as a result of them – and I will use his terminology – “regulating” private practice, the lists for public patients will not increase as a result? That was my question. Are they satisfied?

HON CHIEF MINISTER:

The Government are satisfied of two things. First of all, we are satisfied of that and, secondly, as the Minister has indicated, the Government are perhaps more importantly satisfied that with the new system waiting lists will, for practical purposes, be under the control of the hospital administration and not under the control of the same doctors who preside over private practice, therein lies the key; that the health administrators should be in control of waiting lists and that the waiting list should not be in the control of those who are then able to use the length of the waiting lists to generate demand for their own private services.



HON J C PEREZ:

Could the Minister say whether this administration continued the practice of the previous administration of not permitting private practice for new consultants recruited? That is to say, whilst the ones that had nothing in it, the new consultants who were being recruited had a clause which did not permit them to do private practice. Is that still the practice in the Health Authority?

HON K AZOPARDI:

Yes, contracts have not changed and so the old contracts that were being entered into continue to be entered into but the hon Member is aware, of course, that the fact that they were contractually barred from doing private practice did not prevent them from doing so and many of them did so anyway.

HON J C PEREZ:

Does that include the contract of the new radiologist as well?

HON K AZOPARDI:

I guess, I do not have that specific contract to hand, I suspect that yes, again it falls into that same category.

HON J C PEREZ:

Can the Minister say whether Government, as a matter of policy, have decided that the Radiology Department should charge for x-rays from patients who have seen the doctor privately? Is that the case now?

HON K AZOPARDI:

There is certainly no question of Government policy arising. Practices, as far as I am aware, are the same as they have always been. If they have been changed by the radiologist, they have been changed at that source, they have not been changed because Government have decided as a matter of policy to do this or that. If there are issues of policy that arise in relation to fees, they will come when we regulate private practice.

HON J C PEREZ:

So if it is the case that patients are charged for x-rays, we can presume that that is the radiologist doing private practice in the hospital?

HON K AZOPARDI:

Yes, he can presume it in the same way as other consultants do so as well even though they may be contractually barred, as has been the case for many, many years and that is why it is urgent and necessary for us to regulate private practice.

HON J J BOSSANO:

If it is urgent and necessary and it has been going on for years, how come three and a half years have gone by and they have not done it, if they are so clear what needs to be done? What has prevented this from being done until now?

HON K AZOPARDI:

If we act after three years it is certainly better than the eight years non-acting record that he has.

HON J J BOSSANO:

I do not doubt that it is better to do it after three years than not do it at all if it is such a good thing as they claim it is. What I am asking is, why have they not been able to do it so far, what is the problem?

HON CHIEF MINISTER:

Because the Government cannot deal with all the things that we want to deal with in three months and therefore things have to take an order of events. An electoral mandate is for four years and therefore the Government take four years to implement their electoral programme. I believe that the regulation of private practice is something that could have been done a bit sooner, it has not been done sooner because the Government have chosen the route, as we have chosen with the transport problem of insofar as possible carrying the consultants with us. In other words, that the system of regulation without impinging or affecting its affecters in delivering what the Government want to achieve, should be a system which carry the support and co-operation of the consultants rather than imposing it on them which ultimately the Government would have done and therefore there has been a lengthy process of discussion between the Health Authority and the consultants concerned to consult with them and to see what their views on this was. That process is taking its course and, frankly, this Government are proud of the fact that it will be the first Government that have had the determination to tackle this issue which successive Gibraltar Governments have known has been the source of injustice on taxpayers entitled to free medicine and who have been, on many occasions, denied it by the way that the private practice system has worked. Therefore if the hon Member's point is that he regrets that it has taken us three years to do it, my answer to him would be better later than not at all but certainly we would have liked to have done it sooner.

HON J J BOSSANO:

It is not my function to express emotions in the House but to ask questions and seek information. As the Chief Minister said, every occasion can be abused and Question Time is no different from everything else, we can all abuse it to make speeches, easier from the Government side than from the Opposition side, and all I am trying to establish is then the facts. The fact is that it is not lack of time then as was originally indicated in the first part of the answer but the difficulty of getting the agreement of those who are going to be affected by this that has held it up for so long?

HON CHIEF MINISTER:

No, it is not the case. There is a distinction which I understand the Leader of the Opposition does not appreciate because consultation was not something that was a technique that he used to apply often, there is a difference between consulting people and securing their agreement. The hon Members laugh and their amusement can only sustain me in the view that they do not know what consultation process is because, of course, in eight years they never once had meaningful recourse to it. The fact of the matter is that regulating private practice is a policy of this Government when it is not a policy of them even in Opposition now listening to the hon Lady speak, let alone was it a policy of them when they were in Government for eight years and that Government implement our policies in accordance with the timescale that we choose. Frankly, for an Opposition party whose policy it is not to regulate private practice, to try and complain that the Government's deployment of our policy which they do not share, to regulate private practice is taking too long, is more than a little bit rich.

MR SPEAKER:

One more supplementary and one more answer.

HON J J BOSSANO:

Mr Speaker, I am seeking to put an emotional question in the forlorn hope that I get an emotional answer. Instead what we get is the play-acting of the Chief Minister is neither rich nor poor. We are neither passing judgement nor making proposals, we are seeking information, that is all, which is what the Standing Order says I am entitled to do.

MR SPEAKER:

Standing Order says you seek information on the original answer.

HON J J BOSSANO:

Well, Mr Speaker, on the original answer to the original question and if the answer is one that leads to information that was not previously available then we are seeking further clarification on the answer that we have been given. It seems that the answer that we have been given is that the Government attach a very high priority to this but nevertheless it is competing with other events and in any case there has been consultation which presumably has not led to agreement of those involved. Is it that it is now about to be implemented?

HON K AZOPARDI:

We intend to regulate private practice soon.

NO. 562 OF 1999THE HON MISS M I MONTEGRIFFO**GHA – RENTAL OF PRIVATE ACCOMMODATION**

Can Government state whether the Gibraltar Health Authority is renting private accommodation to house contract nursing staff and, if so, where and at what cost?

ANSWERTHE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

The Authority does not currently rent private accommodation. It subsidises the rental of accommodation by some members of staff as has been the practice for many years. The total sum being spent by the Authority is £8,224 per month. In relation to nursing it is £4,685.20 of that. Consideration, however, is being given by GHA at ways of reducing that sum, including that of direct rental.

SUPPLEMENTARY TO QUESTION NO. 562 OF 1999

HON MISS M I MONTEGRIFFO:

The Minister has not replied completely to my question because I do ask where and he has not given me that information.

HON K AZOPARDI:

Yes, I apologise for that. I will give the hon Member a list of flats which are being subsidised but not rented but, with respect, I would say that I have answered the question given that the question was "Which properties are we directly renting?", we are directly renting none. I will give the hon Member the properties that we are subsidising – 503 Wellington Court; 244 Watergardens; 806 Block 1 Eurotowers; 307 Wellington Court; 404 Block 1 Eurotowers; 2 Merlot House; 66/3 Main Street; 608 Watergardens; 1 Merlot House; 407 Block 1 Eurotowers; 11 Merlot House; 23 Watergardens; 117 Rosia Plaza; 307 Wellington Court and 17 Merlot House. Those are in relation to nursing staff.

HON MISS M I MONTEGRIFFO:

Surely when the Minister says that the contract officers receive a subsidy, I remember that that is correct but can he confirm also that it is correct that it is the Health Authority who seeks the accommodation for them?

HON K AZOPARDI:

I do not know if the Health Authority actually seeks it or not but the Health Authority certainly is not the tenant. That is what I understood by the question of whether we rent it. We are paying a contribution towards it but I am quite clear that in those cases we are not the tenant. We may, because they are newcomers to Gibraltar, assist them, I am not aware of anything else.

HON J J BOSSANO:

Is it that the Health Authority pays an amount towards the rent irrespective of what the rent is?

HON K AZOPARDI:

No, there is a formula which is not to hand, in relation to payment of rent and it is a certain percentage but it is capped at a certain level. Of all the ones that I have read, the cost to GHA is about £300 in most of them per month.

HON J J BOSSANO:

Do the Government not have any property of their own that they can make available instead of having to rent or is it more economical to rent?

HON K AZOPARDI:

We do not have any property, that is the answer.

HON J L BALDACHINO:

The figures that the Minister gave of £8,000 and £4,000, how many persons does that involve, does he know?

HON K AZOPARDI:

Yes, but I would have to count them, if the hon Member bears with me. The £4,600 is in relation to 15 nurses in different disciplines and the balance of £3,500 is another nine persons some of whom are SHO's, some of whom are consultants and then other disciplines; it is a sprinkling of medical staff really.

NO. 563 OF 1999

THE HON MISS M I MONTEGRIFFO

**GHA – HEALTH SERVICE PRIMARY CARE CENTRE**

What steps are Government taking to address the many complaints from the users of the Health Service Primary Care Centre?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

I indicated when I officially opened the Primary Care Centre what Government intended to do to address the two main issues voiced by users of the centre, that of telephones and the temperature within the centre.

GHA management has been assured by Nynex that the telephone issues will be resolved soon. The tender for air-conditioning was advertised on the 13<sup>th</sup> September.

These, however, are relatively minor issues in the context of the significance of this move. The new Primary Care Centre is a major investment in health service infrastructure which will provide a much better working environment for staff and allow the delivery of new and improved services to the public.

SUPPLEMENTARY TO QUESTION NO. 563 OF 1999

HON MISS M I MONTEGRIFFO:

Surely, even if the Minister has said that there were issues that had to be solved within the new Health Centre building, why were these issues not tackled before the actual Primary Care Centre opened to the public?

HON K AZOPARDI:

Everyone knows in Gibraltar that when one buys a house and one goes into occupation there are things that were not foreseen that need to be tackled once one is in occupation. That does not mean that one should not be joyful of the fact that one has a new house. That is the case with us. The technical advice we received was that air conditioning was not necessary at that centre. It transpires that obviously that did not take into account the numbers of population that would go through the centre itself and once we were in occupation we saw that it was necessary, that matter will be tackled. Issues in relation to telephones did not arise because we had been assured that they would be in place by the time of the opening. However, Nynex had technical difficulties at the eleventh hour when they went down there to install the telephone lines. Those are things that cannot be tackled beforehand but I do stress that it is important to see the move in its context; that the move is a great improvement for primary care services and community services in Gibraltar and I think that the overwhelming effect, once people have got used to the new layout, will be extremely beneficial to health care.

HON MISS I MONTEGRIFFO:

It appears to me that it is extraordinary the answer that the Minister has given because surely it would only take about 15 minutes for somebody sitting in the waiting area to realise that there is an extreme lack of ventilation, would he not agree?

HON K AZOPARDI:

I always take advice from technical people if they tell me things and if architects and technical people were telling me that air conditioning was not necessary and the cost of such air conditioning would fall in the region of £60,000 to £80,000 then I think that I owe a duty to the taxpayer to use that money in a better way. It now transpires that the technical advice did not take into account certain factors and yes, of course, I did not realise personally that the heat is such that air conditioning is necessary. That is why I gave an immediate commitment to people when I went down there, as soon as it was opened, that air conditioning would be installed but that does not mean that that fact could be noticed beforehand. It simply could not because the population were not going through the centre.

HON J C PEREZ:

The Minister, I assume, is aware that it is not the number of people in the centre, he must be aware that on the second day of the centre being run a doctor walked out because he said he could not work under those conditions and the Minister must be aware that the complaints extend to more things, that there have been several accidents by senior citizens in the escalator, is he not aware of these things?

HON K AZOPARDI:

I am not aware that any doctor has walked out. I am aware that an old lady the other day had difficulty with the escalator. There are different ways of access to the centre itself, that is not a problem with the centre itself, that is a problem outside the centre. The lady could have fallen at the ICC at any time.

HON J C PEREZ:

The Minister is not aware of the doctor who walked out I suggest he talks to Dr Benady, he is the one who walked out.

HON J L BALDACHINO:

I suppose that the telephone is an essential thing for the functioning of the Primary Care Centre, is it not?

HON K AZOPARDI:

Well, of course it is certainly better if the phones are fully operational, it helps in the efficient running of the centre. The centre can still run without it strictly because not all appointments are made through the telephone system but I can assure the hon Member that most, I am told, the information today is that most, if not all, the phones are operational and all of them will be operational very soon.

HON J J BOSSANO:

In relation to the problem of the air conditioning. The Minister said, if I understood him correctly, that it was not known beforehand the population that would be using the place.

HON K AZOPARDI:

If the hon Member would give way. It is not that we did not know, of course we knew how much population was running through the Centre but I think, on balance, it must be that the technical advisers who are not health care workers may have underestimated the effect of those numbers on the temperature within the Centre.

HON J J BOSSANO:

But presumably when the Centre was being designed the figures of the users was provided to the people who were doing it, is that correct?

HON K AZOPARDI:

Yes, of course.

HON J J BOSSANO:

So in fact what they did not appreciate was that they would all be over heating when they were all in one room, is that the position?

HON K AZOPARDI:

I cannot get into the minds of the people who advised us. I can only tell the hon Member what the advice was.



NO. 564 OF 1999

THE HON A J ISOLA

**INCOME TAX – IMPROVEMENTS TO FRONTAGE OF PREMISES**

How many applications have been received for income tax relief in respect of an improvement to the frontage of premises situate in a tax deductible property zone between 14<sup>th</sup> January 1999 and 31<sup>st</sup> August 1999, and what was the total value of works estimated to be carried out?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Twenty-four applications have been received during that period. The total value of the works is approximately £315,000.

NO. 565 OF 1999

THE HON J J GABAY

### **MEDITERRANEAN STEPS**

Will Government explain who is responsible for clearing the area of Mediterranean Steps?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Mediterranean Steps is now Government property. It is not cleared regularly as there is no provision for this under any contract. The Gibraltar Tourist Board has had the area cleared recently with the co-operation of the MOD. This has come after many years of neglect.

Signs are being erected to warn ramblers that the area is unsafe and that the steps are used at the user's own risk. It is envisaged that Mediterranean Steps will be reconditioned during the next financial year.

SUPPLEMENTARY TO QUESTION NO. 565 OF 1999

HON J J GABAY:

Does the fact not remain that a rather important tourist area is found to be substandard and that there have been complaints about it? Furthermore, branching obviously into other areas where cleanliness is concerned, is it not symptomatic of the pattern of dirt and excrement that we find in so many parts of the Upper Town and, indeed, in certain areas of the inner town and that there is a general feeling that beautification of certain areas, important as it is, is in fact replacing the attention that should be given to some areas which are now shabbier than ever, riskier than ever and to finalise the question, Mr Speaker, to your amusement, may I actually add that the situation was very well captured in a press photograph recently with the interrogative question, "Is this regeneration or degeneration?" I for one feel that many areas have, in fact, degenerated.

HON K AZOPARDI:

The hon Member's question has been a degeneration, it was so long. At the end it stems right off the scale from Mediterranean Steps so I will not answer that. Certainly in relation to Mediterranean Steps, the matter is being handled by the Gibraltar Tourist Board. I myself am not aware that there have been complaints in relation to Mediterranean Steps but having been there relatively recently, I agree that work has to be done in that area. The matter, as I say, is being driven by the Tourist Board so it may be that my hon Colleague who is not here today has received some information in relation to that and I know that he is working towards addressing issues in relation to Mediterranean Steps that we all consider to be a valuable addition to a ramble up the Rock as long as the hon Member's questions.

HON J J GABAY:

Can he therefore agree that the situation is unsatisfactory, for whatever reasons the Minister has chosen to give, and this is in consonance with the dirt in other areas of the town which I have already referred to?

HON CHIEF MINISTER:

We cannot agree. What we can agree on is that the situation is unsatisfactory and not just because Mediterranean Steps are not kept properly clean. The principal source of the dissatisfaction is that they are unsafe in addition to being unclean and the fact that the Government agree is revealed in the original answer to his question which shows that the Government have allocated financial resources to remedy those defects which are very longstanding. Government would not wish to encourage people to go up Mediterranean Steps until they have been made safer, they will never be entirely safe in parts but they need to be made safer. The question whether Mediterranean Steps then just becomes a rambler's route or whether it becomes a tourist site is another issue because there are questions about whether tourists should be lured up there without knowing the magnitude of the endeavour that faces them but that has nothing to do with the fact that they should be maintained clean and they should be maintained safe and the answer to the original question shows that financial resources are being allocated to that. I agree with the hon Member except to the extent that he suggests that the only problem is cleanliness, it is cleanliness plus safety because of the deterioration and the rock situation.

NO. 566 OF 1999

THE HON J J GABAY

**MARINE SULLAGE AND OIL WASTE TREATMENT PLANT**

Will the Minister for the Environment state whether there are any environmental risks in setting up the projected Marine Sullage and Oil Waste Treatment Plant?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The new Marine Sullage and Oil Waste Plant will be designed and built to meet all EU environmental standards. This will represent a significant improvement over the current position since the MOD plant now in use does not meet these modern standards.

The Government are therefore confident that the new plant will be both environmentally safe and commercially more useful to the Port of Gibraltar.

SUPPLEMENTARY TO QUESTION NO. 566 OF 1999

HON J J GABAY:

So therefore it is reasonable to assume that we need not worry about the hazards of spillage or pollution of the air or other considerations which might be harmful to the environment?

HON P C MONTEGRIFFO:

Every activity has risks. I think the job of a Government as commercial operators is to minimise those risks and we are very satisfied that the new operation will do that, it will ensure that risks are minimised. But I do think it is important to stress the improvement this represents over the previous arrangement currently in place. As I have indicated in my answer, the current MOD plant which would effectively become redundant when this new plant is in place, does not meet EU standards so surely we must be welcoming the fact that the new plant will. Secondly, the discharge point and the point we know where vessels will be taken and handled for the discharge of their oils will in fact be further away from the current point, further away from points of population. It is envisaged that this plant will have discharge points on the detached mole thereby rendering any impact on the resident population more unlikely than is currently the case, currently discharge points are on the Western Arm.

HON J C PEREZ:

Does the operation envisage that there will be a residue product at the end of the separation of oils and so on?

HON P C MONTEGRIFFO:

Absolutely, Mr Speaker, that is how the commercial operators will make their money.

HON J C PEREZ:

I am not talking about selling the product that is converted. A residue product as waste, is there at the end of the operation something that needs to be disposed of?

HON P C MONTEGRIFFO:

I have not got the full details with me. I am sure there will be and there certainly is water that is produced, clean water which meets EU standards and that will be discharged into the sea but I assume that there must be, by definition, some unwanted material which is extracted from the sullage which will then be disposed of in accordance with EU requirements but I cannot give the hon Member details of what arrangements are in place for the disposal of that waste.

HON J C PEREZ:

Will the Minister check whether that residue is able to be disposed of with the facilities here or whether it needs to be exported outside?

HON P C MONTEGRIFFO:

I am certainly happy to confirm that but as I am reminded, this is not new territory for Gibraltar. There is a sullage plant in Gibraltar, it does provide sullage facilities both to MOD ships and to some commercial shipping and therefore waste has been disposed of quite successfully and without difficulty in the past so we do not envisage any problems in the future.

HON J J BOSSANO:

The Minister has said the MOD plant will become redundant, that means that the MOD will be using the new plant, does it?

HON P C MONTEGRIFFO:

That is our intention and our hope. The MOD hopefully will become a customer of the new plant. Those arrangements are not finalised but every indication seems to suggest that the MOD would find it more commercially viable to become a customer to the new plant than continue with its own plant. Needless to say, arrangements for the staff involved in the MOD sullage plant is a relevant consideration. There are only two or possibly three jobs relevant to the MOD sullage plant and the new operator has indicated that they will certainly be happy to absorb that employment if arrangements with the MOD can be finalised. It must be added as well, I think so that it is on record, that the Government of course would encourage the MOD to take that view and to transfer, as a customer to the new plant in view of the fact that we would not expect the MOD to continue to undertake commercial work at its plant when we now have a civilian commercial operator doing the business on behalf of the Port of Gibraltar generally.

HON J J BOSSANO:

Is in fact the MOD then at present continuing with its operation or has it made a decision to close it down?

HON P C MONTEGRIFFO:

The MOD is continuing with its operation now. There are sullage requirements that have to be met but, as I have indicated, the plant does not meet EU standards, the MOD plant would be in need of significant investment if it were to have a continued life and therefore there is every likelihood that that will not occur and they will instead become a customer.

NO. 567 OF 1999

THE HON J J GABAY

**OESCO GENERATORS - NOISE POLLUTION**

Is the Minister for the Environment satisfied that the noise produced by the generators in the dockyard area does not constitute a nuisance?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

My opinion in this matter is not relevant. The statute, the Public Health Ordinance, does not empower the Minister in cases of potential nuisance. The Environmental Agency have powers and obligations delegated to them to examine and assess whether nuisances arise. When they believe they do, they can take action as prescribed. This usually involves summonses to court being served on the parties concerned with the court having the ultimate say on whether a nuisance exists or not.

In the case the hon Member mentions, no proceedings have been instituted by the Agency. Proceedings were threatened by solicitors acting for individual complainants some years ago but these were not proceeded with.

Finally, Mr Speaker, I presume that the matter of noise nuisance was taken into account by the previous administration when they entered into the contract with OESCO to install generators in the dockyard area.

SUPPLEMENTARY TO QUESTION NO. 567 OF 1999

HON J J GABAY:

It would appear that some of the buildings where these generators are housed have been allowed to decline and secondly more powerful engines have been established there so there is obviously cause for complaint from people in the south with regard to the noise from these generators but of course I will have to take the Minister on his word since he tells me that it is outside his scope.

HON K AZOPARDI:

As far as I know the set-up of the generators, et cetera has been there since OESCO started operating in 1990. I should also say that it is a relevant factor in relation to the noise level that the MOD station has been running for over 20 or 30 years and that, I think, is the guideline towards the Environmental Agency establishing what the background noise level is because they operate on a more constant basis than OESCO who operate for a finite period of time on a daily basis.

HON J J GABAY:

Rightly or wrongly on second-hand information, I have been informed that the Government did institute a survey to assess whether the noise was becoming a nuisance, which I believe is the legal term. Would the Minister reply to that please?

HON K AZOPARDI:

From time to time there have been assessments of the issue. The latest examination, regrettably, does not take into account the MOD issue and so it is very difficult to establish noise levels without taking into account the MOD issue which apparently is the yardstick that the Environmental Agency use for background noise. As I say, that in itself raises complex legal questions as the MOD would be immune from any suit under the Public Health Ordinance and so it is difficult to enforce any action through that Ordinance.

HON J J GABAY:

Would the Minister tell me, whatever the immunity of the MOD, can he actually tell this House whether there is a nuisance or there is not a nuisance? This is what people who live in the area wish to know and in what way the Government might be able to assist?

HON K AZOPARDI:

No, I cannot tell the hon Member whether there is a nuisance or not. I lived at Alameda Estate for 27 years and I think that it is like counting sheep in the night, one makes oneself sleep towards the noise of the generators, it is very nice.

HON CHIEF MINISTER:

Where I think issue can be taken with the hon Gentleman is with his suggestion that he has now repeated, that the situation may recently have deteriorated. The Government are not aware certainly that the buildings have deteriorated or that the engines are now making more noise than they did in the past. As far as the Government are concerned, a static situation which is what it has always been, certainly there is noise; whether it is an actionable nuisance giving somebody the right to pursue the matter through the courts is a matter for their advice and for the courts adjudication. The Government do not adjudicate on nuisance offences or on nuisance suits at civil law but certainly there is a noise, there is a noise in many areas of Gibraltar. When the King's Bastion Generating Station was operational I could hear it from the other end of Line Wall Road and it could be heard over most parts of town. Whether this is a particularly acute problem, of course is a matter of degree and is a matter of individual people's tolerance thresholds but certainly there is noise. There is no getting away from the fact that it is a source of noise as generating stations invariably are.

HON J J BOSSANO:

Is it not the case that if there exists a source of noise or anything else that constitutes a nuisance under the Public Health Ordinance it is the responsibility of the agency on behalf of the Government to issue an abatement notice?

HON K AZOPARDI:

When it is satisfied that issues arise and when it can do so.

HON J J BOSSANO:

Given the fact that there is not a member of the agency in the House then it is the Minister who has to say whether the Government are satisfied through their agency, that is the essence of the original question.

HON CHIEF MINISTER:

No, the Government are not accountable in this House. The exercise of law enforcement powers is by those people who have them not the Government but I can say to the hon Gentleman the following, that whatever the rights, powers and duties and obligations of the Environmental Health Agency may now be, they are exactly the same as they were between 1990 and 1996 when he obviously did not think it was in Gibraltar's interest to encourage the agency to close down the generating plant that he contracted, that he brought to Gibraltar, that he chose to put in that location. The hon Member says that he does not make insinuations and whenever he gets pointed out to him that the position that he is adopting in the House is somewhat inconsistent with his behaviour during the eight years that he was in Government to do something about this, he says that he is getting emotional answers to unemotional questions. What the hon Member means is that he does not like the fact that he gets political answers to what are intended to be political questions.

HON J J BOSSANO:

We are all politicians in this House and parliamentarians and as a parliamentarian if I am asking a question which in no way could be interpreted by anybody listening to us as suggesting that we shut down the generating station and stop producing electricity, then I do not think that gives the Chief Minister the right to say why did I not shut it down when we were in Government. Well, I am not asking the Chief Minister. My supplementary, Mr Speaker, is because the Minister's original answer to the question was that whether he is satisfied or not has nothing to do with it. I would ask the Government Members to produce one single answer in this House in relation to an abatement of a noise nuisance when we said whether we were satisfied or were not satisfied had nothing to do with the issue. So my question is, if we cannot ask the Minister if he is satisfied, how do we go about finding out if the agency is satisfied if the agency is not represented here by him?

HON CHIEF MINISTER:

Mr Speaker, we assume that the agency must be satisfied when in eight years they have not had recourse to the statutory powers available to them. I do not know how the hon Members used to discharge their ministerial duties but ministerial duties do not extend to telling officials when they must enforce laws. If the Environmental Agency has not in eight years dealt with this matter it must be because they are satisfied either there is nothing to deal with or that they have an element of discretion which they are exercising or because they have made the decision not to do so. The hon Member is free to write to the Environmental Agency or if not the hon Member then certainly some aggrieved member of the public is free to write to the Environmental Agency and say, "This is the situation. Are my rights being infringed and is there a statutory obligation that you should be enforcing?" That is how it should be done rather than across the floor of this House. If the hon Member were to ask me about why was not a particular driver stopped for speeding on Queensway last night at quarter past 12 and given that the Commissioner of Police is not here to answer the question, could the Minister explain why this person was not stopped for speeding; I would have to be giving him exactly the same answer.

HON J J BOSSANO:

Can I just say in relation to the procedures of the House, if that question had been put at any time in the past, in the long years that I have been here, the Attorney-General would probably have asked the Commissioner of Police what had happened and would try and give an explanation in the House. Has, in fact, the Minister, as a result of being given notice of the question, asked the agency whether they are satisfied with the situation now, not in the last eight years or 20 years ago but now that the question has been put; has he in fact sought information on the latest position of the agency in order to be able to give an answer in the House?



HON K AZOPARDI:

Yes, Mr Speaker, and the answer is that it is very complex and that the MOD factor is a prevailing concern of the agency and does not allow particular action to be taken.

HON J J BOSSANO:

They are not satisfied.

NO. 568 OF 1999THE HON J J GABAY**SEAGULLS**

Does the Minister for the Environment consider that the problem related to the large number of seagulls is now under control?

ANSWERTHE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

No, Sir.

SUPPLEMENTARY TO QUESTION NO. 568 OF 1999

HON J J GABAY:

Without hurting the feelings of Government Members who may have kinship with the feathered breed, I would like to say that the problem and I presume the Minister can agree, that the problem has escalated into an enormous one, this is reflected in letters to the press and equally to personal experiences of people having been showered with the droppings of these birds and some even attacked so it seems, without going into the Hitchcock imagery, that a problem has been caused. It also would appear that whatever steps are being taken at the moment to control the numbers, seem not to be working. Would he also agree that people feel that when it was done by the RAF that the culling was more effective than it is today? Is it that the Government in giving GONHS a licence have not provided the necessary resources or manpower so that they can do the work properly or is it not advisable, if it is not working, for the Minister to consider other advice from elsewhere?

HON K AZOPARDI:

Yes, Mr Speaker, clearly there is a problem with seagulls. But I should first say that this is not a new problem, the first cull in relation to gulls was carried out in 1979 when GONHS felt that there was a proliferation of seagulls and the matter had to be tackled. Since then there has been an annual cull of the RAF type which the hon Member talks about. Indeed as far as I am aware, the culls by SERCO who have taken over from the RAF, continues only at specified areas, mostly based at the airfield. The statistics that I have from the RAF for the years 1991 to 1997 indicate that their cull was indeed not more effective than the cull that is being conducted by the culling unit now. They used to target their cull towards eggs and not adults and the problem has been that from 1979 to 1997, in that 18 year period, there was very little done in relation to adults and so they may have squashed 10,000 or 15,000 eggs but the adults were allowed to proliferate and, of course, there was a residue of eggs that were actually hatching and because gulls have a 30 year life span they would leave Gibraltar and come back on a seasonal basis and it was clear in 1997 that unless we did something to tackle the adult problem, just squashing the eggs was not going to deal with the problem. The hon Member smirks but I am trying to deal with his question in a serious way. The gull cull unit which was set up in 1997 for the first time tried to tackle not only eggs but, of course, the adults themselves and we have managed, in the last couple of years, I have got the statistics in front of me, last year about 2,000 in a combination of eggs and adults were killed; this year about 2,800 but of course I accept, even though those figures are better and even though they are targeting adults and even though the rate is better and these were resources being given to a gull cull unit established by the Government for the first time in 1997, and so from a position of no resources being dedicated we were dedicating about £50,000 in

resources counting on salaries of all the people et cetera, that was a massive increase but of course I do accept that it is taking time for the adult seagull issue to be tackled and tackled in an effective way partly because the figures that we were given when we came to realise we had to establish some sort of more vigorous action, whether there could be anything between 10,000 and 30,000 adult gulls coming to Gibraltar in a seasonal basis. That, of course, means that delivery of a solution is not short-term unless we give 200 people machine guns and go to the Upper Rock and because that would be a risk to the public, we had to choose methods that at least could take into account the fact that we have a big population and conglomeration in the rock as well. I do accept that it is a long-term scenario and we are trying to tackle it. I also accept that while we have taken huge steps in establishing a gull cull unit itself that we have to review the methods that we are using. The Environmental Agency recently took advice from the Ministry of Agriculture, Fisheries and Food to see whether the techniques that we were using in Gibraltar were adequate. The advice that we got was that they were and that indeed there were no others except a technique that they mentioned to us that we might experiment with in the forthcoming months and which is to coat the eggs when we get them with liquid paraffin. I understand that the Canadians are doing that now with their big Canadian goose problem. The value of that, as opposed to squashing the egg itself, is that when one squashes the adult will go off and try to make another one whereas if one coats it in liquid paraffin they will think that the egg is still valid and alive and they will still try to sit on it until it hatches so it at least disposes of the procreation period of the particular gull. So that means that the amount of eggs goes down and it makes it easier for us to tackle the adult seagulls. So that is a technique that we are looking at to see whether we can institute it in the next few months but other than that it would require a great investment and resources to tackle this on a more vigorous basis and I am sure the hon Member appreciates that we would both not want to endanger the public by ad hoc seasonal shootings in an indiscriminate fashion.

HON J J GABAY:

The option mentioned is of course fascinating and it has been explained at length, there are other options as well which have been mentioned by GONHS, for example, birds of prey, red foxes and ravens. The thing is and I return to this, will the Minister do something with a certain sense of urgency and not simply say that it is a long-term problem because there must be if he takes other opinion elsewhere there may be quicker methods; we talk about a culling unit of three as if it were a major institution attacking 30,000 gulls. Obviously not sufficient would the Minister not agree?

HON K AZOPARDI:

We are taking the matter urgently and seriously. I think that my last reply indicated that to the hon Member. We are not just sort of browsing over his question and disregarding it completely. The fact that we established a gull cull unit was for the first time a dedication of resources when there had been a problem indicated to Gibraltar in 1979, no action was taken by successive Governments until 1997 when we established a gull cull unit. And of course the hon Member has to realise it is going to be a long-term problem if we are trying to tackle 30,000 gulls itself. He mentioned releasing birds of prey et cetera, he should be aware that the difficulty with that specifically is that there are now so many gulls that they are attacking the birds of prey.

HON CHIEF MINISTER:

Mr Speaker, can we assume that if recourse is had to more widespread culling that we will not be accused of genocide as we were in the case of controlling the excessive ape population by the Leader of the Opposition?

HON J J BOSSANO:

The answer is no.

HON J C PEREZ:

Mr Speaker, what is the time-scale that the unit takes in carrying out a cull?

HON K AZOPARDI:

The RAF do a seasonal cull when the birds are sitting on their eggs. The gull cull unit are doing this on a permanent full-time basis all the year round. Of course their tasks are made more difficult in the season when there are less gulls here because there are less obvious targets.

HON J C PEREZ:

So if by using this method we need a better result the answer is to have more people involved in the cull rather than have the unit doing it more time because they are doing it the year round? If we continue using this method the only way to do it would be to have more people culling seagulls.

HON CHIEF MINISTER:

Yes that is one of the options the Government are looking into, another is the methods. The fact of the matter is that although more gulls than ever are being culled it is just running not just to stand still, it is running to go backwards because the proliferation of the numbers is increasing by a greater rate than the increase in culling is taking place and therefore we are looking at a whole number of options. The Ministry of Defence has in the recent past been reluctant to play a more direct role in our part of the cull, we are however considering bringing in people who can conduct a safe shoot but that is by no means settled, it is one of the many options that have been taken into account. The problem of the egg coating has the difficulty that one has to access the nest, a lot of these are on cliff faces, one cannot just reach many of the nests. There are many techniques that can be tried each of which has varying degrees of impact none of which put an end to the gull problem in terms of "there are too many gulls in Gibraltar, Government do something urgent that will reduce the number of seagulls" but I do not want the hon Members to misunderstand the underlying sentiment of our answers. The problem has now reached a scale where it cannot be allowed to continue. The gulls in Gibraltar are not now a danger to health in certain circumstances, not just scavenging but also an increase in the incidence of attacks but indeed they are a terrible nuisance in terms of the damage that they cause to newly refurbished streets and newly built and decorated buildings. So the Government are determined to leave no stone unturned and to apply the required amount of resources to make this problem diminish and to have the greatest possible impact into it but it is not a problem that lends itself to why does the Minister not do tomorrow whatever is necessary to eliminate the problem; it is a problem that has been built up gradually over many years of population increase and like all problems that build up over many years, they cannot be reversed overnight and I would just ask for the hon Member's comprehension of that and certainly ideas that they may wish to input will certainly be taken into consideration.

HON J J BOSSANO:

Given the date mentioned by the Minister of 1979, is there an explanation why it seems to have got much bigger in the last few years? There seems to be many more of them now than there were in the 20 years span going back to 1979.

HON K AZOPARDI:

I think it is just simply seagull procreation.

HON CHIEF MINISTER:

Not helped, I understand, just by way of addition, I recently read a report, I do not know when the Los Barrios open tip was established but certainly the combination of waterfront cliff faces which Gibraltar provides and large amounts of exposed feed available in Los Barrios in their open air tip results in an ideal regional environment to the point where I believe Gibraltar is now one of the largest seagull colonies in the whole Mediterranean and it is a combination of those regional factors which really are operating against us.

NO. 569 OF 1999

THE HON J J GABAY

**NUN'S WELL**

Will the Minister for Heritage state what progress has been made at Nun's Well subsequent to the leasing of the property to the Trustees of the Friends of Parson's Lodge and their agreement entered into with Mr Alex Durnall on the 7<sup>th</sup> September 1998?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

The Government are keen to enhance the area of Europa Point. There have been a series of meetings held with Mr Durnall, the Chairman of the Heritage Trust, officials of the Ministry for Tourism and the Gibraltar Tourist Board with a view to crystallising a scheme of the development of Nun's Well, and making it available as a tourist site.

This is a project which can attract EU funding and therefore before any works are put out to tender, the possibility of obtaining EU funding for the project is being explored.

SUPPLEMENTARY TO QUESTION NO. 569 OF 1999

HON J J GABAY:

I can well understand that they cannot sort out the seagull problem overnight but I would have thought that a subject which has been raised here so often as an eyesore and which the Minister has consistently said that he was going to see to it, I would have thought that it would have been reasonable to expect some practical progress on the spot a year after, in fact exactly a year, September 1998?

HON K AZOPARDI:

I did point out when the hon Member asked me this question before that the obligation to manage the site and to beautify it arises from Mr Durnall to the Trustees of the Friends of Parson's Lodge and not to the Government. We do not hold a lease in relation to the site. The site's lease is held by the Friends of Parson's Lodge who have in turn given a management agreement to Mr Durnall. All we can do is facilitate an agreement and facilitate a scheme happening and I understand that my hon Colleague, Joe Holliday, is doing that. His department has been the one that is driving the meetings almost to bang heads together so that there is a suitable management plan of the site put into place so that it is made more available as a visitor attraction. We are keen to do that but, as I say, the obligation arises to the Trust and all we can do is bring people together.

HON J J GABAY:

If the obligation now lies with the Trust then it is quite logical for us, is it not, to question the validity of the agreement entered into if it is already reduced to having to knock heads together, I wonder who has the bigger head in this case.

HON K AZOPARDI:

I am not sure if there was a question in that. I can just repeat the fact that there is an obligation, they hold the lease, their managers have an obligation to the Trust. There is a clause in the management agreement which I was having a look at, that compel a degree of works within a certain period and allow the Friends of Parson's Lodge to revoke the management agreement if there are no such works. They will have to take a view of that,

they will have to take a view as to whether the progress that has been made in meetings with the Gibraltar Tourist Board has been satisfactory and whether they should be more flexible or whether they want to replace that arrangement but again it is a matter for them to take a decision.

HON J J BOSSANO:

Is there nothing in the lease of the property to the Friends of Parson's Lodge that enables the Government to require them to do things?

HON K AZOPARDI:

I have the lease in front of me but I suspect that there are some requirements to do works but I would have to analyse it to be able to fully answer the hon Member's question.

HON J J BOSSANO:

Presumably if there are things in the lease that are not being complied with then the Government can do more than knock heads together, presumably?

HON K AZOPARDI:

If that is the case yes but my information from the Tourist Board is that that is their position at the moment. Presumably they, who negotiated the terms of the lease, are aware fully of what they can and cannot do under it.

NO. 570 OF 199

THE HON J J GABAY

**ENVIRONMENT CONFERENCE**

Can Government state when they received the invitation to participate in the conference on the environment which took place in July?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

The conference the hon Member refers to took place on the 29<sup>th</sup> and 30<sup>th</sup> June. The Government received an invitation to attend on the 12<sup>th</sup> May.

SUPPLEMENTARY TO QUESTION NO. 570 OF 1999

HON J J GABAY:

Was the conference organised by the Foreign and Commonwealth Office?

HON K AZOPARDI:

That is something that was not strictly clear to us when we received that. The conference was going to be held at the London Zoo which is apparently the base for the overseas territories conservation forum which is an NGO. I understand that the agenda was being driven by the NGO and while the invitation itself came through the Convent, it is not clear whether it was a joint organisation or whether the Foreign Office for the NGO itself were promoting the organisation of this.

HON J J GABAY:

Were there any considerations of protocol decided whether the Minister went or refrained from going?

HON K AZOPARDI:

The considerations were ones of greater substance than that. It was not clear to us who was organising it; it was not clear to us who the participants would be. The invitation was received on the 14<sup>th</sup> May for reply by noon on the 14<sup>th</sup>. It was not clear to us what the purpose was of that and we sought clarification of all those matters before taking a view on whether participation would happen or not.

HON J J GABAY:

In the final analysis, was there any representative from Gibraltar at the conference?

HON K AZOPARDI:

No.

HON J J BOSSANO:

Is the Minister aware of whether in fact the invitation went out to all the other dependent territories and whether we were the only ones who did not attend or what was the actual result of the conference in terms of its attendance and deliberations?



HON K AZOPARDI:

We were told in the letter of invitation that letters were going out to other overseas territories. I am not aware who participated and neither am I aware or have we been told of the results of the meeting.

HON J J BOSSANO:

Have the Government made any enquiries specifically asking, do they have an interest in participating in this kind of meeting with other dependent territories on environmental protection?

HON K AZOPARDI:

The Government certainly have an interest in finding out what happened and we are making enquiries in that relation and we certainly have no problem discussing matters of environment directly with the British Government or with other territories or with any other interested parties as long as it is clear that the environment is devolved to us under the Constitution and that is our position.

HON J J BOSSANO:

Presumably this was not in doubt here if we are talking about an NGO. We are not now subject to Colonial Rules from the NGO's as well as the Foreign Office, I take it?

HON K AZOPARDI:

The hon Member heard my answer that it was not clear to us who was organising it.

HON J J BOSSANO:

In the light of the fact that it seems to have been driven by an NGO.....

HON K AZOPARDI:

We do not know that.

HON J J BOSSANO:

The Government still do not know then even now?

HON K AZOPARDI:

No, we are making enquiries as to the results of the conference and the actual identity of the people who had run it.

NO. 571 OF 1999

THE HON J C PEREZ

**REFERENDUM GATES – PUBLIC TOILETS**

Is it the policy of the Government to allow access by the general public to the public toilets by Referendum Gates?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Public toilets are by their very nature open to the public.

SUPPLEMENTARY TO QUESTION NO. 571 OF 1999

HON J C PEREZ:

Then why is that one closed more often than not? Can the Minister explain why it is that there are repeated complaints from the public that access to those toilets is impossible because they are closed more often than they are open?

HON K AZOPARDI:

I do not stand outside the Referendum Gates toilets making a note of when they are open or closed. I am told that they have been closed in the past but that is only to effect repairs due to vandalism and that as soon as those repairs are effected by the particular company that has that contract, they are then reopened and will only close again if repairs are necessary. People have to understand that while that does not change the nature of the toilet, it does not make them private toilets, they have got to understand that repairs need to be effected because if not they would not be able to use that convenience.

HON J C PEREZ:

Could the Minister, given that obviously he does not stand outside the toilets, check the times that the toilets have been closed and not for repairs during the last three or four weeks because there are people who have to stand in the area because of their jobs and there have been complaints by tourists and locals alike as a result of the sporadic opening and closing of the toilets; sometimes they are open, sometimes they are closed and there is no one there to care for them. Could the Minister check because the information I have is that it has been happening sporadically for three or four weeks now?

HON K AZOPARDI:

Yes, I am very happy to do so.

NO. 572 OF 1999

THE HON J C PEREZ

**IRISH TOWN/PARLIAMENT LANE – PEDESTRIANISATION**

Have the pedestrianisation works at Irish Town and Parliament Lane now been completed?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

The beautification works in those streets have now been almost completed. Very minor details remain outstanding.

SUPPLEMENTARY TO QUESTION NO. 572 OF 1999

HON J C PEREZ:

Can the Minister say when he expects the works to be totally completed and whether the works have been finished at the contractual time available and could he also say when he expects the project to be handed over to the Government?

HON K AZOPARDI:

The Irish Town beautification up to Parliament Lane, which is the one I was talking about because the hon Member is aware that we are doing the north end later this year, all we are waiting for there is items such as hanging baskets and street furniture. So we are awaiting delivery and as soon as they arrive they will be installed, it is a question of weeks I understand. In relation to Parliament Lane, there are a couple of issues here. Firstly, that the street lighting needs to be connected by the Electricity Department and the cul de sac issue has not been completed because of some severe problems with the main sewer. I do not know if the hon Member is aware, the sewer collapsed some time ago and major repairs need to be completed which will allow the beautification to continue. I understand that those are the issues. The major repairs are due to be undertaken, that is the position.

HON J C PEREZ:

So if there is a delay what the Minister is indicating is that it is not due to the contractor but due to unforeseen circumstances, is that the case?

HON K AZOPARDI:

Yes, I think so.

HON J C PEREZ:

Therefore he cannot tell me when the whole of the works will be totally completed and the work passed on to the Government?

HON K AZOPARDI:

It is difficult for me to assess that because of the matters extraneous to the project managers really.

NO. 573 OF 1999

THE HON J J BOSSANO

**MASTER SERVICE (GIBRALTAR) LTD**

Can Government identify the UK public cleansing company that, according to Government Press Release No. 109/99, partly owns Master Service (Gibraltar) Ltd?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 574, 575, 576 and 581 of 1999.

NO. 574 OF 1999

THE HON J J BOSSANO

**MASTER SERVICE (GIBRALTAR) LTD**

What was the workforce employed by Master Service (Gibraltar) Limited at the time of the award of the cleansing services contract in July?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 573, 575, 576 and 581 of 1999.

NO. 575 OF 1999

THE HON J J BOSSANO

**MASTER SERVICE (GIBRALTAR) LTD**

Is the contractor which was awarded the cleansing services contract in July subject to any penalty clauses for its failure to fulfil the obligation to commence operations on the 1<sup>st</sup> September?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 573, 574, 576 and 581 of 1999.

NO. 576 OF 1999

THE HON J J BOSSANO

**MASTER SERVICE (GIBRALTAR) LTD**

What previous work has Master Service (Gibraltar) Limited undertaken for the Government since its incorporation in 1994?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question Nos. 573, 574, 575 and 581 of 1999.

NO. 577 OF 1999THE HON J J BOSSANO**MASTER SERVICE (GIBRALTAR) LTD**

Can Government confirm that the provisions of Transfer of Undertakings apply to the transfer of work as a result of the contract awarded to Master Service (Gibraltar) Ltd?

ANSWERTHE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

It is unnecessary for Government to take a view on this matter. Application or not of Transfer of Undertakings provisions is a matter of law for the parties concerned.

SUPPLEMENTARY TO QUESTION NO. 577 OF 1999

HON J J BOSSANO:

Are the Government not one of the parties concerned?

HON K AZOPARDI:

No, Mr Speaker. Workers ceased to work for the contractors that previously had the contracts; when those contracts expired they were offered employment with the new contractor. Evidently the Government are not a party to the new offer of employment.

HON J J BOSSANO:

So if the Government are not concerned or involved in any way, why is it that in the Government Press Release 109/99 they said that one of the conditions of the contract was that the successful contractor had to take on the labour of the previous contractors?

HON CHIEF MINISTER:

That is not what the question asks, with respect.

HON J J BOSSANO:

I know that that is not what the question asks, with respect, I wish the Chief Minister would get rid of all the other Ministers and answer all the questions himself.

HON CHIEF MINISTER:

For the same reason as the hon Member that has a spokesman on the environment is asking questions about public cleansing. Does the hon Member think it is legitimate for him, who is not the Opposition spokesman for the environment, should be allowed to ask questions but I, as Chief Minister, cannot intervene to dispose of ..... The fact of the matter..... [*HON J J BOSSANO: I cannot stop him intervening, .....*] Mr Speaker, he cannot stop me intervening just as I could not stop him intervening when he was sitting in this chair and I was sitting in the Opposition when he used to constantly rise to his feet. The fact of the matter is that the answer the hon Member has had to the question is that he asked the question, "Can Government confirm that the provisions of Transfer of Undertakings apply to the transfer of work?" That is a request for a legal opinion. It is not for the hon Member to ask across the floor of this House for the Government to give him



legal opinions. There is a law and the Government suppose that everyone complies with the law, both the transferring employer and the receiving employer. The Government are not required to form a judgement of whether that particular law bites on the fact of this case. That is quite separate to the question that as a matter of political policy in the making of new arrangements for the public cleansing of Gibraltar, the Government decided to make it a tender condition for all tenderers that they would take on the workers from the existing contractors. And let me say that unlike the requirements of the transfer of undertakings legislation, many of the employees have improved their working conditions as a result. This does not require the Government to take a view about whether as a matter of labour law this case is one of a transfer of undertakings. It has just not been necessary for us to take that position.

HON J J BOSSANO:

If the Chief Minister talks about who should be putting the question and who should be giving the answers, I must say that if they interpreted the question as being a question of labour law I cannot understand why it is that the Labour Minister is not the one who is answering it if it is a question of labour law. I was not looking at it purely from the point of view of asking for a legal opinion. I would have thought that if representations have been made to the Government, as I know that they have, about some people being told by the company that they were not required to take them on, they would have checked whether in fact that was something that they were required to do or not and be in a position to say to us, "Yes, we have looked at it and they were wrong". That is what the question asks, "can they confirm" because, in fact, I happen to know that the company has told some people that they are not obliged by law to take them on, that the people concerned have gone to see the Minister, that the Minister said he would talk to the Chief Minister about it, so they all know what I am talking about. I would have thought if they had been able to confirm it it would have been a simple thing to confirm it for the satisfaction of those concerned or say, "No, strictly speaking they are not required".

HON CHIEF MINISTER:

No, Mr Speaker, it is a different question. The question whether the transfer of undertakings legislation applies, to answer that "yes" carries with it very widespread legalistic consequences. That is very different to whether the Government are taking an interest in ensuring that our commitment which we have required from the contractors to employ the employees of the old contractors, whether that commitment is being honoured and the Government, through the office of the Minister, are taking steps to ensure that that commitment is being honoured. To answer that question in the affirmative is a very different issue and does not require the Government to form a legalistic view of whether the transfer of undertakings legislation applies which has many other connotations and consequences. What I am saying is that the Government, regardless of what the law says, has imposed a condition on the tenderer and the Government are certainly making it our business to ensure that those conditions are complied with. So the answer to him is yes in the way that he has formulated it in his last supplementary. The answer to the original question about the transfer of undertakings legislation which is a much more legalistic and broadly based question than the more limited one that he is now focusing on, namely, are the Government taking steps to ensure that all the employees of the previous companies, stopped being described as employees, are being taken on in accordance with the tender specifications.

HON J J BOSSANO:

Mr Speaker, if the Employment and Training Board receives a complaint from somebody saying, "Master Service does not want to employ me and I was previously employed by one of the previous contractors" is the ETB required to take a view on whether this is in breach of the transfer of undertakings or not?

MR SPEAKER:

You know perfectly well that that is a hypothetical question.

HON J J BOSSANO:

No, this is the original question. I said the Government, Mr Speaker, I did not say the Minister for the Environment or the Chief Minister, I asked the Government.

MR SPEAKER:

But you put a hypothetical question, of that there is no doubt, but if he wants to answer.

HON J J BOSSANO:

Then the original must be hypothetical, it is the same question as the original one on the Order Paper. I happen to know it has happened, it is not hypothetical.

HON J J NETTO:

Mr Speaker, what I do know is that the Labour Inspectors in the Ministry of Employment do attend to minor labour disputes. Issues of this significance will not be determined by the Labour Inspector by taking certain actions. This will have to be taken by the parties concerned.

HON J J BOSSANO:

Let me be clear. Is it the case that the implementation of the requirements under the transfer of undertakings is not something that is enforceable by the Government, it has to be the aggrieved party, is that the answer? That is not my understanding.

HON CHIEF MINISTER:

Mr Speaker, I do not know what the position is but if the hon Member wants legal advice from the Government I am actually happy to give it to him but he has got to give me notice of the legal question. If the hon Member wants to know whether under the terms of the Employment Ordinance the Government have the power to intervene to enforce the transfer of undertakings legislation where it has been breached, that is a legalistic question of which we need notice. The answer must be very clear, the answer must either be yes or no but one has got to know it.

HON J J BOSSANO:

I would have thought they would know whether they were required to act to enforce the law. As far as I am concerned the answer is yes and the reason why I asked the original question; the original question as drafted, Mr Speaker, asks, "Can Government confirm that the provisions of the Transfer of Undertakings apply to this particular transfer?" The position of the Chief Minister is that I did not get an answer to that original question not because I did not give notice..... [HON CHIEF MINISTER: *You did.*] No, I did not. I was told that this was a matter for the previous contractor and the present contractor and not a matter for the Government. Well, it is not an answer whether it applies or it does not apply. It is an answer that avoids giving an answer to the question, it is an answer of sorts. I do not know whether the answer is yes or no. When I try and get a yes or a no I get told that that is a legalistic question with wide implications. Well, the reason why I gave as an example, which I happen to know is not a hypothetical example, I happen to know it is a real one, if somebody goes to the ETB – I think people are entitled to know as a result of the answer we get to this question whether, in fact, if they feel that under the transfer of undertakings they have got a right, they go to the Government because it has

certainly happened before. They went to the Government to say, "This guy does not want to employ me and he is required to" and the Government then gave them an answer. I would have thought the Government know what answer they have to give in those circumstances without even going back to check. If they do not then I suggest they check whether they have got a legal obligation or not to do something about it, if they do not know it.

HON J J NETTO:

Mr Speaker, what I can tell the Leader of the Opposition is that there has been, to my knowledge, some individuals who have gone to the Labour Inspectors to seek advice. We are convinced, in the department, that the employees under the old company have been transferred. We are content also with the fact that conditions have been maintained and we understand that the union has been duly informed of this process which is part of the things that we have to honour. Whether in relation to the original question which is, "do the provisions apply?", that has not arisen. Had it arisen then obviously we would have gone to the Attorney-General's Chambers for advice.

HON J J BOSSANO:

Is it not the case that the nature of the complaint to the ETB is that the employer, Master Service, told some specific employees that the transfer of undertakings did not apply and that therefore they were not required by law, they might wish to do it or not do it but they were not required by law to provide them with continuity of employment. Those employees then go to the ETB. Presumably the ETB has an obligation to look at the case and give them an answer which is, effectively, the answer that I am seeking, confirmation that it applies or that it does not apply, that it falls within the parameters of what the transfer of undertakings requires employers to do. They may be doing things that are more than the transfer of undertakings but if they do it, it is either because the Government require it as a result of the contract or because they choose to do it on their own free will but presumably what they cannot do is less than what the law says.

HON CHIEF MINISTER:

The answer to that question is that the ETB has not formed a view as to whether the Transfer of Undertakings Ordinance applies and I cannot tell him whether it was obliged to do so or not.

NO. 578 OF 1999

THE HON J J BOSSANO

**MASTER SERVICE (GIB) LTD**

Are Government advancing any sum due under the contract to Master Service (Gibraltar) Limited?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

There is no lump sum advance. Contractual payments will be made monthly in advance. But given that the initial commencement date did not fall at the beginning of the month, for the sake of administrative convenience, a sum in respect of the 20<sup>th</sup> September to the 31<sup>st</sup> October will be paid, in fact, it was paid the other day.

SUPPLEMENTARY TO QUESTION NO. 578 OF 1999

HON J J BOSSANO:

Is the Minister then saying that the fulfilment of the contract took place on the 20<sup>th</sup> September?

HON K AZOPARDI:

The 20<sup>th</sup> September was the commencement date. That was the first day of operation, that was yesterday. That was the first day they took over the men that were working in other places before and the day they started sweeping the streets.

HON J J BOSSANO:

The day before yesterday they started doing some of the things in their contract or they have taken over the whole, including the housing estates and all the other things that are specified in Press Release 109?

HON K AZOPARDI:

I think the hon Member attaches that importance to the 1<sup>st</sup> September because we did say in the original press release that the intention was that they should take over from the 1<sup>st</sup> September. The reality then proved different. They have not taken over any aspect before the 20<sup>th</sup> September. The contract was signed and the commencement date was the 20<sup>th</sup>. The reason in part was because the discussions with the Union took longer than expected and the labour that they were taking over from Community Projects again took longer than expected. So, all of that together with the fact that the equipment, some of the equipment and some of the lorries were taking longer to arrive to Gibraltar than had been originally envisaged, it was decided that it would be prudent to slightly extend the contractual arrangements with the previous contractors and make the commencement date the 20<sup>th</sup>.

HON J J BOSSANO:

That was not my question. My question was whether on the commencement date of the 20<sup>th</sup>, they have taken on the full range of duties spelt out in the Government's press release including the management of the housing estates and all the rest of it or just the road sweeping?

HON K AZOPARDI:

On the 20<sup>th</sup> they took over everything that was specified in their contract, that is, everything that is stated in the Government press release. Having said that, the aspect of the management of the housing estates is something on which the Government are consulting the Union. There is an eight week settling in period and we are not looking towards strict enforcement of those aspects because they still need to be clarified with the Union. But those are the only aspects that need to be clarified. Other than that they have taken over everything else.

HON J J BOSSANO:

They have taken over then the management of the refuse collection as well, is that correct?

HON K AZOPARDI:

That is in their contract, yes. They are supposed to do that as from the 20<sup>th</sup>.

HON J J BOSSANO:

Therefore, the payment that has been made for the period the 20<sup>th</sup> to the 31<sup>st</sup> is in fact then a pro rata payment on the total contract amount for all the activities?

HON K AZOPARDI:

Yes.

NO. 579 OF 1999

THE HON J J BOSSANO

**MASTER SERVICE (GIB) LTD**

Can Government provide a list of the equipment that Master Service (Gibraltar) Ltd is required to have in place at the commencement of the contract?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Answered together with Question No. 580 of 1999.

NO. 580 OF 1999

THE HON J J BOSSANO

**MASTER SERVICE (GIB) LTD**

Can Government say whether Master Service (Gibraltar) Ltd is purchasing equipment or vehicles from former contractors or importing all the equipment new?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

The vehicles plant and equipment listed below will be acquired by the company in order to comply with the terms and conditions of the contract and to be able to perform the services to the required standards.

3 Long Wheel base lorries with cage/tail gate  
4 Short wheel base lorries cage/tail gate  
4 Personnel/pick up  
2 Vans  
2 Combi pick up vans  
1 Mobile bin wash unit  
2 Trailers  
1 Multi-car high pressure washer  
3 City master mechanical sweepers  
6 Pedestrian sweepers  
3 Mobile hot water units  
5 Portable suction equipment  
2 Scooters  
1 Cherry picker  
3 Maxi-litter collectors  
4 Grime buster machines  
30 Communication radio receivers  
1 Beach cleaner  
1 Tractor (reconditioned)  
4 Weed sprayers  
2 Generators (portable small)  
Assortment of traditional hand tools and equipment.

Master Service will not be purchasing any equipment or vehicles from former contractors.

All equipment and vehicles will be imported new with the exception of a re-conditioned tractor.

SUPPLEMENTARY TO QUESTION NOS. 579 AND 580 OF 1999

HON J J BOSSANO:

The Minister has been using the future tense and the question was what are they required to have in place at the commencement of the contract which was yesterday? Is it that they do not have the equipment?

HON K AZOPARDI:

The cleansing superintendent advised me that when one takes over an operation of this type, and indeed it was always envisaged that the company would have an eight week settling in period, in other words, obviously it would be better if they could have all the equipment here on the first day but in contracts of this type and of this magnitude it is standard that the company is given that period of flexibility and at the end of that period it is expected that they will certainly have all the equipment in Gibraltar. So it was not something that they were compelled to do on the first day of operation. Having said that, I should point out that I am told that most of the equipment or rather some of the lorries are here already. The hon Member may have seen them. The majority of the rest of the equipment is being shipped over to Gibraltar, transported to Gibraltar on the 27<sup>th</sup>, which is next Monday, and it is expected to arrive in the first days of October, so they will be well within the eight week settling period envisaged by the Department.

HON J C PEREZ:

Can the Minister say whether they are required to have this machine that removes chewing gum which the Minister said this morning they had given the contract on a trial basis. Are they required to have that machine as part of the contract?

HON K AZOPARDI:

The tender specifications which were published annexed a list of equipment that the Department felt was necessary to comply with the contracts and I am told that that would fall under the hot wash and fresh hosing machinery that was required to be had under the contract. Clearly what the company have done and this list of equipment which I have read complies with the requirements that were published in the tender specification to the satisfaction of the Cleansing Superintendent who after the general award of the tender has made sure in discussions with them that they brought into Gibraltar all equipment necessary to be able to comply with the full terms of the contract.

HON J C PEREZ:

Does the Minister remember what was the result of the trial that took place, he said this morning that the Government gave a limited contract for the removal of chewing gum, what was the result of that?

HON K AZOPARDI:

Sorry, what did the hon Member say I said?

HON J C PEREZ:

That the Government gave the company a limited contract. I remember having raised it in the House before and it was for the removal of chewing gum as a trial basis. What was the result of that trial and what was the Company told at the time?

HON K AZOPARDI:

No, what happened, I do not think I used the phrase limited contract that is why I did not understand what the hon Member was saying exactly. What happened was that we were having trouble cleaning Main Street because of the new paving and several ideas were bounced around the city centre committee and one of the ideas was to see if we could find some machinery that was able to remove this chewing gum and degrease Main Street and the particular paving stones which seemed to be more absorbent than others.



I cannot remember how contact was made with this company but they certainly offered to carry out trials to see, to convince the Government that they had the machinery that would work. The result was that clearly that was so, Main Street was much better after they used the machines but because they have only done it twice in the last 18 months, clearly Main Street now is in urgent need of vigorous attention. But I think the result was that we became convinced that certainly if we used that machinery it would probably be a good thing.

HON J C PEREZ:

Why did the Government not contract the company for that particular area then. Why is it that they have to wait until now to do that?

HON K AZOPARDI:

Well, there was a contract in place. Sights Trading had a contract to clean and sweep Main Street and they were obliged under that contract to maintain it. Clearly they were not able to do so because the conditions had changed and the paving had changed but we also felt that we had to go through the tender process and allow, even though we had identified the right machinery, allow that tender process to come to its normal end, we thought that the tender process would be carried out in a more expeditious way, but that has been the result of Government's decision on this matter.

HON J C PEREZ:

So really the Government were already in the knowledge that this contractor had a machine which had been tested and tried and which was to the satisfaction of the Government?

HON K AZOPARDI:

This machine is not individual to a contractor, this is like a can of coke, any other contractor can come buy the same machine and use it on Main Street. Indeed, I seem to recall having a discussion with the Cleansing Superintendent that there were other companies that had put in a tender to use similar or the same machinery. So I am not sure what the.....

HON J C PEREZ:

Is the Minister aware that the idea of using this type of machine was put to the Minister for Tourism before this machine appeared in Gibraltar by another party and that that party was left without being able to make a proposal?

HON K AZOPARDI:

No.

HON CHIEF MINISTER:

No. Nor is that the case. I am certainly aware that other parties expressed an interest in doing so and what the Minister for Tourism is saying is "If you wish to bring machinery to Gibraltar to demonstrate their capability you may do so but the Government is going out to tender. No one is going to gain an advantage by being the first to bring a machine out to Gibraltar, and bringing a machine out to Gibraltar and showing the Government that it works is not an alternative to participating in a competitive tender process." Master Service chose to bring the machine on that basis, other companies were equally free to

bring the machine on that basis and chose not to and the result is that none of the companies were given any contracts simply on the basis that they had available to them a machine in Gibraltar that worked. Everyone had to wait until the tender process had concluded. And it is not true that they were not allowed to bring the machines out to Gibraltar, they were as free to bring the machines out to Gibraltar on a trial basis as Master Service were. They did not, Master Service did.

NO. 581 OF 1999

THE HON J J BOSSANO

**MASTER SERVICE (GIBRALTAR) LTD**

Can Government say whether prior to the award of the contract, Master Service (Gibraltar) Limited had complied with all the relevant requirements as to registration of labour and payment of social insurance and tax?

ANSWER

THE HON THE MINISTER FOR THE ENVIRONMENT AND HEALTH

Master Service (Gibraltar) Limited is owned by local interests and by John Barratt who trades in the United Kingdom under the name Master Service.

To the best of Government's knowledge, at the time of the award of the tender, the company had no employed labour.

The contractor commenced operations on 20<sup>th</sup> September. There was no contractual obligation to commence on 1<sup>st</sup> September since the contract was not then yet in place.

Prior to the award of the tender the company had, on three occasions, conducted some degreasing work and removal of chewing gum at Main Street and Cooperage Lane.

I have no reason to believe that the company has failed to comply with its legal obligations.

SUPPLEMENTARY TO QUESTION NOS. 573 TO 575 AND 581 OF 1999

HON J J BOSSANO:

The Government Press Release No.109 states, "The company is a joint venture between local interests and a specialist United Kingdom public cleansing company". The impression of a public cleansing company is that we are talking about a company which is a plc, is that not the case?

HON K AZOPARDI:

No, that certainly was not the intention in drafting the press release, it was to make clear that there were local interests and there were interests of this British national who works in cleaning in the United Kingdom and who works in public cleansing. In other words, that he makes his services available to all those who wish to have them and that is the position.

HON J J BOSSANO:

I think the Minister said in answer to the question that Mr Barratt trades as Master Service, is it that there is a company registered in the United Kingdom which is called Master Service and which has got public cleansing contracts with local authorities?

HON K AZOPARDI:

I think that there has been confusion on the issue. He trades under the business name "Master Service" perhaps the use of the word "company" does not make it clear. Between 1980 and 1985 our information was that he purchased the franchise with a UK company

called Service Master Limited where he acquired his experience in cleaning. After that he branched off on his own and trades with the name Master Service. I understand that there is no company called Master Service Limited (UK). The only company that he does have is a company called Cleaning Master Service Limited which is a company that he uses for the purchase of the vehicles and plant which was incorporated in 1997. So he trades under the name Master Service.

HON J J BOSSANO:

So there is not, in fact, a specialist United Kingdom public cleansing company as such?

HON K AZOPARDI:

He has expertise in public cleansing, he has public contracts and he trades under the name Master Service. I think there may have been some confusion on the use of the word but I have just clarified it for the hon Member.

HON J J BOSSANO:

Can the Government say whether this public cleansing contracts that he has, as a private individual, trading with a registered trade name, are currently in place or are they something that has happened in the past, before he established himself in Gibraltar?

HON K AZOPARDI:

I have a list of clients and former clients he has had, I do not have the time periods during which he has had them but they are quite wide in their nature. Many clients in the insurance sector, Alton Towers, Trenton Gardens; and in the local Council sector such as Staffordshire Council. There is a whole wide variety of particular clients but I do not have the particular dates during which he has worked after 1985 for those clients.

HON J J BOSSANO:

Would the Minister not agree, in fact, that the impression created was that the main advantage of using this contractor would be the technical support from the UK backup? Have they established that there is currently a UK backup to support the Gibraltar operation?

HON CHIEF MINISTER:

The Government have no doubt that Mr Barratt introduces into the new local contractor an experience and a technical input which will be to the great benefit of public cleansing in Gibraltar. The Government have no doubt whatsoever of that.

HON J J BOSSANO:

I have no doubt that the Government would not admit if they had any doubts, that is not the point. The point is I would like to be provided with facts not with beliefs.

HON CHIEF MINISTER:

I will provide the hon Member with facts if he wants facts. When the hon Members in 1994, the hon Member wanted facts and now he is going to have them whether he wants to hear them or not. When in 1994 the hon Members went through the pretence of conducting a tender for the cleansing contract – and I say pretence because they were advertised on one Friday in 1994 and the closing date for the submission of contracts for the cleaning of the whole of Gibraltar was seven days later which led many tenderers to believe that the process was just a ritual and that the Government had already decided to

give the tenders to the various individuals whom we all know subsequently got it. But one of the people who persevered with the tender was Mr Barratt which is why the company, Master Service, was incorporated in 1994 and not in 1999 when we had these tenders and Mr Barratt was told by the previous Minister for the Environment in his Government that he was on the shortlist of three to be awarded the contract. Eventually a few days later the hon Members announced that they were giving out seven contracts to people who we all subsequently became aware of but fact, if the hon Member wanted one, is that the previous administration in 1994 shortlisted Mr Barratt for a contract for the whole of Gibraltar. So it is not just our belief that Mr Barratt has something to contribute to the performance of this contract but it appears to be the belief of Opposition Members as well.

HON J J BOSSANO:

It is quite obvious that the present Chief Minister involves himself in much more detail in cleaning contracts than I ever did. I have no idea whatsoever that Mr Barratt had ever applied, been shortlisted or not selected. Frankly, we are getting one answer to one question, the Minister for the Environment saying his views or his knowledge of nuisances are not relevant and here we are being told by the Government, on another issue, that not only is it relevant whether they believe Mr Barratt is good, bad or indifferent but that it was relevant whoever took the decision in 1994 thought should or should not. My question is, what is the infrastructure for the £1.8 million which presumably was not being offered to Mr Barratt in 1994 but is being offered now, which is the infrastructure which the Government know exists to back up that contract?

HON CHIEF MINISTER:

What makes the hon Member believe that the Government have awarded the contract to him on the basis of infrastructure? The Government have put out a contract to tender. Mr Barratt and his consortium partners in the form of Master Service (Gibraltar) Ltd who were shortlisted in 1994 put in what was, to the Government, the best tender; in fact there were only three tenders that met with the specification requirements two of which were lower – there were three tenders, the Master Service tender and there were two tenders that were actually lower in value. One of them was submitted by a Spanish company who did not show that they were going to invest the manpower resources and the equipment resources that the Government judged was necessary for this tender and the other tender that was lower, was one of the seven current contractors responsible on whose behalf no doubt the hon Member's concern as to the nitty gritty may be put and we made this perfectly clear publicly, that that one contractor had neither the commercial experience nor the access to finance nor the management expertise nor indeed the track record in the performance of his own limited contract to justify the Government placing the whole of the public cleansing of Gibraltar in his hands. The Government accepted the lowest bid which was assessed by the Cleansing Superintendent as being in compliance with the specifications. That is not to say that Master Service were given the contract because of infrastructure back-up from the United Kingdom, they won the tender. They won the tender on their merits. The fact that Mr Barratt injected expertise we regarded as a very welcome bonus and I have no doubt that Mr Barratt will bring to bear expertise, not just in management of public cleansing contracts, but in cleaning techniques as will be clear when the machinery that he is acquiring is seen operating on our streets as opposed to men being driven around in dilapidated trucks using domestic brooms to brush leaves off the street, is when this will be clear what this man's expertise is and what he has brought to bear. But even if that does not materialise, the point that I was making in answer to the hon Gentleman's supplementary is that he is asking supplementaries as if the Government had made the decision of allocating the contract on the basis of so-called back-up infrastructure which was the last phrase that he used. I just want to make it clear to the hon Member that Master Service won the tender full stop on any criteria and it was not that they won the tender because of the existence of some alleged back-up infrastructure.

HON J J BOSSANO:

Do the Government not agree that the policy decision to have one single contractor doing the cleaning of the whole of Gibraltar should, in fact, be based on the premise that anybody undertaking that contract would have the capacity, technical and financial, which is not to be found in a company that has never employed anybody in Gibraltar in its five years of existence?

HON CHIEF MINISTER:

No, the Government do not agree with that. The Government agree that the public cleansing of Gibraltar should be placed in the hands of a successful tenderer and that one of the criteria for winning a tender is that they have got to demonstrate that they have the financial resources and the management and the technical expertise available which the Government are entirely satisfied is the case here. What the Government do not agree with the hon Member is this repeated theme that comes through in one or two of their public statements that there is something unusual about a consortium putting together a new company for the purposes of bidding for a contract as was the case in the statements put out by the Hon Mr Gabay at the time that he was trying to criticise the winning tender for the refurbishment of the old Naval Hospital, "How does the Government give a tender to a company with the share capital of £2?" Well, I can give the hon Members if they want a litany of all the contracts that they have given out to companies with minimal share capital and which were formed specifically to bid for a contract and if the contract is successful the company is then capitalised. The Opposition Spokesman for Culture and other matters may not be aware of them, I do not believe for one moment that the Leader of the Opposition is unfamiliar with these concepts and the idea that one can only give a contract to clean Gibraltar which incidentally has been held for the last three or four years by, in effect, one-man bands, by people who used to be PTOs and foremen and then they were made company directors and it is all right to give them the contracts for the cleaning of the whole of Gibraltar but now they want to criticise the Government for giving a contract to a consortium which has demonstrated the ability to raise finance, which has demonstrated the ability of technical expertise and which is being formed in a corporate to bid for these contracts. They first bid in 1994 and they have bid again for the contract. I agree with the first three-quarters of the hon Member's statement in supplementary but not with the last insinuation.

HON J J BOSSANO:

Mr Speaker, for the record, let me say that nobody who has been a cleaning foreman or a PTO has had a contract for the whole of Gibraltar and therefore it is a matter of policy whether one has one contract for the whole of Gibraltar or one breaks up the cleaning of Gibraltar into small contracts which other people can take on. Presumably it is not the view of the Government that Mr Barratt in the United Kingdom having done cleaning contracts is better equipped because he is an Englishman than a Gibraltarian who has been doing that kind of work in the Public Works for the whole of his working life. That, presumably, is not a consideration so I do not see what is wrong with a working man becoming a director, after all we have got trade unionists who become Ministers so what is wrong with working men becoming directors?

HON CHIEF MINISTER:

There is nothing wrong at all. The hon Member flies kites and when they get shot down he pretends that he did not fly the kite. The hon Member says, "How can you give the cleaning of Gibraltar to a company that has never had any employees and who has no track record?" Well, that is exactly what he did except that this one, unlike the companies that he gave the contracts to without a proper tender system, unlike those companies this company has proper managerial resources available, has access to financial resources

and has technical expertise in cleaning and 75 per cent Gibraltarian shareholders, admittedly not the 75 per cent Gibraltarian shareholders that were shareholders of the companies to which he gave the contracts without the tender process and I am sorry for that, I am sorry that the new shareholders are different to the old shareholders but that is what the tender process is about contracts change hands. [HON J J BOSSANO: *When Governments change hands.*] Except that this contract changed hands by a perfectly transparent and properly conducted tender process unlike the method by which they used to change hands before which was the very opposite of that. The fact that they are so intent on criticising these arrangements before they have even seen whether they will work better or not, it leaves me in no doubt whatsoever that what they are doing is fighting grouses on behalf of the shareholders of the losing companies otherwise the logical thing to do would be to wait to see how the new arrangements work and then criticise the Government for having entered into new arrangements that do not work. But the arrangements have not yet started and there they are asking questions, which is fine, we have answered all the questions that they have asked but it invites the question on whose behalf are they expressing concern, not on behalf of the Gibraltarian taxpayer because they do not yet know whether the Gibraltarian taxpayer is going to be better or worse served by the new arrangements. We believe that the identity of the new contractors and the additional resources that are being invested and the machinery that is going to be used for cleaning Gibraltar and the increased frequency of cleaning services in many areas is going to result in a vastly improved public cleansing in Gibraltar, that is our judgement. I can understand them criticising us in due course for getting that judgement wrong, what I cannot understand is the intensity of the criticism emanating from the Opposition Members when they have not yet had an opportunity to see whether the system functions.

HON J J BOSSANO:

The intensity of my criticism reflected in my question, so I would have thought was something that fell a considerable way short of the intensity of the criticism in the answers I am getting. The question that I am putting is precisely – and I have got another question on the Order Paper – is because it has not happened on the 1<sup>st</sup> September and all these people with all these resources and all this expertise who are far superior to ordinary working men from the Public Works who have been doing the job, the Chief Minister seems to forget that some of the people who he is referring to in his answers which are not really relevant to the question, are people who voluntarily moved to set up their own little company and carried on doing work they were doing already in a different and more commercial environment which was something that we thought was worth encouraging. They may not think so, they are entitled to think differently but where did the PTOs come from, from Yorkshire? They came from here, Mr Speaker, and if he checks back I think he will find that that is accurate and that they carried on doing the same work. My question is related to what work has this company done in Gibraltar and what work has this company done in the UK to see what it is that makes the Government so confident that they are going to get the results which so far we have not seen?

HON CHIEF MINISTER:

The fact is that that is a legitimate question. We think that this will be a great improvement, they have their doubts, well fine, they are entitled to have their doubts and criticise us when their doubts materialise if they do. In the meantime what we have here is a Government policy decision to make enhanced arrangements for the public cleansing of Gibraltar, a Government policy decision to centralise and concentrate all aspects of public cleansing in one contractor to avoid lack of co-ordination that resulted from the previous fragmented arrangement, a public and open tender system which has actually been advertised, if I do not recall incorrectly, it is the first public tender in Gibraltar to be done under the applicable European Union rules which means that one has to advertise it in Brussels not just in Gibraltar on page 36 of the Gibraltar Chronicle, there has been a submission of bids, those bids have been vigorously assessed not by Ministers but by the

Cleansing Superintendent in the Cleansing Department and on the basis of those recommendations, there has been a winner. The Government have awarded the tender to the winner. I do not see what the hon Member can object to about those arrangements unless his only complaint is that the previous shareholders have lost the benefit of their own contracts which certainly has happened unless that is what he is worried about. There has been absolute propriety in the tender process so his complaint cannot be about that. There has not yet been a commencement of performance of cleansing so his complaint cannot be that the new arrangements do not work and all that is left is a possible grievance at the fact that the chaps that he handed the contracts to - not their employees, they are all being employed by the new contractor - but that the shareholders to whom he handed the contracts back in 1994 have lost the contract but they have lost it in accordance with a tender process. I really do not see what the hon Member is complaining about.

HON J J BOSSANO:

It is quite obvious to me from the answers that I get that the Chief Minister does not seem to understand what it is that I bring questions to the House about. It is not because I have a sense of grievance and it is certainly not because they are my clients. I remember that any insinuation that Members, when he was in the Opposition, might be asking questions which were relevant to their clients used to get him crawling up the wall, he does it all the time now with impunity because I never take any offence at any of the stuff he says, I am used to it. What I am trying to establish, Mr Speaker, is the expertise which exists. Can the Chief Minister say whether there are any accounts published in relation to the work being carried out by Master Service in the United Kingdom which we can look at so that we can make our own evaluation of the nature of the technical expertise that is being put by the 25 per cent shareholder which was mistakenly described as a UK company but is not?

HON CHIEF MINISTER:

It is not part of the published specification for this tender that there be production of accounts of shareholders. No other tenderer has submitted accounts of its shareholders and therefore the issue here is not the accounts of Mr Barratt's UK activity nor is it a matter for the Opposition to now reconduct the tender process to see if they would have come to a different decision. They are in Opposition and we are in Government, there is a tender process which functions now which did not function before. The tender process has produced a result and if the hon Members believe that there has been skulduggery in the allocation of this contract and that the tender process has been manipulated to arrive at a particular conclusion he should say so and certainly he is entitled to ask us questions calculated to establish, if that is what he believes, that we are a dishonest Government presiding over a dishonest tender process and that we are doing what they used to do which is to hand contracts to whoever they fancied. But unless he is doing that, and that would be a perfectly legitimate function for the Opposition to carry out in this House to which I would gladly submit as Government, but unless he is doing that what he cannot do is conduct a court of adjudication across the floor of this House to see if he would have made a different tender adjudication decision to the one that this Government made. That is what I am not willing to facilitate.

HON J J BOSSANO:

Mr Speaker, the Chief Minister has invited me to accuse him of being dishonest and said that that is what I used to be. I do not know whether you want the questions in the House to be based on us questioning the integrity and the honesty of the Chief Minister. Well, Mr Speaker, I think the record shows that that is precisely what he has said. He said he would welcome, if I want to accuse him of that.....



HON CHIEF MINISTER:

No, the hon Member.....[HON J J BOSSANO: *Why does he not just answer the question?*] I have said that if he believes that there has been an impropriety in the tender system he should say so, that that would be a perfectly legitimate exercise to conduct across the floor of this House and that I would welcome the conduct of that process if that is what he believes has occurred. What I am not willing to allow him to do is to conduct the tender process across the floor of this House to see if he, in Government, would have come to a different conclusion. I have no doubt that he, in Government, would have come to a different conclusion.

HON J J BOSSANO:

In Government I would not have allocated the tender as he seems to have done. The way that he is defending it anybody would think they were his clients. What I am trying to establish is, is there a way in which we, in the Opposition or indeed any member of the public, can try and establish what is the work that Mr Barratt does in the United Kingdom? Is there any way of finding out?

MR SPEAKER:

One answer only and then we go to the next question and make it short.

HON CHIEF MINISTER:

The Government are aware of the public and private cleansing contracts that Mr Barratt has had in the United Kingdom but it is not the basis upon which the contract was awarded to the company of which he is a 25 per cent shareholder, the other 75 per cent shares are held by Gibraltar interests. And the contract was not awarded to Master Service because of any alleged experience by Mr Barratt, the contract was given to Master Service because it simply won the tender process and the fact that Mr Barratt, the 25 per cent shareholder, is actually in a position to inject new expertise into public cleansing in Gibraltar is a very welcome bonus indeed.

NO. 582 OF 1999

THE HON J L BALDACHINO

**OFFSHORE BETTING**

Can Government say how many vacancies have been registered with the ETB as a result of the recent announced influx of offshore betting operations?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

Vacancies registered are 513.

SUPPLEMENTARY TO QUESTION NO. 582 OF 1999

HON J L BALDACHINO:

In which period were they registered? Has the Minister got that information?

HON J J NETTO:

Yes. The period refers to the very first vacancy in Victor Chandler. It starts from there right up to when the question was actually posed. Let me also add that since then I believe there has been another batch of about 20 or 30 vacancies opened. But also let me afford the hon Member with the fact that there were 475 vacancies filled of which 101 have now terminated, therefore the number of persons currently in employment in this industry is 374.

HON J L BALDACHINO:

From the answer that the Minister has just given I presume there are still some opened and waiting to be filled, is that correct?

HON J J NETTO:

That is correct.

HON J J BOSSANO:

Is some of this reflected in the figure of the 1<sup>st</sup> July 1999 in answer to the previous question of employment contracts which shows quite an increase in that quarter? Is that reflected there?

HON J J NETTO:

Well, if the vacancy was actually filled it would be reflected there.

HON J J BOSSANO:

Would the period that the Minister is talking about be before July?

HON J J NETTO:

Yes, I think it is before July so it would be reflected there.

NO. 583 OF 1999

THE HON J L BALDACHINO

**ETB – VACANCIES**

Can Government give a breakdown by nationalities/industry of the 4021 vacancies filled in 1998 and the comparable figures for the first and second quarter of 1999?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

I do not really think this is the type of question that lends itself for an oral answer. Perhaps the hon Member would in the future submit a written question but it is up to him.

The information is as follows:

**Vacancy Breakdown by Nationality / Industry Groups**  
**January to December 1998**

Industry Groups	Opened in period	Cancelled in period	Total	Gibraltar Gibraltar	British	Spanish	Portuguese	Moroccans	EEC Nationals	Others
Electricity Supply	4		4	3				1		
Water Supply	10		10	10						
Shipbuilding etc.	251	9	242	166	9	27	24	15	1	
Other Manufacture	46	3	40	19	10	6		2	1	2
Construction	873	136	811	235	141	367	4	56	6	2
Wholesale Trade	133	8	117	84	6	9	1	10	2	5
Retail Trade	748	87	672	389	88	151	2	17	7	18
Hotel Trade	78	18	54	18	11	12		10	2	1
Restaurants, Bars etc.	378	55	313	80	111	83	5	22	6	6
Repairs of Consumer Goods	78	4	73	45	14	10		2	2	
Sea Transport & Related Services	83	18	92	75	3	7	1	4	2	
Air Transport & Related Services	7		7	6					1	
Road Transport & Related Services	58	6	52	39	4	1	1	6	1	
Post and Telecommunications	45	3	39	37	2					
Banking, Finance and Insurance	723	84	609	401	125	27	1	14	30	11
Public Admin & National Defence	199	15	136	111	24				1	
Police and Fire Services	36	6	30	23	7					
Sanitary Services	4		3	2						1
Education	21	3	22	13	4				2	3
Medical and Health Services	68	2	59	34	16				1	8
Other Services	737	77	636	383	108	64	7	32	12	30
<b>Total</b>	<b>4580</b>	<b>534</b>	<b>4021</b>	<b>2173</b>	<b>683</b>	<b>764</b>	<b>46</b>	<b>191</b>	<b>77</b>	<b>87</b>

## EMPLOYMENT SERVICE

1999

Vacancy Breakdown by Nationality / Industry Groups  
January to June 1999

Industry Groups	Opened in period	Cancelled in period	Total	Gibraltarian	British	Spanish	Portuguese	Moroccans	EEC Nationals	Others
Electricity Supply			2	1		1				
Water Supply	1		1	1						
Shipbuilding etc.	1		48	18	8	16	4	2		
Other Manufacture	5	1	22	10	3	5		4		
Construction	209	6	523	155	96	213	7	44	7	1
Wholesale Trade	11	2	71	47	6	10		5		3
Retail Trade	58	1	361	172	38	117	1	15	5	13
Hotel Trade	4		81	26	11	29		12	3	
Restaurants, Bars etc.	26	2	286	81	91	81	1	23	8	1
Repairs of Consumer Goods	3		42	25	8	5		2	2	
Sea Transport & Related Services	4		24	20	1	2			1	
Air Transport & Related Services			10	10						
Road Transport & Related Services			8	4		2		2		
Post and Telecommunications	7		39	38					1	
Banking, Finance and Insurance	50	4	347	224	62	22	3	6	15	15
Public Admin & National Defence	33		106	89	15			1		1
Police and Fire Services	3	3	19	14	5					
Sanitary Services			4			2		2		
Education	3		16	14			1		1	
Medical and Health Services	3		42	26	11	2		1		2
Other Services	63	5	472	233	127	53	1	25	9	24
<b>Total</b>	<b>484</b>	<b>24</b>	<b>2524</b>	<b>1208</b>	<b>482</b>	<b>560</b>	<b>18</b>	<b>144</b>	<b>52</b>	<b>60</b>

NO. 584 OF 1999

THE HON J L BALDACHINO

**ETB – VACANCIES**

Can Government say how many of the 4021 vacancies filled in 1998 registered with the ETB were newly created jobs, giving a breakdown by month and showing the nationality and grade of the employee, and of those taken up by Gibraltarians how many were at the time registered as unemployed?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

The need to provide an answer to this question is made redundant by Government quarterly release of information. However, I have already provided the Opposition Members with a complete picture breakdown by nationality and month for the whole year, which as I have said is already provided.

In relation to the 'trade' element of the question, the nearest information available is by 'job main title'. This information again, is provided by the Government Quarterly Press Release. With regard to 'newly created jobs' the department from its inception has not had provision to record that kind of information in its computer database. Finally, on the subject "of those taken up by Gibraltarians how many were at the time registered as unemployed", please refer to Hansard, Question No. 95 of 1999 which contains the information.

SUPPLEMENTARY TO QUESTION NO. 584 OF 1999

HON J J BOSSANO:

Can I just ask the Minister whether he can in answer to the previous question, he has given the six month period, the question was for the first two quarters so it could be related to the information he provided before. Would he be able to produce this as two separate quarters?

HON J J NETTO:

It refers to those first two quarters.

HON J J BOSSANO

Yes, but what he has done is, he has added the first two quarters and given one figure for January to June, for six months. I am asking him whether he can provide the information for the two quarters because what is published previously is the two quarters and obviously what we want is to relate this to the information he published.

HON J J NETTO:

Yes.

NO. 585 OF 1999

THE HON J L BALDACHINO

**ETB VACANCIES**

Can Government state in respect of each month since 1<sup>st</sup> April 1999 to the 31<sup>st</sup> August 1999 how many vacancies were filled in the hotel industry giving nationalities and job titles?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

The answer is as follows:

April 1999                      18

Gibraltarians	-	3 Receptionist
	-	2 Chambermaid
	-	1 Bar Person
British	-	1 Night Porter
	-	2 Waiter
Spanish	-	2 Chambermaid
	-	1 Houseman
	-	2 Kitchen Cleaner
	-	1 Bar Manager
	-	1 Bar Person
Moroccan	-	2 Handyman

May 1999                      21

Gibraltarians	-	2 Receptionist
British	-	1 Receptionist
	-	1 Chef de Parti
	-	1 Waiter
Spaniards	-	4 General Operative
	-	4 Cleaner
	-	1 Cook
	-	2 Waiter
Moroccan	-	1 Waiter
	-	1 Porter
	-	1 Senior Chef de Parti
	-	1 Cook
French	-	1 Receptionist

June 1999 15

Gibraltarians	-	2 Pool Attendant
	-	1 Receptionist
British	-	1 Manager Hotel
Spanish	-	4 General Operative
	-	1 Dish Washer
Moroccan	-	2 Cleaner
	-	2 Waiters
French	-	2 Students

July 1999 8

Gibraltarians	-	2 Receptionist
	-	1 Pool Attendant
	-	1 Porter
	-	1 Bar Person
	-	1 Sous Chef
British	-	1 Food and Beverage Manager
Italian	-	1 General Manager

August 1999 10

Gibraltarians	-	1 Receptionist
	-	1 Porter
British	-	1 Gardener
	-	2 Electrician
	-	1 Waiter
Spanish	-	2 Waitress
Moroccan	-	1 Handyman
French	-	1 Student



NO. 586 OF 1999

THE HON J L BALDACHINO

**ETB – VACANCIES**

Can Government state how many of the vacancies filled in each month since January this year were for part-time jobs of under 15 hours per week?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

Our current database does not analyse the data to provide information on part-time or full-time basis using hours of employment as a criterion. The manual effort required to provide this information would be unjustifiable.

However, we envisage that our newly commissioned database "Profile 2000" would have built-in features to provide reports on similar lines.

SUPPLEMENTARY TO QUESTION NO. 586 OF 1999

HON J L BALDACHINO:

As a matter of fact when the Minister publicised the figures, like he does quarterly, those also include this type of jobs that are taken over by...

HON J J NETTO:

All jobs, part-time and full-time.

HON J L BALDACHINO

And when the jobs are advertised in the ETB, do they state if they are for part-time jobs or are they just like any other job?

HON J J NETTO

Yes, they do. In the actual display room they put whether it is a part-time or a full-time job.

HON J L BALDACHINO:

So, once the jobs are filled then there is no record that they are part-time or full-time. Is that correct?

HON J J NETTO:

The system is as it has always been.

HON J L BALDACHINO:

I am not asking as it has always been. I am only asking for information if that is the case or not?

HON J J NETTO

It is the case.

HON J J BOSSANO

Can I draw the Minister's attention to the answer that is given for the period January to June of persons employed and ask him to check whether in fact the column showing the vacancies opened in that period whether there could be a mistake there because it seems we have considerably more people employed in the period than there were vacancies opened.

HON J J NETTO:

Which column?

HON J J BOSSANO:

The column saying opened in the first six months of this year since in some areas.... I mean, for example, 200 jobs were opened and 523 were closed in the construction, or 4 jobs were opened in the hotel and 81 were filled. Could it be that that column is mistaken?

HON J J NETTO:

The Leader of the Opposition is correct, it does seem that there is something wrong in the tables as presented to me. I shall have them corrected.

NO. 587 OF 1999

THE HON J L BALDACHINO

**ETB – VACANCIES**

Can Government state how many of the British nationals employed during the months of April, May and June of this year were new contracts to the local labour market broken down for each month?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

Answered together with Question Nos. 588 and 589 of 1999.

NO. 588 OF 1999

THE HON J L BALDACHINO

**ETB – VACANCIES**

Can Government state how many of the Gibraltarians employed during the months of April, May and June of this year were already registered as unemployed with the ETB broken down for each month?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

Answered together with Question Nos. 587 and 589 of 1999.

NO. 589 OF 1999

THE HON J L BALDACHINO

**ETB – VACANCIES**

Can Government state how many of the Spanish nationals employed during the months of April, May and June this year were new entrants to the local labour market broken down for each month?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

The information is as follows:

British Nationals who were newly entrants:

April	-	82
May	-	93
June	-	75

Spanish Nationals who were newly entrants:

April	-	66
May	-	141
June	-	107

Gibraltarians already registered as unemployed prior to becoming employed were:

April	-	81 out of 199
May	-	67 out of 239
June	-	70 out of 270

SUPPLEMENTARY TO QUESTION NOS. 587, 588 AND 589 OF 1999

HON J L BALDACHINO:

Is there any reason why on the Spanish side, which was 141, why there is such a big increase in that particular month?

HON J J NETTO:

I have not got that information with me. Obviously that would have to correlate perhaps with an increase in the particular industry which are predominant, be it the construction, perhaps the retail, but I have not got that information.

NO. 590 OF 1999

THE HON J L BALDACHINO

**ETB – RETAIL TRADE**

Can Government explain the termination of employment of 100 Gibraltarians in the retail trade in the first quarter of this year and of the 163 in the same period in the finance centre?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

Although reasons for such terminations are available, as given under the reason for termination in the Termination Notices, this information has never been collated/recorded in our systems since the department's inception.

On a more subjective view, it needs to be recognised that Industry Groups within the service sector can be prone to high levels of labour turnover.

SUPPLEMENTARY TO QUESTION NO. 590 OF 1999

HON J L BALDACHINO:

Does the answer given also apply to the Finance Centre which is a more...

HON J J NETTO:

Yes, yes.

HON J J BOSSANO:

Is he saying then that these figures in the first three months of this year are not exceptionally high, that this is an average?

HON J J NETTO:

Yes, I would say that this is an average. It is not exceptionally high for one particular quarter.

NO. 591 OF 1999

THE HON J L BALDACHINO

**ETB – UNEMPLOYED GIBRALTARIANS**

Can Government give a break down of male and female unemployed Gibraltarians aged 18 years and over from 1<sup>st</sup> of April 1999 to 30<sup>th</sup> June 1999 receiving:

- a) Unemployment Benefit
- b) Social Assistance
- c) No Payments?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

The information is as follows:

		Male	Female	Total
April	U.B.	42	14	56
	S.A.	68	40	108
	N/P	89	59	148
May	U.B.	48	12	60
	S.A.	79	41	120
	N/P	84	62	146
June	U.B.	39	13	52
	S.A.	70	39	109
	N/P	102	61	163

NO. 592 OF 1999THE HON J L BALDACHINO**ETB – WORK PERMITS**

Can Government state the number of work permits issued from 1<sup>st</sup> April 1999 to the 30<sup>th</sup> June 1999 giving a breakdown for each month as follows:

- a) New Entrants
- b) Renewals
- c) Nationalities and Trade?

ANSWERTHE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

The nationalities and trades of work permits issued from April to June are as follows:

April – 24 work permits issuedNew 10

Russian	1	Professional
Canadian	1	Professional
Malaysian	2	Professional
Thai	6	Professional

Renewal 14

Indian	2	Professional
Hong Kong	1	Professional
Canadian	1	Professional
Russian	1	Professional
Moroccan	9	Semi-skilled 4
		Craft 5

May 36 work permits issuedNew 6

Nepalese	1	Catering
Russian	2	Managerial 1
		Semi-skilled 1
New Zealander	1	Director
Colombian	1	Administration
Venezuelan	1	Semi-skilled

Renewal 30

Moroccan	26	Craft 9
		Domestic 4
		Semi-skilled 7
		Catering 6
Indian	3	Managerial 1
		Catering 1
		Semi-skilled 1
Canadian	1	Semi-skilled



June 60 work permits issued

New 27

Moroccan	21	Domestic	12
		Craft	3
		Laundry Assistant	1
		Chambermaid	2
		Catering	1
		Labourers	2
Israeli	1	Director	
Finnish	1	Managerial	
Norwegian	1	Managerial	
USA	1	Managerial	
Ukrainian	1	Managerial	
Cypriot	1	Managerial	

Renewal 33

Moroccans	31	Domestic	4
		Craft	9
		Catering	11
		Labourers	6
		Self-Employed	1
Indian	2	Managerial	1
		Craft	1

SUPPLEMENTARY TO QUESTION NO. 592 OF 1999

HON J L BALDACHINO:

On the question of renewals for Moroccans, it might be that some of them might have been unemployed for a long time and they have kept their work permits and now that they have got new jobs they have been issued with permits? Is that classified as renewal?

HON J J NETTO:

I do not understand the question. Is he talking about renewals?

HON J L BALDACHINO:

Yes, what I am saying is, on the question where it says the renewals for Moroccans, is it Moroccans who have been here a long time, some of them might not have been working and they have started work now and that is classified as a renewal and not as a new entry is that correct?

HON J J NETTO:

That is correct.

NO. 593 OF 1999

THE HON J L BALDACHINO

**ETB – EMPLOYMENT SURVEY**

Can Government state the date on which questionnaires were sent to employers in the private sector for the purposes of collecting information for the Employment Survey, the number of questionnaires sent and the number of questionnaires returned to date?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

The October 1998 Employment Survey questionnaires were sent out to private sector employers on 12<sup>th</sup> December 1998. The number of questionnaires sent was 1,755 and to date 1,497 have been returned.

SUPPLEMENTARY TO QUESTION NO. 593 OF 1999

HON J L BALDACHINO:

Seeing that they are still being returned, was there a closing date?

HON J J NETTO:

Yes, there was a closing date and I am informed by the Statistics Office that they have sent reminders for the outstanding ones.

HON J L BALDACHINO:

When was the closing date?

HON J J NETTO:

The date by which employers were required to return the questionnaires was the 16<sup>th</sup> January 1999. As I said a reminder was sent to employers who had not sent in the questionnaires by the deadline on Wednesday 10<sup>th</sup> February 1999.

HON J L BALDACHINO:

Therefore, if the Minister has the closing date obviously he must link the closing date to a publication date, does he have that or not?

HON J J NETTO:

By way of giving general information which has been provided, let me say that the Employment Survey Order was amended on the 3<sup>rd</sup> December 1998 to allow the Statistics Office to collect employment information on an annual basis every October and also to increase the amount of such information collected to include hours of work and overtime earnings. This information was previously not submitted in the Income Tax Deduction cards. With effect from October 1998 the survey would once again be conducted on a questionnaire

basis directly by the Statistics Office. The survey questionnaires were delivered to the Post Sorting room on Friday 12<sup>th</sup> December 1998. The deadline by which employers were required to return the questionnaire was the 16<sup>th</sup> January 1999. A reminder was sent to employers who had not sent in the questionnaires by the deadline on Wednesday 10<sup>th</sup> February 1999. To date 1,497 questionnaires have been returned to the Statistics Office. Official employers are completely up to date with submissions. Of the 1,497 returns 536 were either nil returns or had ceased trading. All known employers with more than 20 employees have returned the questionnaires. The response rate has been over 85 per cent which compares well with the Income Tax returns. It is envisaged that the vast majority of non-respondents have either ceased trading or have no employees on their payroll. The Statistics Office is satisfied that the questionnaire system will lead to employment surveys being completed quicker than under the Income Tax system. Already over 90 per cent of the information received has been inputted into the computer and it is expected that the preliminary survey results will become available as from October. Government will, however, not be able to publish the October 1998 report since those in respect of October 1997 and April 1998 have still not been produced from the Income Tax records. The reasons for the delay is that the Treasury could not submit deduction cards in respect of Government employees whilst the pay reviews were pending. If it had it would have needed to submit fresh ones once the review was settled. The Treasury has however now sent in the cards and it is now up to the computer section personnel to run the outstanding service from the Income Tax computer. The Statistics Office does not encounter these problems with Treasury since a simple computer print out with the relevant details is sufficient for the purpose of the survey. The Statistics Office is thus confident that the October 1998 figures will be available before those of the October 1997 and April 1998, however, publication of the report will have to await until this two other surveys are available. The October 1998 survey has therefore taken some nine months to complete as they estimated last December. Timing and response rates have lived to the expectation with the additional bonus that Government will have even more information in terms of hours of work, overtime earnings, age groups, et cetera which were not available under the income tax system.

HON J J BOSSANO:

Can I ask the Minister, when was the survey actually closed, when did they stop taking any more information into the system?

HON J J NETTO:

The deadline was Wednesday 10<sup>th</sup> February 1999.

HON J J BOSSANO:

So in fact the 1,497 is as from that date?

HON J J NETTO:

Yes.

HON J J BOSSANO:

The response rate is given as 85 per cent is that related to the figure of 1,497?

HON J J NETTO:

That is correct.

HON J J BOSSANO:

How can this be said to compare favourably with the tax returns. Surely the tax returns were more than 85 per cent of the employers, who are making tax returns.

HON J J NETTO:

Well, I do not know whether they are actually referring to the system prior to the introduction of the income tax when it used to be a survey before that. We have now gone full cycle here and at the very beginning it used to be something like 85 per cent.

HON J J BOSSANO:

I accept that this may compare favourably to what there was in 1978 before it moved to the Tax office. Can the Minister say when was it that the Treasury provided the Tax with the information of the earnings of the employees?

HON J J NETTO:

I have not got that information with me.

HON J J BOSSANO:

Does the Minister accept that in fact the delay on the survey relating to April 1997 is longer this year than ever before? Surely it is important to get the April 1998 figure out. The last figure published officially is 1997.

HON J J NETTO:

Well, I would not like to say whether it is longer than ever before because I believe that the last one that was laid on the Table had a delay factor of about 20-21 months.

HON J J BOSSANO:

The last one was September 1998 and referred to April 1997. We are now in September 1999 and we do not have the April 1998 figure. How much longer is it likely to be before they process the 1997/98 figures?

HON CHIEF MINISTER:

The Minister does not know because this is not done in the Employment Ministry it is done in the Statistics Department and the Department of Trade and Industry so I will try to get an indication for the hon Member as to when they think that the results of that survey will be available for publication and I will communicate the information to him.

NO. 594 OF 1999

THE HON J L BALDACHINO

**ETB – EMPLOYMENT REGULATION (OFFENCES) ORDINANCE**

Can Government state of the inspections carried out under Employment Regulation (Offences) Ordinance how many employers were found to be in breach of the ordinance in respect of how many employees and in relation to which of the provisions?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

Answered together with Question Nos. 595 and 596 of 1999.

ORAL

NO. 595 OF 1999

THE HON J L BALDACHINO

**ETB – EMPLOYMENT REGULATION (OFFENCES) ORDINANCE**

Can Government state how many inspections have been conducted under the Employment Regulation (Offences) Ordinance since the commencement date?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

Answered together with Question Nos. 594 and 596 of 1999.

NO. 596 OF 1999THE HON J L BALDACHINO**ETB – EMPLOYMENT REGULATION (OFFENCES) ORDINANCE**

Can Government state how many fixed penalties have been imposed on employers in respect of how many employees in each month since the commencement of the Employment Regulation (Offences) Ordinance and under which section of the ordinance? Furthermore, whether the penalties have been paid or the matter is being pursued through the courts?

ANSWERTHE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

By way of clarification let me say that the commencement date of this Ordinance was the 12<sup>th</sup> August 1999, under Legal Notice No. 98 of 1999. Since then a total of 14 inspections have been carried out.

Of the employers inspected, five were found to be in breach of the Employment Regulations (Offences) Ordinance.

Of the five	one had one unregistered employee	1
	two had two unregistered employees	4
	one had three unregistered employees	3
	one had eight unregistered employees	8
	Total	16

The provisions are as follows:

- 1) Regulation 8(2A) of the Income Tax (PAYE) Regulations 1989 (Duty to Register).
- 2) Regulation 3 of the Employment Injuries (Contributions) Regulations as applied by Regulation 4(1) of the Social Security (Contributions) Regulations.
- 3) Regulation 3 of the Employment Injuries (Contributions) Regulations as applied by Regulation 3(1) of the Social Security (Open Long-term benefits)(Contribution) Regulations 1997 (Duty to Register).
- 4) Regulation 4 of the Employment Regulations 1994 (Duty to notify Director of a vacancy).
- 5) Regulation 6 of the Employment Regulations 1994 (Duty to notify Director of Intentions to engage an entitled worker).
- 6) Regulation 7 of the Employment Regulations 1994 (Duty to apply to Director for a permit in relation to a non-entitled worker).

A total of two fixed penalties have been imposed on two employers since the commencement of inspections. Both have been paid.

SUPPLEMENTARY TO QUESTION NO. 594, 595 AND 596 OF 1999

HON J J BOSSANO:

For clarification, the two fixed penalties on two employers, is there not a penalty in respect of each employee? Is that being counted or not?

HON J J NETTO:

No. When the inspector walks into premises and he observes in relation to one employee, because there are more than one breach, no matter how many breaches there are, the fixed penalty accounts for one, regardless of whether it is more than one breach. However, if the employer wishes to challenge that and does not wish to pay the fixed penalty and wishes to go to court, on being convicted, he will then be fined £2,000 on every single breach.

HON J J BOSSANO:

I was not talking about the breaches of the different regulations because there can be a number of regulations broken over one single person. What I am saying is, if there are a number of employees, is the penalty in respect of each one of those employees that are employed illegally or is there one penalty irrespective of the number of employees.

HON J J NETTO:

For each employee, yes.

HON J J BOSSANO:

That is why I am asking for clarification when he said two fixed penalties on two employers. Does he mean each employer had one fixed penalty for one person or more?

HON J J NETTO:

Obviously what happens is that inspectors do use their discretion when considering all circumstances and all the facts and determine on a number of factors whether they will put one fixed penalty on each employee of every offending employer or whether it will be just one.

HON J J BOSSANO:

That is not my question. I thought he had told me yes and now he seems to be saying no. Is it in fact that if an inspector walks into a place and there are 20 workers illegally does he put a fixed penalty for each one of the 20 or is it up to his discretion whether he does one or 20?

HON J J NETTO:

It is up to his discretion whether he puts it to one or to 20.

HON CHIEF MINISTER:

But I think it should be clear that the law as it is drafted exposes the employer to a separate fine in respect of each separate employee.



HON J J BOSSANO:

Yes, I am aware of that. My understanding in fact when the law was passed in the House was not that it exposed it but that in fact the penalty would be related to the number of persons employed illegally. I would have thought it rather odd that when somebody should have, say 50 guys illegally employed and another one and they both get the same penalty. Surely the deterrent element in the legislation ought to be proportional to the number of illegal workers.

HON CHIEF MINISTER:

The hon Member is entirely correct and if that is not how it is working that is certainly how it should be working.

NO. 597 OF 1999

THE HON J L BALDACHINO

**IMPROVEMENT & DEVELOPMENT FUND – HEAD 101 HOUSING**

Can Government state how much has been spent from the £2,023,000 in the Improvement and Development Fund Head 101 – Housing Sub-Head 1 giving a break down of companies receiving payments and for what services?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

The total amount spent to date on the Improvement and Development Fund Head 101 Subhead 1 Major Remedial Works and Repairs to Housing Stock is £487,892. This expenditure is broken down by companies and projects as follows:

<u>PROJECT</u>	<u>COMPANY</u>	<u>AMOUNT</u>
Replacement of windows	Fibreglass Ltd	£139,561
Refurbishment of Pre-War Flats Phase 1	Chiara Constructors Ltd	£30,000
Godley Mansions	Chiara Constructors Ltd	£65,125
MacFarlane House	Chiara Constructors Ltd	£149,914
Belvedere House/Retaining Wall	Budget Tradesman & Engineers	£6,407
Willis's House	Chiara Constructors Ltd	£96,110
Adjustment of underpayment In respect of Catalan Bay garages	H L Wilkie Ltd	£775

SUPPLEMENTARY TO QUESTION NO. 597 OF 1999

HON J L BALDACHINO:

The sum that the Minister has mentioned for the refurbishment of pre war housing, how many housing units is that composed of?

HON J J NETTO:

I have not got that information available with me but if the Minister wishes me to provide him with that information I will gladly do it.

NO. 598 OF 1999

THE HON J L BALDACHINO

**IMPROVEMENT & DEVELOPMENT FUND – HEAD 101 HOUSING**

Can Government state how much has been spent from £688,000 in the Improvement and Development Fund Head 101 – Housing Sub-Head 2?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

The amount spent on the Improvement and Development Fund Head 101 Subhead 2 Edinburgh House Refurbishment is £404,680.

SUPPLEMENTARY TO QUESTION NO 598 OF 1999

HON J L BALDACHINO:

Is it expected that the £688,000 be spent in the financial year or not?

HON J J NETTO:

Yes.

NO. 599 OF 1999

THE HON J L BALDACHINO

**HEAD 2B, SUBHEAD 2D, BONUS PAYMENTS**

Can Government state how much has been spent from Head 2-B Buildings and Works Sub-Head 2D Bonus payment to date broken down by month?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

The amount spent from Head 2B, Subhead 2D, Bonus Payments is as follows:

April 1999	£49,624
May 1999	£30,778
June 1999	£64,281
July 1999	£58,776
August 1999	£46,347
September 1999	£11,469 (includes up to week ending 10 September 1999 only)

NO. 600 OF 1999

THE HON J L BALDACHINO

**IMPROVEMENT AND DEVELOPMENT FUND – HEAD 101 HOUSING**

Can Government state how much has been spent from the £392,000 in the Improvement and Development Fund Head 101 Housing Sub Head 4?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

The amount spent to date on the Improvement and Development Fund, Head 101, Subhead 4 New Housing for Senior Citizens is £406,009.

SUPPLEMENTARY TO QUESTION NO. 600 OF 1999

HON J L BALDACHINO:

Can the Minister give us an explanation because that is a higher figure than was estimated for 1999-2000?

HON J J NETTO:

The project is controlled by Support Services. I am informed by Mr Eric Sene that it was expected that this project would overspend as a result of extra work carried out. The following payments are in respect of extra work which is still pending. Certificate No. 21 which is for £54,360, amount to complete from original sub-contract £46,780, additional work agreed but not yet costed, a provisional sum there of £50,000, that makes a total of £151,140. The estimated final account of the project would add up to £2,516,612 when the agreed contract sum was £2,385,723.

HON J L BALDACHINO:

Is this additional things that have been asked from the constructor to do that were not in the original contract, or when they submitted the tender?

HON J J NETTO:

It is a combination of both. It is additional work which was not specified and my layman's interpretation of Certificate 21 is the total value of complete works which is work extra to that specified as they happened to have found out when the works commenced.

HON J L BALDACHINO:

So it is a combination of the two factors.

NO. 601 OF 1999

THE HON J L BALDACHINO

**ETB – VOCATIONAL CADETS**

Can Government state how much has been spent by ETB since the 1<sup>st</sup> May 1999 to date out of £600,000 provided for payments to Vocational Cadets, broken down between those employed by the ETB and those with the Ministry of Education?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

The total cost of Vocational Cadets from 1<sup>st</sup> May to 31<sup>st</sup> August is £252,827.63.

£72,017.68 relates to the Employment Service and £180,809.95 relates to the Department of Education and Training.

It should be noted that it is envisaged that, by the end of the current calendar year, expenditure in connection with the Employment Service would come to a halt, following our announcement not to continue with the Vocational Cadet Training Scheme.

SUPPLEMENTARY TO QUESTION NO. 601 OF 1999

HON J L BALDACHINO:

I understand the changes that the Minister is referring to but do they expect to spend the £600,000 on vocational cadets.

HON J J NETTO:

Well, the trend seems to indicate that there will be a saving at the end of the financial year. However, as things stand at the moment, perhaps what I could not say is if there is going to be any more unfolding training schemes on my hon Colleague's side which would then increase the cost in this particular vote, but as it stands at the moment there seems to be going to be a saving.

HON DR B A LINARES:

Yes, I would second what the Minister has just explained that there is an on-going developing programme for training schemes in line with the vocational training scheme but much more structured and monitored and this is in the pipeline and it will be developing. It is a scheme to provide specific on-the-job practical training for young people between the ages of 16 and 21 and as I say this is a developing situation and therefore I reckon, although it is difficult to be absolutely exact about it, that it will use up a great part of the £600,000 which have been estimated.

HON J L BALDACHINO:

There is no expenditure here that goes for providing the training, is that correct?

HON DR B A LINARES:

That is correct. That goes for allowances to the cadets.

NO. 602 OF 1999

THE HON J L BALDACHINO

**ETB – WAGE SUBSIDY**

Can Government state how much has been spent since the 1<sup>st</sup> May 1999 to date out of £450,000 provided for wage subsidy in each month giving the numbers of employee's receiving a wage subsidy and in respect of how many employers?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

The cost of wage subsidy from 1<sup>st</sup> May 1999 to 31<sup>st</sup> August 1999 is as follows:

May 1999	£21,644.00	30 employers and	45 employees
June 1999	£17,426.52	29 employers and	46 employees
July 1999	£15,199.32	27 employers and	38 employees
August 1999	£13,475.00	22 employers and	28 employees

SUPPLEMENTARY TO QUESTION NO. 602 OF 1999

HON J J BOSSANO:

Given that the figures are going down every month, between May and August, is it that they are planning to do away with this?

HON J J NETTO:

Not at all.

HON J J BOSSANO:

But it has gone down from 30 employers to 22 between May and August. What is it that the employers are not taking up the offers to take on workers with the subsidy?

HON J J NETTO:

That is part of the explanation but the amounts given will not relate proportionally to the number of employees either. This is mainly attributable to the way Konver 2 is calculated. Amounts can be £60, £100 or £127 per week depending on lengths of period on subsidy. Other reasons are payment for part of the week on commencement or on termination of subsidy payment falling in the month in question.

HON J J BOSSANO:

I am very grateful for that but that is not what I have asked. I am not asking about the money, I am asking about the number of people. I have said, why has it gone down from 30 to 22 and I do not think any of that explanation explains anything about why it has gone down from 30 to 22.



HON J J NETTO:

Well, as I said in my original answer, it is there, we have advertised it, but the demand does not seem to come from...

HON J J BOSSANO:

From the industry.

HON J L BALDACHINO:

In May it is £21,644 for 45 employees and it appears extremely low that in June it should be £17,426 for 46 employees.

HON J J NETTO:

That is the explanation I gave before which the Leader of the Opposition said that it was not the answer he was expecting. Shall I say it again?

HON J L BALDACHINO:

Yes.

HON J J NETTO:

Amounts will not relate proportionally to the number of employees. This is mainly attributable to the way Konver 2 is calculated. Amounts can be £60, £100 or £127 per week depending on the lengths of period on subsidy. That is the criteria.

HON J L BALDACHINO:

So it depends on the level that the Minister says, is the level of wage subsidy that the employers get. Is that correct?

HON J J NETTO:

That is correct.

HON J L BALDACHINO:

And how many levels are there then? How many paid wage subsidies amounts are there for employers to benefit?

HON J J NETTO:

Well, quite apart from the one we have just mentioned, which is the Konver 2, there will be the employment service one which is the ones which I announced at budget time which is Work Subsidy 1 and Work Subsidy 2.

HON J J BOSSANO:

Is the fact that there has been a decline, has that been affected by the change of conditions?

HON J J NETTO:

No. There has been a steady decline as we have seen in previous financial years.

HON J J BOSSANO:

But were not the conditions this year changed so that the person had to be unemployed longer before they would be able to enter into this scheme.

HON J J NETTO:

The only conditions that have changed, which is not directly linked as the question is now being posed, is that in structuring the new work subsidy measures, the ones coming from the employment services are linked to long-term sustainability by employment, that is to say, we give them, first of all if a person is unemployed for six months we give them £60 per week for the first 26 weeks and then a lump sum payment if I remember rightly of about £1000, I have the information here. £1,500 so that we can look for sustainability beyond the one year period and of course that would give the employee because he would be in the employment of the employer as opposed to the employment of the employment service, that he would not be dismissed unfairly. He would have certain rights in employment legislation. Then we have the other criteria which is the WS2, the wage subsidy, which is for those over 12 months unemployed and that would be a weekly payment of £90 for 26 weeks and a lump sum payment after the year of £2,000. But in answer to the question of the Opposition Member what we have seen not just in the introduction of this one but even in the previous system that there was, that there has been a continuous decline and also bearing in mind as well that as we are having all the time more people, less people in unemployment of course there are perhaps less people attractive enough for employers and then of course, I would not like to get into much detail here because of another question from the Hon J Gabay in training scheme for unemployed which are the kind of things that we are trying to do to give skills to the long term unemployed in order to make their employability better in offering themselves for employment to employers.

HON J J BOSSANO:

Can the Minister say, of the 28 employees that were covered by the schemes in August, which is the last figure that he gave of those 28 employees how many are getting the £90 and how many are getting the £60 subsidy?

HON J J NETTO:

I could give the information but the hon Member would have to give me notice.

HON J J BOSSANO:

He does not have a breakdown of the 28?

HON J J NETTO:

Not here available but I can get the information and pass it on. In fact, I can give it for the months of May, June, July and August.

HON J J BOSSANO:

That would be better, I would be grateful for that. Can he say whether everybody in there is covered by one or the other or there could be people who are covered by a different scheme?

HON J J NETTO:

Yes, people by different schemes, that is right.

NO. 603 OF 1999

THE HON J L BALDACHINO**HOUSING – POST WAR FLATS**

Can Government state how many post war flats are vacant giving the area, room composition and the date that they became void?

ANSWERTHE HON THE MINISTER FOR SOCIAL AFFAIRS

There are a total of 72 post-war flats that are vacant. The breakdown giving area, room composition and date that they became vacant is as follows:

<u>RKB</u>	<u>DATE VOID</u>	<u>AREA</u>
1 x 2	10 March 1989	Upper Town
1 x 2	8 January 1997	South
1 x 3	8 January 1997	Upper Town
1 x 4	8 October 1997	Upper Town
1 x 3	10 March 1998	North
1 x 3	10 April 1998	Upper Town
1 x 3	14 May 1998	Upper Town
1 x 3	19 May 1998	South
1 x 3/4	8 Jun 1998	North
1 x 3/4	9 July 1998	North
1 x 3/4	2 August 1998	Upper Town
1 x 1	17 August 1998	West
1 x 2	2 September 1998	North
1 x 3	2 September 1998	North
1 x 4	2 September 1998	Upper Town
1 x 3	8 September 1998	Upper Town
1 x 3	28 October 1998	Upper Town
1 x 3/4	28 October 1998	Upper Town
1 x 1	3 November 1998	South
1 x 3	3 November 1998	Upper Town
1 x 3	6 November 1998	North
1 x 2	24 November 1998	Upper Town
1 x 3	24 November 1998	North
1 x 3/4	7 December 1998	North
1 x 3	15 December 1998	Upper Town
1 x 3/4	16 December 1998	West
1 x 3/4	21 December 1998	Upper Town
1 x 4	30 December 1998	Upper Town
1 x 3	18 January 1999	North
1 x 3/4	18 January 1999	Upper Town
1 x 3	2 February 1999	Town
1 x 3	15 February 1999	Upper Town
1 x 3	15 February 1999	Upper Town
1 x 3/4	18 February 1999	Upper Town

1 x 1	22 February 1999	North
1 x 2	26 February 1999	South
1 x 3	10 March 1999	Upper Town
1 x 2	11 March 1999	North
1 x 3	12 March 1999	North
1 x 3/4	17 March 1999	West
1 x 3	19 March 1999	South
1 X 1	20 April 1999	West
1 x 1	25 April 1999	West
1 x 4/5	10 May 1999	Upper Town
1 x 3	21 May 1999	Upper Town
1 x 3	27 May 1999	North
1 x 5	28 May 1999	North
1 x 3	1 June 1999	North
1 x 4/5	9 June 1999	West
1 x 2	16 June 1999	West
1 x 3	23 June 1999	North
1 x 3	28 June 1999	North
1 x 3/4	28 June 1999	North
1 x 3/4	1 July 1999	Upper Town
1 x 2	6 July 1999	South
1 x 1	12 July 1999	Town
1 x 3/4	12 July 1999	Upper Town
1 x 3/4	14 July 1999	North
1 x 2	22 July 1999	West
1 x 3	26 July 1999	North
1 x 3/4	26 July 1999	Upper Town
1 x 2	28 July 1999	North
1 x 4	30 July 1999	Upper Town
1 x 4	2 August 1999	Upper Town
1 x 4	2 August 1999	Upper Town
1 x 3	11 August 1999	North
1 x 3	23 August 1999	South
1 x 3	24 August 1999	North
1 x 3	24 August 1999	South
1 x 3	31 August 1999	Upper Town
1 x 1	4 September 1999	Town
1 x 3/4	13 September 1999	West

SUPPLEMENTARY TO QUESTION NO. 603 OF 1999

HON J L BALDACHINO:

Out of the 72, is it that they are all in need of refurbishment or is there any other reason for that?

HON H A CORBY:

No. Nine of those are in the electrical side, for the installation of the electrical refurbishment, 30 are with the housing agency and 33 are with Buildings and Works for refurbishment.

HON J L BALDACHINO:

There is one here that shows up more than all the others which has been void since 10 March 1989.

HON H CORBY:

Actually, we have that one with the Housing Allocation Board. I believe it has been offered several times but people do not want to go and live there because it is in a bad neighbourhood, or because it is beside the rubbish bin, so, it is with the housing, we have offered it but no takers.

HON J L BALDACHINO:

Is there any indication when those that are with the electrical and buildings and works will be available to the Housing Department for allocation?

HON H A CORBY:

The electrical side of it is done very, very quickly by the electrical department. When it passes over to Buildings and Works it is then when the refurbishment takes place and they have a programme for it. The Minister for Housing is always pressing for flats to come out to them very quickly but at times that is not the case.

HON J L BALDACHINO:

Am I correct, because it appears to me without saying specifically the estate, as they are post war flats, the upper town ones, it appears that they have to be in one particular area. Now, can the Minister say if that area or that estate is not attractive, that people actually do not want to move there and that is why some of them are void?

HON H A CORBY:

No, I do not think that the place is unattractive. It depends if the persons are offered in the upper town area they would take the houses, the only people who would not take up residence in the upper town area are older people with families but the young couples with families would take it anywhere in Gibraltar.

NO. 604 OF 1999

THE HON J L BALDACHINO

**REFURBISHMENT OF HOUSING UNIT AT HOSPITAL HILL**

Can Government state if the refurbishment of the housing unit at Hospital Hill rear which faces the old Police Barracks patio has now been completed and, if so, has it been allocated?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

No Sir. There are still further works pending in order to eliminate the dampness which still affects this dwelling. Perhaps by way of further information to the hon Member, may I say that this dwelling was officially handed over to the tenant who refused to move in because of dampness. She, however, refused to hand back the keys to the dwelling. We have prepared an incentive scheme to try to remedy the problem but we have not carried out the works because we are led to believe by the Housing Department that she might be offered alternative accommodation in the near future.

SUPPLEMENTARY TO QUESTION NO. 604 OF 1999

HON J L BALDACHINO

But estimated on the actual remedial works that are still required, after the work had been finished and then they found that there was dampness, is it still estimated to be the £5,604.07 that the Minister envisages or .....

HON J J NETTO:

These are the figures which I gave before. This is not now the priority it used to be before given that we are led to believe that the lady in question will be offered or has been offered alternative accommodation. So obviously the priority side of things have diminished and our resources are now channelled into other priorities.

HON J L BALDACHINO:

The flat was actually void; it had no tenant did it?

HON J J NETTO:

I believe that it was void, it had no tenant, the keys were given to the lady but, as I said before in my original answer, she refused to move in due to dampness inside the house. I believe that this is going to be a very difficult one because the actual house itself is below ground level and most probably it will be a disproportionate amount of works that would need to be carried out in order to try and avoid dampness but dampness does have a history of coming back, as we know.

HON J L BALDACHINO:

Yes, I agree with the Minister this will be a difficult one. During the eight years I was in Government they told me that it was uneconomical to repair and I took the advice of the civil servants. However the Minister has now had different advice but in my opinion, it would be a waste of money because dampness in that area will be actually popping up no matter how much money one spends.

HON J J NETTO:

The Department does wish to give it another try, it does wish to try. Houses have to be provided for people in the waiting list and it will be done and let us hope that on the second time with further resources and work we will be able to remove the dampness. Only time will tell.

HON J L BALDACHINO:

Obviously seeing the amount of money being spent, will the rent be increased in these areas being remodernised or will it keep the same rate like every other pre-war flat that is repaired?

HON CHIEF MINISTER:

The Government have no policy to increase housing rents anywhere but in any case, it does not really arise as a supplementary from the question about fixing dampness to one house at Police Barracks.

HON J L BALDACHINO:

It is not in the Police Barracks.

HON J J BOSSANO:

If the original state of the house was what it was because it was considered not to be repairable at reasonable cost, obviously any house can be repaired if one is prepared to throw an unlimited amount of money at it. At the end of the day if it is going to cost more to repair this one than to build a new one, it does not seem a very sensible policy.

HON CHIEF MINISTER:

Well, the hon Member in the guise of the last supplementary raises an issue which could be debated for a very long time especially in relation to upper town housing. There comes a time when he is right, it would be cheaper to demolish the building though it does not limit it to this one, there are many Government pre-war housing stock in the upper town area where if one applies only economic consideration the answer is that it is easier to demolish buildings and use the space to build new housing. But, Mr Speaker, that raises very serious issues about whether we really want to demolish large areas of our historical upper town or alternatively abandon them, we either demolish them or abandon them or fix them, there is no fourth choice and the choices are between those three. We are not willing to abandon the upper town, we are not willing either to demolish buildings which we consider to be an essential part of the character of the old town of Gibraltar and therefore we, as a matter of policy, try and fix them which is not to say that from time to time we will not come across a property which requires simply too much investment but at the moment the policy is to try and fix these houses. All old houses in Gibraltar suffer from dampness, mine, for example, had one



room which was part of the original terrace wash-house structure of an old building in Irish Town and from those old walls I have never been able to, it is not a question of how much money one throws at it, it is very difficult to get dampness out of walls constructed with the system that used to be used in those days. So the policy is at the moment to fix and only to abandon properties in the very, very last resort. But the hon Member is right, it does raise a difficult issue for consideration.

HON J L BALDACHINO:

I understand what the Chief Minister says. In this case this house has no character and it does not form part of anything, it is just one piece of land there in the corner of the Hospital going down the hill, it has got nothing to do with the Police Barracks. It is not the Police Barracks as such, it is outside the Police Barracks.

MR SPEAKER:

Next question.

NO. 605 OF 1999

THE HON J C PEREZ

**CEMETERY – NORTH FRONT**

What steps have been taken in the current financial year to remedy the state of neglect of the cemetery?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

Major refurbishment and embellishment works to the entrances, offices, messrooms and public toilets have been carried out over the last financial year at the cost of £79,027. These works are scheduled for completion on 30<sup>th</sup> September 1999.

Additionally, Community Projects have doubled the labour force carrying out general maintenance works within the cemetery and additional machinery has been purchased in order to accelerate the removal of vegetation.

SUPPLEMENTARY TO QUESTION NO. 605 OF 1999

HON J C PEREZ:

Can the Minister state whether Government are now aware what it is that is being constructed outside the cemetery? I remember I asked the Chief Minister at budget time and no Government Member was aware of what actually it was.

HON J J NETTO:

Originally what it was envisaged in the plans was parking facilities at the time of the funerals. Halfway through the project that was changed and now it is no longer for parking, it is now a common area for people to gather, a concourse to wait where there will be benches, trees and shade from the sun, that kind of facility at the time when a funeral takes place.

HON J C PEREZ:

Have Government any plans to grow turf around the tombstones? That is to say, we are now cutting the leaves and leaving it there but are there any plans to do something different with the planted areas?

HON J J NETTO:

Not at the moment.

NO. 606 OF 1999

THE HON J J BOSSANO

**ETB - SELF-EMPLOYED PERSONS**

Can Government say, of the 511 self-employed persons registered with the ETB on 1<sup>st</sup> January 1999, how many commenced registration after the 1<sup>st</sup> January 1998?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

Of the 511 registered as self-employed as at 1<sup>st</sup> January 1999, 85 were registered after 1<sup>st</sup> January 1998.

SUPPLEMENTARY TO QUESTION NO. 606 OF 1999

HON J J BOSSANO:

Is it correct to deduce from that that in fact the balance between the 85 and the 511 who were there for over one year, could be people who have ceased to be employed but have not notified the ETB?

HON J J NETTO:

It could be part of it, yes.

HON J J BOSSANO:

Am I correct in thinking that they are supposed to be renewing annually and that therefore anybody before 1<sup>st</sup> January should have renewed on the 1<sup>st</sup> January?

HON J J NETTO:

No, Mr Speaker, first of all I think we need to clarify what I think is a misconception on the Opposition's part. People do not renew their contract, what they renew is their contribution towards the Insolvency Fund. Self-employed people do not pay towards the Insolvency Fund, as the hon Member will understand, in renewing the contract which is not exactly the question.

HON J J BOSSANO:

Therefore then the registration of self-employed is open-ended then, it is not annually renewable, am I correct?

HON J J NETTO:

That is correct. It is not just that the self-employed is open-ended, every single contract is open-ended, this is what I was trying to clarify in relation to the misconception that the Opposition have. All notice of terms of engagement are open-ended. The fact that previously as it started it was a renewal, it was a renewal in order to ensure compliance with the

payment of the Insolvency Fund contributions but in those terms of engagement it can either say it is specified for a period or it is open-ended, indefinite as most contracts will be indefinite.

HON J J BOSSANO:

So then employers are not required to renew the terms of employment of employees on an annual basis?

HON J J NETTO:

That is right, it is not required.

HON J J BOSSANO:

But presumably if there are changes to the contract they are required to do it?

HON J J NETTO:

That would be by a variation to the contract.

HON J L BALDACHINO:

To have the position clear, what we have now is a register of contract, variation to that contract and termination, are those the three forms that now exist in the ETB?

HON J J NETTO:

That is correct.

NO. 607 OF 1999

THE HON J J BOSSANO

**ETB - TERMS OF ENGAGEMENT NOTICES**

Can Government state, of the 15,923 terms of engagement notices registered with the ETB on the 31<sup>st</sup> March 1999, how many had –

- (a) been in existence prior to the 1<sup>st</sup> April 1998
- (b) commenced since 1 April 1998
- (c) renewed since 1 April 1998?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

The information in relation to registration of terms of engagement registered with the Employment Service is as follows –

- |  |   |        |
|--|---|--------|
| (a) prior to 1 <sup>st</sup> April 1998        | - | 13,146 |
| (b) commenced since 1 <sup>st</sup> April 1998 | - | 2,718  |
| (c) renewed since 1 <sup>st</sup> April 1998   | - | 5,601  |

NO. 608 OF 1999

THE HON J J BOSSANO

**ETB – EMPLOYMENT CONTRACTS**

What was the number of employment contracts registered with the ETB in respect of private employers excluding Government owned and joint venture companies as at 1<sup>st</sup> April 1998 and 1<sup>st</sup> April 1999 and 1<sup>st</sup> July 1998 and 1<sup>st</sup> July 1999, giving in each case a breakdown by nationality of employees?

ANSWER

THE HON THE MINISTER FOR EMPLOYMENT AND BUILDINGS AND WORKS

The number of employment contracts registered with the ETB excluding Government owned and joint venture companies is as follows:

	1 <sup>st</sup> April 1998	1 <sup>st</sup> April 1999	1 <sup>st</sup> July 1998	1 <sup>st</sup> July 1999
Gibraltarians	6109	6027	6020	6285
British	2579	2462	2388	2645
Moroccans	1168	1168	1170	1211
Spaniards	1204	1263	1194	1498
Other EEC	400	341	331	372
Others	<u>353</u>	<u>400</u>	<u>367</u>	<u>412</u>
Total	11813	11661	11470	12423

SUPPLEMENTARY TO QUESTION NO. 608 OF 1999

HON J J BOSSANO:

Can Government confirm that in fact this excludes MOD as well, not just Gibraltar Government? The private sector is not including MOD is it?

HON J J NETTO:

Yes, Mr Speaker, I can confirm that.

HON J J BOSSANO:

In the information provided originally in respect of the total numbers employed in May and in the subsequent clarification in the letter recently sent by the Minister, the figure that was given for all employees was 15,923 on the 31<sup>st</sup> March as opposed to a figure previously given of 14,786 because the first figure did not include self-employed and directors. Which of those two does this relate to? Does this include self-employed and directors or it does not?

HON CHIEF MINISTER:

It would not include the self-employed, it might well include directors who are deemed to be employees of their company.

HON J J BOSSANO:

The fact is that we have been given information on different occasions and of course the last information provided said it includes all notice of terms of engagement including self-employed and working directors. Now obviously we get one without working directors and one with working directors we need to know whether the information is being calculated on the same basis or not on different dates otherwise we do not know whether we are comparing the same thing.

HON J J NETTO:

For the benefit of the hon Member my understanding is that it does include both self-employed and directors. However, I will go back and check it but that is my opinion at the moment, that it does.

HON CHIEF MINISTER:

The figure needs to be checked. The Minister says it does, he will have to check it. The question asked was the number of employment contracts registered with the ETB and the self-employed person by definition does not have an employment contract registered at the ETB. So if it is included it should not be included and we will certainly clarify that before the afternoon is up.

HON J J BOSSANO:

The figures cover a period in which the new legislation on requiring employers to notify the ETB of termination of contracts, has there been an increase in the termination of contracts which is reflected here?

HON J J NETTO:

Yes.

HON J J BOSSANO:

In fact when those terminations are given from the answer that has been given to the previous question is it correct that in fact they are related back to when the termination took place and that therefore they will be shown when it happened and not when the ETB was notified?

HON J J NETTO:

I have already given an answer to that in my actual letter recently to both the Shadow spokesman in Opposition and the Leader of the Opposition and if I remember rightly in that letter what it does say is that not every single employer when terminations are being changed by the registration section of the department do specify the employees in the employment service up to the actual date of termination so therefore when no date has been notified but the termination has taken place it is presented in the system as when received as opposed to when the termination took place.

HON J J BOSSANO:

But if a date is put then it is backdated is it not in the statistics? Mr Speaker, in answer to the previous question in fact, the figure was changed presumably as a result of terminations coming in.

HON J J NETTO:

Correct.



NO. 609 OF 1999THE HON J L BALDACHINO**SOCIAL SECURITY – PENSIONERS.**

Can Government state what was the number of pensioners being paid, or with entitlement to payment since May 1999 broken down for each month from the Closed Long-Term Benefits Fund giving a breakdown of pre-1969 Spanish pensioners and locally funded pensioners showing the number of Gibraltarians/UK nationals, Moroccans and other nationalities?

ANSWERTHE HON THE MINISTER FOR SOCIAL AFFAIRS

The following pensioners were in receipt of payments from the Closed Long-Term Benefits Fund from May 1999 to August 1999.

	<u>May</u>	<u>June</u>	<u>July</u>	<u>August</u>
Pre-1969 Spanish pensioners	8995	8996	8997	8996
British Pensioners(Gib/UK Nat.)	4786	4809	4816	4835
Moroccan Pensioners	1045	1050	1054	1058
Other Nationalities	<u>291</u>	<u>292</u>	<u>291</u>	<u>293</u>
Total	<u>15117</u>	<u>15147</u>	<u>15158</u>	<u>15182</u>

NO. 610 OF 1999

THE HON J L BALDACHINO

**SOCIAL SECURITY – OPEN/CLOSED LONG-TERM BENEFITS FUND**

Can Government state what transfers have been made from the Open Long-Term Benefits Fund to the Closed Long-Term Benefits Fund giving the amounts and the month of each transfer since April 1999?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

The transfers made from the Open Long-Term Benefits Fund to the Closed Long-Term Benefits Fund by month since April 1999 are as follows:

April 1999	£700,000
May 1999	£800,000
June 1999	£950,000
July 1999	£850,000
August 1999	<u>£850,000</u>
	<u>£4,150,000</u>

NO. 611 OF 1999

THE HON J L BALDACHINO**SOCIAL SECURITY – CLOSED LONG-TERM BENEFITS FUND**

Can Government state what was the balance of the Closed Long-Term Benefits Fund since May 1999 for each month showing the amount from UK and local funds and the expenditure to former Spanish workers and to pensioners from local funds?

ANSWERTHE HON THE MINISTER FOR SOCIAL AFFAIRS

The last figures given were up to March 1999 so the balance of the Closed Long-Term Benefits Fund since April 1999 for each month showing the amount from UK and local funds and the expenditure to former Spanish workers and to pensioners from local funds is as follows:

	<u>30 April</u>	<u>31 May</u>	<u>30 June</u>	<u>31 July</u>	<u>31 August</u>	<u>Total</u>
Opening Balance	£174,192	£37,067	£98,150	£1,946,823	£1,187,639	
Receipts from						
D.F.I.D.	£400,000	£7,830,609	£7,470,000	£500,000	£320,000	£16,520,609
Other Receipts	£510	£4,724	£16,792	£5,732	£8,155	£35,913
Spanish Pensions	(£503,710)	(£7,743,761)	(£5,693,123)	(£1,261,074)	(£709,210)	(£15,910,878)
Local Pensions	(£733,925)	(£830,489)	(£894,996)	(£853,842)	(£840,009)	(£4,153,261)
Transfers from the						
Open Long-Term						
Benefits Fund	<u>£700,000</u>	<u>£800,000</u>	<u>£950,000</u>	<u>£850,000</u>	<u>£850,000</u>	<u>£4,150,000</u>
Closing balance	<u>£37,067</u>	<u>£98,150</u>	<u>£1,946,823</u>	<u>£1,187,639</u>	<u>£816,575</u>	

SUPPLEMENTARY TO QUESTION NO. 611 OF 1999

HON J L BALDACHINO:

Can the Minister give the reason why on the 31<sup>st</sup> May 1999 on the Spanish pensions there was a payment of £7,743,761?

HON H A CORBY:

The substantial increase in expenditure from May 1999 to July 1999 was due to the payment of Spanish pension arrears. These arrears were in respect of pension payments due from the period 1<sup>st</sup> January 1994 to 3<sup>rd</sup> June 1996.

HON J J BOSSANO:

This is the money that was advanced by the Junta de Andalucia?

HON H A CORBY:

That is correct.

HON J L BALDACHINO

This was actually paid to the pensioners, not to the Junta?

HON H A CORBY:

It was paid to the Spanish pensioners themselves.

HON J J BOSSANO:

Is this now the total amount?

HON H A CORBY:

There are other claims that are coming through which is the residue of the payment on arrears which we still have to pay.

NO. 612 OF 1999

THE HON MISS M I MONTEGRIFFO

**SOCIAL SECURITY – PENSIONERS**

Can Government state how many Gibraltar social security pensioners who were not also in receipt of a UK social security pension were resident in the UK as at 31<sup>st</sup> December 1998?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

I have explained to the Opposition Member that this is a question for Health but I will answer it because it was thought that it was my Department that would have to answer it. I will answer the list of supplementaries which will be taken by the Minister for Health.

The number of Gibraltar pensioners in the UK who do not hold social security pensions was 33 at 31<sup>st</sup> December 1998.

NO. 613 OF 1999

THE HON J L BALDACHINO

**ST BERNADETTE'S OCCUPATIONAL THERAPY CENTRE**

Can Government state if it has the intention to purchase a new bus that meets the requirements of disabled persons for St Bernadette's Occupational Therapy Centre within this financial year?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

Yes, I can confirm that a new bus that meets the requirements of disabled persons will be purchased within this financial year.

NO. 614 OF 1999

THE HON J L BALDACHINO

**DR GIRALDI HOME**

Can Government state if the respite facilities at Dr Giraldi Home has been stopped by Milbury?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

Respite facilities at Dr Giraldi Home have not been stopped. Since Milbury took over the management of the service the amount of respite care has increased dramatically from 246 hours per month to 819 hours in the month of June 1999. The monthly average this year has been 721 hours.

SUPPLEMENTARY TO QUESTION NO. 614 OF 1999

HON J L BALDACHINO

Is the Minister aware that there are some families who have been told that the respite at the Dr Giraldi Home has been stopped during the summer months?

HON H A CORBY:

No, I am not aware that that has happened.

HON CHIEF MINISTER:

Nor are we accepting that it has. We accept that the hon Member says that he has been told that it has but he should not by communicating across the floor of the House what he has been told lend any more credibility to that than what he has been told which does not necessarily mean that it has.

HON J L BALDACHINO:

I am not saying that it has happened or that it has not. I am just putting the question that I have been told that...

HON CHIEF MINISTER:

The hon Member is responsible for the facts that he makes his subject matter of questions in the House. He cannot just put questions on the basis of what he has been told if he is not satisfied that what he has been told is correct upon investigation by him. Otherwise it leaves people with an erroneous impression.

HON J L BALDCHINO

I am as equally responsible for being in the House as they are.....

HON CHIEF MINISTER:

The original question was perfectly alright. The hon Member asked the Government whether respite facilities had been stopped. That is a perfectly reasonable question. The answer is yes, no, or somewhere in between but in supplementary the hon Member asked, "Is the Minister aware that I have been told that it has been stopped?"

HON J J BOSSANO:

The people related to the use of the service have been told, according to them, and we are asking the Minister whether he knows that they have been told. We were not present when they were told. They claim to have been told that. We are not saying we have been told that it happened. Somebody says they have been told officially, or semi-officially, or by the managers of the place. If the Government knows nothing about it, fine, that is all we want to know.

HON DR B A LINARES

With respect, to give some facts which may be useful to the House. We do know that in May 1,200 hours of respite care were offered in Dr Giraldi Home and in June 819 hours of respite care were offered and in July 404 hours of respite care were offered and in August 928 hours of respite were offered in Dr Giraldi Home. So the respite care has not been stopped over the summer months. What may be leading to some confusion is that as we approach the works of unitisation, which will involve three units and that means that in any particular time only two-thirds of the building will be in use, during that time the parents, the residents have been told that the overnight stay respite care may have to be cut down, not the day and evening care which will be using St Bernadette's Occupational Therapy for this purpose.



NO. 615 OF 1999

THE HON J L BALDACHINO

**HOUSING – PRE-WAR FLATS**

Can Government state how many pre-war flats are vacant giving the area, room composition and the date that they become void?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

There are a total of 63 pre-war flats that are vacant. The breakdown giving area, room composition and date that they became vacant is as follows:

RKB	DATE	AREA
1 X 3	3 December 1994	Upper Town
1 x 2	11 May 1995	Upper Town
1 x 1	2 July 1996	Upper Town
1 x 2	2 July 1996	Town
1 x 2	2 July 1996	Upper Town
1 x 2	2 July 1996	Upper Town
1 x 2R	2 July 1996	Upper Town
1 x 2RK	2 July 1996	Upper Town
1 x 3	2 July 1996	Town
2 x 2	2 July 1996	Upper Town
2 x 4	2 July 1996	Upper Town
1 x 2	9 July 1996	Upper Town
2 x 2	9 July 1996	Upper Town
1 x 2	10 July 1996	Upper Town
1 x 2	19 August 1996	Upper Town
2 x 2	19 August 1996	Upper Town
1 x 2	4 September 1996	Upper Town
1 x 3	28 October 1996	Upper Town
2 x 2	7 January 1997	Upper Town
1 x 3	8 April 1997	Upper Town
1 x 2	23 June 1997	Upper town
1 x 4	27 July 1997	Upper Town
3 x 2	28 August 1997	Town
1 x 1	7 October 1997	Upper Town
1 x 2	11 January 1998	Town
1 x 3	20 January 1998	Upper Town
1 x 2	14 February 1998	Upper Town
1 x 2	18 March 1998	Upper Town
1 x 2	11 May 1998	Upper Town
1 x 2	15 May 1998	Upper Town
1 x 2	24 July 1998	Town
1 x 2	24 July 1998	Upper Town
1 x 2	26 July 1998	Upper Town
1 x 3	17 August 1998	Upper Town

3 x 3	9 September 1998	Upper Town
1 x 1	11 September 1998	Upper Town
1 x 2	12 September 1998	Upper Town
1 x 3	12 September 1998	Upper Town
1 x 3	12 September 1998	Upper Town
1 x 2	20 October 1998	South
1 x 3	20 October 1998	Upper Town
1 x 2	6 November 1998	Upper Town
1 x 3	5 January 1999	Upper Town
1 x 2	3 February 1999	Upper Town
1 x 2	21 March 1999	Upper Town
1 x 3	14 April 1999	Upper Town
1 x 2	15 April 1999	South
1 x 1	10 May 1999	Upper Town
3 x 4	21 May 1999	Town
1 x 2	10 June 1999	Upper Town
1 x 3	2 July 1999	Upper Town
1 x 2	9 July 1999	Upper Town

SUPPLEMENTARY TO QUESTION NO. 615 OF 1999

HON J L BALDACHINO:

Are these all the flats that can be refurbished at a reasonable cost or are there some that are not?

HON H A CORBY:

I can tell the hon Member that 52 are with Buildings and Works and they are assessing whether they are going to make a survey. Twelve of these pre-war houses are with the Housing Department which are to be allocated as soon as possible. The rest, they are doing a survey to see what the position is in as far as pre-war housing is concerned, whether there are a lot of them which are not viable to do them up or that can be refurbished by contract to Government by Buildings and Works.

HON J L BALDACHINO:

None on this list are those that are with private contractors that were awarded a tender.

HON H A CORBY:

No. They were contracted out to contractors to do by Buildings and Works and have already been handed over to the Housing Department.

NO. 616 OF 1999

THE HON J L BALDACHINO

**HOUSING – PRE-WAR FLATS**

Can Government state how many pre-war Housing units have been allocated since 1<sup>st</sup> May 1999 broken down by month to date?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

For the period 1<sup>st</sup> May 1999 to date a total of 12 pre-war flats have been allocated. This can be broken down as follows:

May	5
June	1
July	Nil
August	4
September	2

NO. 617 OF 1999

THE HON J L BALDACHINO

**HOUSING – PRE-WAR FLATS**

Can Government state how many Government tenants of pre-war Housing units are on rent relief and how much has been spent from the £405,000 provided in the Social Assistance Fund Appendix E to date?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

Answered together with Question No. 618 of 1999.

NO. 618 OF 1999

THE HON J L BALDACHINO

**HOUSING – POST-WAR FLATS**

Can Government state how many Government tenants of post-war Housing units are on rent relief and how much has been spent from the £405,000 provided in the Social Assistance Fund Appendix E to date?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

There are presently 984 Government tenants in post-war flats and 158 tenants in pre-war flats that are on rent-relief.

As regards the second part of the question, the amount that is reflected in the Treasury books is the global amount that is spent on rent relief in respect of Government properties. This includes both post and pre-war flats.

The amount that has been spent for the period April to September 1999 is £202,500.

NO. 619 OF 1999THE HON J L BALDACHINO**HOUSING – POST-WAR FLATS**

How many of the remaining 42 vacant post-war flats stated in Question No. 111 of 1999 have been allocated giving room composition, areas and method of allocation, for example, waiting list, medical, et cetera?

ANSWERTHE HON THE MINISTER FOR SOCIAL AFFAIRS

Of the 42 remaining post-war flats stated in question 111 of 1999, a total of 11 have been allocated. The breakdown is as follows:

RKB	AREA	METHOD OF ALLOCATION
3	North	Decanting
3	North	Decanting
4	North	Decanting
1	West	List
2	West	Medical
3	Town	Decanting
3	Town	Approved Exchange
2	Town	Medical
3	Town	Social
4	Town	Decanting
2	South	Medical

SUPPLEMENTARY TO QUESTION NO. 619 OF 1999

HON J L BALDACHINO:

I presume that there are still 31 flats remaining of the 41. Can the Minister confirm that they are actually on the list that he provided to me before?

HON H A CORBY:

Yes, they must be on that list.

NO. 620 OF 1999

THE HON J L BALDACHINO

**HOUSING – POST-WAR FLATS**

Can Government state how many post-war Housing Units have been allocated since the 1<sup>st</sup> May 1999 broken down by month to date and of these how many were allocated on a do-it-yourself basis?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

For the period 1<sup>st</sup> May 1999 to date a total of 18 post-war flats have been allocated. This can be broken down as follows:

May	7 with materials
June	total 7 of which 3 were refurbished by Buildings and Works and 4 with materials
July	total 7 of which 2 were refurbished by Buildings and Works and 5 with materials
August	total 1 with materials
September	total 1 refurbished by Buildings and Works

NO. 621 OF 1999

THE HON THE J L BALDACHINO

**HOUSING – WAITING LIST**

Can Government state how many applicants are in the Housing Waiting List who have met the two years qualifying period giving a breakdown of each list?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

As at 15<sup>th</sup> September 1999, the total number of applicants on the Housing Waiting List that have met the two year qualifying period is as follows:

1 RKB	165
2 RKB	46
3 RKB	126
4 RKB	98
5 RKB	22
6 RKB	2

SUPPLEMENTARY TO QUESTION NO. 621 OF 1999

HON J L BALDACHINO:

Can I have the figure for 2 RKB?

HON H A CORBY:

2 RKBs – 46.

HON J L BALDACHINO

Has this list been published?

HON H A CORBY:

Yes. We are putting the lists up because of the allocation of Edinburgh House so that the people know where they stand in as far as the housing list is concerned.



NO. 622 OF 1999

THE HON J L BALDACHINO

**HOUSING – EDINBURGH HOUSE**

Can Government confirm if it is still the intention to allocate Edinburgh House during the month of September and that priority will be given to those applicants with the highest points in the Housing Waiting List?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

I refer the hon Member to the press release that was issued by the Government on 5 August 1999.

In the press release it states that 12 flats would be used to decant persons currently living in Town Range, 40 flats allocated to those persons on the Medical Category A list and the remaining 156 flats strictly in accordance with the ordinary housing waiting list. It was also stated that the allocation of these flats will take place at the end of September in the John Mackintosh Hall and this remains the Government's intention.

SUPPLEMENTARY TO QUESTION NO. 622 OF 1999

HON J L BALDACHINO:

Apart from the intention of the decanting and of the medical cases the remaining ones will be allocated according to the position on the list?

HON H A CORBY:

Strictly on the waiting list.

HON J L BALDACHINO:

May I ask the Minister is it that they would go by points which are reflected now in today's list?

HON H A CORBY:

That is correct.

HON J L BALDACHINO:

If they are going by the highest points, how is it that the names are going in a bag? Should it not be better that the people who are in the highest position should have the first choice?

HON H A CORBY:

No, it was decided by Government that a draw should take place.

HON J L BALDACHINO:

Seeing that the list has been published today, which gives nine days, what system has the Minister put in place in case somebody has any queries?

HON A CORBY:

Yes, anybody who has a grievance or thinks that he should be in the list and is not, there are provisions for that person to go to the Housing Department and air their views there and it will be taken into consideration and looked at very carefully so that nobody is passed on by anybody else.

HON J L BALDACHINO

What I am asking is that, this is a responsibility of the Housing Allocation Committee, will the Housing Allocation Committee be meeting if there is any such case?

HON H A CORBY:

Of course they will be meeting. They are the persons who dictate the allocation of housing.

HON J L BALDACHINO:

When is it the intention, seeing there are nine days to go for the deadline of allocation, and obviously people will have to be informed that they are the ones, by letter I suppose, that have been allocated a flat. When will the letters go out? Does the Minister know?

HON H A CORBY:

The letters are all ready and they will go out in two days time and will be handed over by hand.

HON J L BALDACHINO:

And this is the point that I am trying to make. If the letters are sent out in two days time, and once the person receives the letter and he has been allocated a flat, if there is somebody else who has been left out and should have been given a flat, there is going to be a problem because once one is allocated one cannot take somebody's flat away and a person who might have a genuine grievance, will only have two days.

HON CHIEF MINISTER:

The hon Member is discussing a hypothetical situation which may or may not arise. The Housing Allocation list is scrutinised by the Housing Department management itself. The Housing Manager also scrutinises these lists to ensure that he has not got any obvious errors. The hon Member knows that the Housing allocation list is always a moving target, there are always people gaining more points, moving up and down, one has to take the list as one finds it at a given moment in time. Every system is open to inadvertent mistakes, the matter will have to be dealt with, we are confident that this problem will not arise but we are alert to them and we will deal with them if they arise. But one is allocating 200-odd houses it is possible that these problems will occur, it is not the end of the world, there are other houses to be allocated as a result of the allocation of Edinburgh House, there are other houses that will become vacant. If I could just go back to the hon Member's first

supplementary, we did consider at length whether there ought to be a draw or whether the people on the housing list should select their flat in order that they appear on the Housing Waiting List. We decided that the fairest thing was to hold a draw. It is also the least cumbersome thing, because otherwise one needs to give enough time for 200-odd people to go around all the flats presumably and raise them in order of priority because they, if one is eighth on the list one cannot be sure that the flat that one wants will still be there when one's turn comes. It means 200 people going around the estate making a list..... it was just too cumbersome a system. We believe that people in Gibraltar will understand and accept the result provided they think it is fair. What people in Gibraltar rightly resent is when they believe that they have been the victim of partiality in favour of others or unfairness in favour of themselves. I do not think that anybody would be aggrieved by a system that gives them the same chance as everybody else of selecting a house. I know that the hon Member will be saying, wait and see. No system would suit everybody because if one does it the way the hon Member is suggesting, the chap who is 200<sup>th</sup> on the waiting list will feel very aggrieved because he knows he will get the worst flat in the estate. The entitlement is to a house, it is not to a house of your choice and therefore we believe, allowing everybody to go into the hat and to draw is the fairest system when one is allocating these many houses.

NO. 623 OF 1999

THE HON J L BALDACHINO

**HOUSING – EDINBURGH HOUSE**

Can Government say what is the rent per square including rates of the Housing units of rented accommodation at Edinburgh House which will produce the level of average rent which has been published?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

The figures that have been used to assess the rent per square for the Housing Units at Edinburgh House are as follows:

Rate of rent    £1.40  
Rate of rates   £1.20

SUPPLEMENTARY TO QUESTION NO. 623 OF 1999

HON J L BALDACHINO:

To get what I have asked do I have to add the £1.40 to the £1.20?

HON H A CORBY:

Can I give an average. I can give the hon Member the average per week, it is included in the rent, both are included in the rent. Would that help? For a 5RKB it is £39.25 per week and I have calculated that on an average.....

HON J J BOSSANO

No, the information that we want is what does it cost per square foot which presumably is the same or per 100 square feet irrespective of the house, presumably it is a standard price, or is it that there are different levels of rents for different properties?

HON H A CORBY:

Yes. I can get that information for the hon Member if he requires it.

HON J J BOSSANO:

The rent per square, Mr Speaker, is in fact a figure which is based I believe on 100 square feet.

HON H A CORBY:

Most of them are different sizes.

HON J L BALDACHINO

To clarify the point, Mr Speaker, is the rate per square, or per square foot, or whatever the Minister wants to call it, is it the same immaterial whether one is allocated a 5RKB or whether one is allocated a 3RKB?

HON H A CORBY:

Yes.

HON J J BOSSANO:

Yes, it is? So there is one rate for the whole estate and the figure that is given of £1.40 and £1.20 is what, the rate and the rent?

HON H A CORBY:

Yes.

HON J J BOSSANO

The answer to the original question is what is not very clear. The question is what is the rent per square inclusive of rate? Now, we expected one figure and he has given us two figures and we are not sure what the two figures mean.

HON CHIEF MINISTER:

The problem is, and I see here that neither the answer nor the question for that matter says square what.

HON J L BALDACHINO

Per square is 100 square feet.

HON CHIEF MINISTER:

I do not know if the person who has drafted the answer has assumed that a square is 100 square feet.

HON J L BALDACHINO:

That is what it is.

HON CHIEF MINISTER:

It cannot be £1.40 per 100 square feet.

HON J J BOSSANO:

Can the Government say, in fact, how in other estates is it based, is it not also based on so much per square, I think that when there has been an estate and the rents have been announced in the House they have been announced on the basis of giving a figure per square. That is why the question is drafted in that way.

HON H A CORBY:

The only thing I can say to the hon Member is that I will find out and give him an answer.

HON J J BOSSANO:

On the basis that the answer means £2.60 per square foot or £260 per square which is 100 square feet per annum, can the Minister say whether this is higher than in other estates?

HON H A CORBY:

No, it is based on other estates like Med View Terrace, Prince Edwards Road, the new houses at Flat Bastion Road, it is in comparison to those.

HON J L BALDACHINO:

Obviously this rate is much, much higher than what it is in Laguna, in Glacis and in Varyl Begg.

HON H A CORBY:

It is based on the flats in Medview Terrace and Prince Edward's Road.

HON J J BOSSANO:

Prince Edwards Road?

HON J L BALDACHINO:

Maybe the Minister can clarify, the highest rent payable in Gibraltar, Mr Speaker, was Rosia Dale and it was nowhere near this.

HON H A CORBY:

I had a 4RKB at Rosia Dale and I paid £132 a month for it and a 4RKB here is £123.

HON J L BALDACHINO:

That does not mean anything because equally I could tell the Minister that in Moorish Castle Estate the rent for 3RKB is £16.50, in Alameda Estate is £17, but that does not mean anything. It depends.....

HON CHIEF MINISTER:

Is not the hon Member aware that on every occasion that a new housing estate has come on stream in Gibraltar in its housing history there has been an increase in the rent and there are no two housing estates paying the same, it depends historically when the rent was set, when the housing estate came on stream. What the Government have chosen to do in respect of this estate is to analogue it to existing housing accommodation and the rent that it throws up is less than or about the same as equivalent housing in other estate. Now, as the Minister started to say the analoguing has been done in relation to Medview Terrace, Prince Edward's

Road, what I do not know is the name of the building in Prince Edward's Road and New House. New House is in Flat Bastion Road.

HON J L BALDACHINO:

The flats at Prince Edward's Road, there are two, and one is Stanley Buildings, which are very old flats and the other ones are the bedsitters right at the bottom. There is a block which is right at the bottom of Prince Edward's Road which are 2RKBs, all of them. How can the rent be linked to those?

HON J J BOSSANO:

Can I ask the Minister to check whether in fact the rate of £2.60 per square foot, which is being charged for the properties in Stanley Buildings are already being charged in some other units and identify which precisely they are.

HON H A CORBY:

It is not Stanley Buildings.

HON J J BOSSANO:

Or whatever it is, Edinburgh House, yes.

HON H A CORBY:

Yes, I will do that.

-----  
HON CHIEF MINISTER:

With your indulgence I would just like to return to the issues that we were discussing just before the short recess to ensure that the misunderstanding has been established and cleared up.

The Government's answer in the context into the issue about the various housing lists was that there is a housing application list, a medical list and a social list. The hon Members expressed surprise that people could be on the medical list and not on the housing allocation list. Mr Speaker, let us be clear, that is absolutely the case because the housing application list are for people who either had no house at all or for people who are underhoused. The medical list are for people who are adequately housed but have a medical reason why they should be rehoused. For example, one could be a person sitting a 3 RKB on the fourth floor of Varyl Begg Estate, in other words, properly housed insofar as family composition is concerned, but be medically categorised for a transfer because there are too many steps and one needs one on the ground floor. Such a person is not on the housing application list because the housing application list is only for people who are entitled to be housed having no Government house or to be upgraded in housing in terms that they are presently underhoused, in other words they need a bigger house. But if one is adequately housed in terms of family composition but for a medical reason one needs to change location, due to dampness or due to the floor that one is on, one will be on the medical category list but not on the housing application list.

The hon Members also expressed surprise when the Minister for Housing explained to them that Rosia Dale was more expensive than the proposed rents at Edinburgh House and that the hon Member, I am not quite sure what he meant, but he said that that means nothing. Mr Speaker, hon Members may be interested to know that the total rate, and I have now established that it is per square per annum, so the combined rent and rate rates for Edinburgh House is £2.60 per square, which is 100 square feet, per annum. Now, that is at £2.60. Shorthorn is £2.80, Rosia Dale is £2.80, St Jago's Estate is £2.80, Rose Shrine House is £2.80, St Joseph's Estate is £2.80, Sea View House is £2.80 and then the following houses are £2.60 which is where this one, Edinburgh House, is being analogued. New House, the bedsitters at Prince Edwards Road, Tank Ramp/Line Kiln Steps, Town Range and Medview Terrace, all those are at £2.60 which is the level at which Edinburgh House is analogued and therefore lower by 20p than the first six estates that I mentioned. If they are interested in which is the next tier down, the next tier down tends to be Alameda Estate, Penney House, Churchill, Knight Courts, they are at 98p plus £1.18 which is £2.16 something like that. So, this is not being analogued as more expensive. Indeed, it is being analogued at less than six existing housing estates.

I thought the hon Members would welcome that clarification.



ORAL

NO. 624 OF 1999

THE HON J L BALDACHINO

**HOUSING – PENSIONER EXCHANGE LIST**

Can Government state how many applicants are in the Housing Pensioner Exchange List giving a breakdown of those who are Government tenants and Private Sector?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

At present there are 388 applicants on the Pensioner Exchange List of these 87 live in private accommodation and 301 live in Government accommodation.

NO. 625 OF 1999THE HON J L BALDACHINO**HOUSING – APPLICANTS**

Can Government state how many housing applicants are medically recommended giving a breakdown of their room requirements and their medical category recommendation?

ANSWERTHE HON THE MINISTER FOR SOCIAL AFFAIRS

There are 16 housing applicants that are also medically categorised. Of these two are medically categorised A, three are medically categorised B and 11 are categorised C.

Their housing requirements are:

Medical A	1 x 5 RKB 1 x 4 RKB
Medical B	1 x 4 RKB 1 x 3 RKB 1 x 4 RKB
Medical C	1 x 5 RKB 4 x 4 RKB 2 x 3 RKB 4 x 2 RKB

SUPPLEMENTARY TO QUESTION NO. 625 OF 1999

HON J L BALDACHINO:

Seeing that the answer the Minister has given before on the question of Edinburgh House, will all these, which are the only ones who are medically recommended will they be allocated a flat in Edinburgh House?

HON H A CORBY:

The 5RKB are on the second floor and 1 x 4RKB that would be allocated at Edinburgh House on Medical A.

HON J L BALDACHINO:

Of the 16 which have recommendations, there are 2As, 3Bs, if I am correct, and 11Cs will they all be offered a flat under the medical scheme in Edinburgh House.

HON H A CORBY:

No, only the A recommendations are to be allocated at Edinburgh House.

HON J L BALDACHINO:

So when the Minister says that some of the flats will be going to the medical categories, he is saying that the only medical categories that will be allocated a flat in Edinburgh House are two?

HON H A CORBY:

No, I said in Question No. 622 that 40 flats will be allocated to those persons under Medical list A which I answered in Question No. 422.

HON J L BALDACHINO:

But in Question No. 625, the answer that the Minister has just given me is that there are only two.

HON H A CORBY:

No, the hon Member asked for applicants on the housing waiting list not on the medical list. It says here 'Can Government state how many housing applicants', housing applicants is applicants on the housing waiting list.

HON J L BALDACHINO:

And medically recommended.

HON H A CORBY:

No. The question that the hon Member is asking is, 'How many housing applicants', applicants on the housing waiting list. The medical list is a separate one to the housing applicants.

HON J L BALDACHINO:

Can the Minister confirm that under the Housing Special Powers Ordinance and under the Housing Allocation Scheme, the priority that is given is to people who are on the housing waiting list. Apart from that there are two advisory committees, can he confirm that, that one is the Medical Advisory Board and the other one is the Social Board which should be recommending to the Housing Allocation Committee. Can the Minister confirm that everybody, including the social cases should be on the housing waiting list?

HON H A CORBY:

There are several lists. One is the one which the housing has as applicants on the housing waiting list, there is a list on the medical side and there is a list on the social side. Here he asks specifically for housing applicants not people on the medical list.

HON J L BALDACHINO:

Can the Minister confirm that the only persons who can be allocated a Government flat are people who apply for Government housing?

HON H A CORBY:

Of course. But they are categorised in different sectors.

HON J J BOSSANO:

The original question is 'How many housing applicants are medically recommended?' Is it that the Government are saying that there are housing applicants on the housing waiting list and housing applicants who are not on the housing waiting list and the answer relates to housing applicants who are on the housing waiting list even though the question does not limit housing applicants?

HON H A CORBY:

What I am saying, as I understood it, I quoted housing applicants on the housing waiting list and not those which are applicants as well in the medical list.

HON J J BOSSANO:

But if they are applicants as well, they are applicants for housing and that makes them housing applicants.

HON H A CORBY:

I understood that he wanted the people who are on the housing waiting list and are also medically categorised and are on the housing waiting list.

HON J J BOSSANO:

But then is the Minister saying that there are people who are on the medical list but not on the waiting list?

HON H A CORBY:

Yes, there is a separate list for medical people.

HON J L BALDACHINO:

Which category are those people? The ones that are not on the waiting list.

HON H A CORBY:

They are medically categorised people waiting for housing as well.

HON J L BALDACHINO:

The question is very simple, Mr Speaker. How many people are medically recommended A?

HON H A CORBY:

How many people are medically recommended and I have said two. That is the answer.

HON J J BOSSANO:

The answer assumes, according to what the Minister has said of his interpretation was, the question was how many housing applicants who are on the housing waiting list, which is not what it says, are medically recommended? Is that correct? Given the fact that there appear to be housing applicants not on the waiting list but are medically recommended can we find out how many those are?

HON H A CORBY:

Forty.

NO. 626 OF 1999

THE HON J L BALDACHINO

**PRISON – NUMBER OF INMATES**

Can Government state what was the number of Gibraltarians and other different nationalities held in Prison on 31<sup>st</sup> August 1999?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

There were 22 inmates in custody on the 31<sup>st</sup> August 1999. These consisted of:

6	Gibraltarians
9	Spanish
1	American
2	Moroccan
1	Austrian and
3	British

ORAL

NO. 627 OF 1999

THE HON J J GABAY

**BRUCE'S FARM DRUG REHABILITATION CENTRE**

Will Government state when the new Bruce's Farm Drug Rehabilitation Centre became effectively operational?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

Answered together with Question Nos. 628 to 631 of 1999.

NO. 628 OF 1999

THE HON J J GABAY

**BRUCE'S FARM DRUG REHABILITATION CENTRE**

Will Government state what ancillary staff (medical and psychiatric) has been engaged at the Centre in support of the operation?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

Answered together with Question Nos. 627, 629, 630 and 631 of 1999.



ORAL

NO. 629 OF 1999

THE HON J J GABAY

**BRUCE'S FARM DRUG REHABILITATION CENTRE**

Will Government state what full-time and part-time staff has been engaged by the entity managing the Centre?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

Answered together with Question Nos. 627, 628, 630 and 631 of 1999.

ORAL

NO. 630 OF 1999

THE HON J J GABAY

**BRUCE'S FARM DRUG REHABILITATION CENTRE**

Will Government state how many people are receiving treatment at the Centre and whether as residents or non-residents?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

Answered together with Question Nos. 627, 628, 629 and 631 of 1999.

NO. 631 OF 1999

THE HON J J GABAY

**BRUCE'S FARM DRUG REHABILITATION CENTRE**

Will Government state whether any co-ordination exists between the service provided by Nazareth House and that of the Centre?

ANSWER

THE HON THE MINISTER FOR SOCIAL AFFAIRS

Bruce's Farm Drug Rehabilitation Centre will be effectively opened and operational on the 30 September 1999. Although the necessary funding will be provided by the Gibraltar Government the Centre will be administered and managed independently by a private trust. And let me say here that the Trust is not remunerated in any way. They are doing it because they want to do it. Medical and psychiatric support will be provided by the Gibraltar Health Authority and the staff engaged are as follows:

One House Manager  
Two Counsellors  
Five Carers  
Two Cooks (part-time)

At present five patients are being counselled on a one-to-one basis and in group therapy as non-residents.

Representatives from all working groups from Nazareth House have been invited to Bruce's Farm so as to foster a working relationship for referrals and after care.

SUPPLEMENTARY TO QUESTION NOS. 627 TO 631 OF 1999

HON J J GABAY:

A variety of supplementary questions arise from the combination. With regard to the first one, No. 627, are we to assume that the new Centre is now coping adequately with addicts who need in-patient treatment as well as those who need help as out-patients?

HON H A CORBY:

It is not operational yet for residents. It will be operational for residents on the 30<sup>th</sup> of this month.

HON J J GABAY:

I shall return to that later. By whom and how is the screening of patients carried out?

HON H A CORBY:

The screening of the patients is undertaken by the counsellors who have a protocol where they screen the patients. It is a big form which they have to fill in, what their addiction is, what they have been on. It is a very extensive, and I can give him a form so he can see himself, if he wants that I can pass it on to him, screening insofar as a patient is concerned to establish if his mental ability is able to cope with the rehabilitation programme.

HON J J GABAY:

Could the Minister explain why it has taken so long to get to this point given the intention of the Minister to establish such a centre and having had Bruce's Farm in his hands for over two years?

HON H A CORBY:

Mr Speaker, nobody is more willing to have that Centre open than myself. This is a campaign which I have had for the past fifteen years. When we got the house from the MOD it was in a terrible state. We had to do the roofing, the plumbing, the electrical side of it, the area was completely wild. We had to establish certain things like a meditation room which we had to build out of a stable which is converted already, we had to buy the furniture, curtains, paint the house. Then we had to appoint the trustees. The first trustees we appointed were not in agreement with the trust deeds and in the end they did not want to do it with Government supervision. We are putting £140,000 of Government money and we have got to see that that is spent adequately so they left and we had to find new trustees. So the delay has been widely due to refurbishment and because the first trustees left us we could not agree on the terms and we had to find new trustees.

HON J J GABAY:

Could the Minister explain what was the conflict between the initial steering committee which was selected by Government after the elections and the appointment of a new committee? Was it in fact that they were sacked in April 1999, the steering committee, over a difference in policy in the running of the institution?

HON CHIEF MINISTER:

No, they were not sacked. What occurred was that they withdrew, they were certainly not sacked, the Government were most content to proceed with them but they did not wish to submit to any form of supervision by the Government medical services in terms of their methodologies, their protocols and the way the service was delivered. The position that the Government took was that if this service was going to be offered in a Government building, with Government finance, supported by Government medical personnel, then the Government had to have a way of ensuring that the service that was being delivered was a service that the Government could defend and justify at all times. What the Government were not willing to do was to publicly fund a service which we then could not look at and if anything went wrong people would rightly look to the Government and then the Government would have to say, "Well, I am sorry we do not know what is going on because it is not accountable to us". That is what the Government were not willing to accept and because that group of individuals was not willing to accept that degree of Government scrutiny, monitoring through our health authorities, they withdrew their offer and those are the circumstances in which the Government had to find alternative trustees.

HON J J GABAY:

Will it be fair then to come to the conclusion that because the steering board did not agree with the degree of Government control that they resigned and that then the Government found a more amenable board?

HON CHIEF MINISTER:

It would not be fair to come to that conclusion unless the hon Member is intent on stirring controversy where it does not exist. The fact of the matter is that there is not anything called a steering committee, this is not a Government project. This is a private initiative. This is a trust initiative. The Government laid down the conditions under which we were willing to provide public finance to a privately run service and the condition that the Government imposed was that the Government had to be sure at all times that through the Government's medical officers the Government would be certain about the things that I have explained to the hon Member which I will not repeat. That particular group of individuals were not willing to accept public finance on those conditions and therefore the Government had to find a group of individuals that did. If by more amenable the hon Member means a group of people more amenable to subject to public health scrutiny by public health officials on something which is a quasi public medical service, in circumstances where public buildings and public funds are being used to deliver the service, the answer is yes. The Government needed somebody who was much more amenable to that than the original group were inclined to be.

HON J J GABAY:

May I ask the Chief Minister to stop finding insidious motives when any action taken by the Government is questioned. I am entitled to ask questions, in the interests of the centre, without being given the feeling that there is something insidious behind it. And I think it is a fairly reasonable question to ask given the fact that there was an initial steering board and that they refused to sign and another one was appointed, surely it is in the interests of the community to ask, is it the result of wishing to exercise, not the normal scrutiny, but excessive control? Say yes or no.

HON CHIEF MINISTER:

Except that this is not the first time that he asks this question and if it is in the public interest to ask it now, it was in the public interest when he last asked it. The explanation that he has just had from us he had at the last question time in the House of Assembly and he has not thought it in the public interest to conduct an inquisition about the circumstances in which the Government found it necessary to find alternative trustees, let nobody run away with the notion that this is the first time that the hon Member raises this issue or that it is the first time that he gets the explanation. He has had this explanation, the one about the delay, about the rooms and about the repairs to the building. And the one about the need for the Government to find alternative trustees and the reason why the Government needed to find alternative trustees. He had all these explanations in answer to the last time that he asked the same question which was precisely at the last meeting of the House of Assembly.

HON J J GABAY:

Despite all that rhetoric which is totally irrelevant to my question, I will continue with the inquisition. The delay we felt was really quite long, two years, therefore it is also relevant to ask, as I have done, whether the conflict between the initial board and the Government was

part of the delay and in sequence, logical sequence to that, did the Minister encounter any problems in working out a modus operandi with the Gibraltar Medical Association?

HON H A CORBY:

We encountered that the method we are using is a method on detoxification which is given to our patients on a reducing....

HON J J GABAY:

May I interrupt just for clarification, who does the Minister mean by we?

HON H A CORBY:

The trustees. I know the same as the trustees, I have been in the field for six years so I know what I am talking about. The hon Member has asked if we have had problems with the medical people those have already been resolved by the Minister for Health and we have no problems.

HON J J GABAY:

May I therefore ask a plain question. Has the use of methadone been approved now for use in Gibraltar by doctors or otherwise? What is the outcome? The outcome is that it is to be used in the form of medical treatment or that it is not as many doctors felt at the time of this argument or conflict or whatever one wants to call it.

HON H A CORBY:

Well, the person that is qualified, because GPs are not qualified to give methadone, it must be a person who is qualified to do so. The psychiatrist is qualified to give methadone, he is quite prepared to do it, and that is the case today. He says that on a reducing scale they will do it, there is no problem in as far as methadone is concerned as he has said to us, and he is willing to do that on a reducing basis.

HON J J GABAY:

Is this psychiatrist a full-time employee or adviser of the Trust and was it his decision that prevailed over the opinions of the doctors?

HON H A CORBY:

From what I gather he is here for three years. That is the contract that I believe he has. I think that his wife is also coming, which is also quite good, she has a lot of experience of it as well.

HON J J GABAY:

What I am asking is if he has consulted a psychiatrist or if a proper qualified psychiatrist is actually attached in an advisory capacity to the centre and whether it was that psychiatrist who gave the advise and therefore the views of the doctors was discarded? Simple question.

HON K AZOPARDI:

What my hon Colleague was pointing out before was that there was some clarification being sought by general practitioners because methadone had not been prescribed by them before to these cases. So there was some concern which had to be clarified. The incumbent psychiatrists now recruited by the Health Authority to take over from Dr Montegriffo has prescribed methadone for these types of cases before and was quite comfortable in doing so in the cases that he believes are necessary in due course. I understand that he has been discussing that with general practitioners to allay any fears they may have in relation to the administration of the drug. The position of the Government, that the Government took, when considering this is that obviously up to the clinicians to decide what drug to administer and prescribe in particular cases. But if there was any doubt that methadone should be an inappropriate drug the person who is now an employee of the Health Authority has used it before and he will use it again if he thinks appropriate and he is recruited by the Health Authority but will advise on particular cases and will supervise the administration of that drug in due course at the centre if the need arises.

HON J J GABAY:

Will the Minister be faced with the situation that a number of doctors may well refuse to prescribe methadone?

HON CHIEF MINISTER:

Yes indeed, Mr Speaker, the Government do not interfere with what medications doctors, at least at a political level the Government do not interfere, with what medication doctors are exercising their clinical judgements on an individual basis willing to prescribe or not, and that applies to methadone as to panadol. These are clinical matters. Some doctors are happy to prescribe methadone as a means of weaning from certain drug addictions, others are not. I happen to know that certain doctors feel that methadone is itself an addictive drug and will not prescribe it as a means of drug abuse treatment for that reason. There are other doctors who take the opposite view. There are other doctors who say no, provided it is administered in ever decreasing quantities and it is done pursuant to a programme and under supervised condition that its potential for addiction is outweighed by its effects on weaning people off heroin. So those doctors that believe the second case will presumably prescribe it, those doctors that are presently persuaded of the first case, presumably will not, and if the psychiatrist can persuade some of those to transfer to the second camp presumably that is fine as well. Let us be clear, methadone is openly used as a treatment for heroin addiction and indeed during the time that Camp Emmanuel was up and running and Gibraltarians were going to Camp Emmanuel, methadone was being openly prescribed, openly used, without medical supervision, without medical supervision on the site. We are not as politicians qualified to judge what is an acceptable and what is not an acceptable medical treatment for heroin rehabilitation. There are doctors, this is precisely why, the Government insist that those that are running the drug rehabilitation at Bruce's Farm should be subject to medical supervision from the senior Government public health officers, particularly in the person of the Consultant Psychiatrist but also in the person of the Director of Public Health, Dr Kumar and anybody else who the Government may wish. Precisely because these are medical situations where the Government need to be certain that proper medical judgements are being made. Now, I do not know if that is of any assistance to the hon Member.

HON J J GABAY:

It is indeed of assistance. The only point that I would add to that is in fact that, if some doctors are willing to prescribe and others are not, that it may create a certain dichotomy in the treatment which is given to the patients and we may end up with the situation where the psychiatrist will actually tell the patient, or whoever is responsible for monitoring him, that a particular doctor....

HON CHIEF MINISTER:

I recognise the issue that the hon Member is trying to flag up but it is unlikely to occur in practice because Bruce's Farm is not a place where individual doctors send their patients, where they remain under the supervision of their GP and therefore what an individual's GP thinks is not the issue here. Once a patient is admitted into the Drug Rehabilitation Centre he comes under the protocol, he comes under the regime, of the medical service used by the Drug Rehabilitation Centre of Bruce's Farm and that would be principally under the control and guidance of the consultant psychiatrist, so his would be the medical judgement that would count and not the judgement of individual doctors. If individual doctors do not wish to prescribe methadone under any circumstances it seems to be unlikely that they will be called upon by the Drug Rehabilitation Centre to provide medical services to it. One does not take one's own doctor to the Centre, one uses the medical facilities available to the Trust.

HON J J GABAY:

So really now the position is clear and that is that although there were serious objections from the Gibraltar Medical Association, my understanding was that as a group the doctors felt that this was not the sort of treatment that they wanted to see in Gibraltar and they now bow, from what the Chief Minister tells me, and I have heard it from a number of doctors, perhaps I have been misled, I shall try to verify that, but it would appear now, that the issue has been resolved and that the psychiatrist who is the top man in advising the treatment has chosen to use methadone.

HON CHIEF MINISTER:

A treatment which is commonplace elsewhere and, let us be clear, the doctors, the British Medical Association's position was that their members in Gibraltar, namely the GPs in the Health Centre, were uncomfortable in administering methadone because they were personally inexperienced in doing so. It may also be that certain doctors fall into the category that are against it anyway even if they were, even if they did have the necessary experience. But the primary concern was that the doctors felt that they did not have the experience in its use to be brought into the front line now of administering it. That is why that is one of the reasons why the Centre has not opened to heroin rehabilitation until the new consultant psychiatrist has been in place so that the Government could be sure that these decisions were being made by somebody experienced in the matter.

HON J J GABAY:

One of the reasons for the delay and the way that it has been solved time will tell. But I wish to stress a little more the last question in this series which was No. 631 which read, this is simply for the benefit of the Minister, "Will Government state whether any co-ordination exists between the service provided by Nazareth House and that of the Centre?" My first question on that is, how did the Minister cope with the responsibility presumably of providing some sort of adequate treatment for those in need during the last two years up to the inauguration



recently of Bruce's Farm in June of this year? What responsibilities are being undertaken by the Ministry?

HON CHIEF MINISTER:

The Government in Gibraltar have never had a responsibility for the delivery in Gibraltar of drug rehabilitation. This Government have now allocated a very significant amount of resources. Mr Speaker, I will give way to the hon Member but the fact that he does not like the answer does not mean that he can rise to challenge me. *[Interruption]* Yes, the precise question is how has the Minister discharged his responsibility and the answer is that neither the hon Member nor any of his predecessors have ever had the responsibility to provide this Government, accepted upon itself the political responsibility of providing for the first time ever in Gibraltar a dedicated and fully resourced drug rehabilitation centre. I think, in those circumstances, for the hon Member to say well how were we doing it before, the answer is that it was not being done in Gibraltar before which is why we decided that it was high time that it was done.

HON J J GABAY:

With all due respect, when I questioned as to perhaps developing a question too lengthily I think there should be a corresponding check on the other side where we keep on repeating and repeating and repeating. I could have avoided the last dissertation of the Chief Minister by perhaps making it slightly clearer and that is what financial responsibility in that interim period of two years has the Minister taken in showing some concern for the on-going treatment of the patients?

HON CHIEF MINISTER:

Yes. The answer to that question is that on those cases that the Minister thought were justified and would benefit from it he has provided from Social Assistance Fund funds for people to go elsewhere for treatment that they could not until the 20<sup>th</sup> September this year receive in Gibraltar.

HON J J GABAY:

Yes. May I follow with my next question. Although Camp Emmanuel closed in 1997 for other controversial reasons which I will not enter into in the form of this question, the Drug Advisory Service of the Emmanuel Trust with its base at Nazareth House has continued to operate and therefore could not the Minister have liased positively with it during the two year interim period. The question is quite simple, Mr Speaker. The nature of that co-operation could the Minister comment on it?

HON CHIEF MINISTER:

No, Mr Speaker, because what the hon Member has demonstrated by his last question is what we knew the moment we read the long series of questions and that is that he is running a commercial for his good friend Joe Caruana who is aggrieved at the fact that the Government did not choose to do the Drug Rehabilitation Centre with him but rather chose to do it. There is no point the hon Member insinuating through snide remarks that the Government may have had anything to do, anything whatsoever to do with the closure of Camp Emmanuel. Camp Emmanuel closed because the owner of Camp Emmanuel, which was then being funded by the Government, yes the £50,000-odd a year that the hon Members first started providing to Camp Emmanuel when they were in Government, we

continued and never put in jeopardy except that we said to them that when we were providing this facility in Gibraltar the Government would be reviewing the provision of funding for Camp Emmanuel. They then decided to sell the land and told the Government one day that they were closing Camp Emmanuel. *[Interruption]* Mr Speaker, I am here to give the hon Member information. If the hon Member is not interested in the information that I am giving him, I will not waste my breath, but what it does suggest to me then is that he is more interested in having his question heard than to receive the answer. If that is his position let him make however many speeches he likes in asking the questions and we will not bother to stand up if that is what he wants.

HON J J GABAY:

Despite the infallibility of the Chief Minister I shall pursue the same line of argument. Is it not a fact that despite lack of encouragement or co-ordination on the part of the Government that the Drug Advisory Service continued and still continues to do vital work which might otherwise have remained undone.

HON CHIEF MINISTER:

Good for them and I hope that it is true and that they continue to do work. The Government have gone out of their way to try and establish liaison between Nazareth House and his friend Mr Caruana, we have gone out of our way to try to get the trustees together, they have had meetings, I hope that they carry on doing their good work. What I do not understand is why the hon Member is making accusations or insinuating accusations against the Government as if the Government were somehow trying to suppress, discourage or still less prohibit the Drugs Advisory Service in Nazareth House. Recent tenants there, they used to be in Camp Emmanuel in some field in Spain. Well it is not the case. To my knowledge Mr Caruana is an experienced drug's counsellor. I am sure he has much to offer. He is an experienced drugs counsellor and he does a lot of very good work and I sincerely and earnestly hope that he continues to do it. The Government further and sincerely and earnestly hope that the trustees of the Bruce's Farm Drug Rehabilitation Centre and Mr Caruana and his colleagues in the Drugs Advisory Service in Nazareth House will work together for the benefit of they whom they both have a vocation to serve, namely those who are afflicted by drug abuse and drug dependence in Gibraltar. Now, all that is very different to the fact that the Government did not choose to entrust the Drug Rehabilitation Centre to that gentleman of that organisation but rather chose to set up another trust. Is the hon Gentleman in a sense chastising the Government, which he is perfectly free to do but at least let us understand what his point is. Is the hon Member chastising the Government? I appreciate it is not for him to answer my question but I ask, "is the hon Member, in effect, mildly chastising the Government for not having used Mr Caruana in Bruces Farm", is that his point?

HON J J GABAY

Mr Speaker, my information tells me, and this is a question which can be denied or it can be confirmed by the Minister. But, is it true that during the two year interim period, where the Chief Minister has been saying of this wonderful approach on his part to embrace them and work with them and so on, seems more like killing by kindness but nevertheless be that as it may, that 10 referrals were made to the Minister by the Drugs Advisory Service and that out of those 10, seven were rejected and two received funding. Also, and I quote the information given to me and therefore it is my duty to bring it to the house, that in one particular case a grant of £200 was refused to a woman with three children with one particular child in desperate need for attention and that she was actually dismissed with the statement, "look

things are changing, if you need the money go to the church.” That is the information that has come my way and it is my duty to put it to the Minister for him to reject or to confirm. Finally, the end, the epilogue of the question is that one would have thought that given the experience and work done by Camp Emmanuel for over a decade and the Drugs Advisory Service lodged at Nazareth House that there should have been in the interest of the patients a very close neat process of working together to see the transfer of those people being handled by them, to see them probably accommodated in the new enterprisé. This, to me as a detached observer does not appear to be the case. So, it is up to the Minister to say whether this is so or not, or the Chief Minister, of course.

HON CHIEF MINISTER:

But that is exactly what is happening and the hon Member can paint whatever picture he likes to the contrary but that is exactly what is happening. Let me tell the House what did not happen and let me tell the House why certain of the requests for finance that emanated from the Drugs Advisory Service were turned down. The hon Member is showing signs of exasperation already and I have not even got to the end of the first sentence of answering his comprehensive question. The fact of the matter is, that before the Government had Bruce’s Farm, everybody had to go to the church to get their thing done. The Government did not have before a pot of gold into which it just gave access to which we stopped. No. We provided funds for those cases that were properly processed. What we did not agree to allow the Drug Advisory Service to do was to enter into financial commitment on the Government on whatever basis they chose and regardless of the amount of the expense and regardless of the place where the people wanted to go to or the cost of the treatment that they wanted or the duration of the treatment that they wanted. What we did not allow them to do was to incur expenditure on behalf of the Government without consulting the Government department concerned and then just send the bill to the Government. Those were the applications that were turned down because that is not a proper way to account for public monies. In the cases where the request was brought to the Government before the commitment and the commitment was explained and justified to the Social Services Department and the application could be processed in a way which is proper for the commitment of public funds; those cases were agreed to. And therefore, the distinction that I was trying to kill people by kindness is that the Government General Account is not a bottomless pit in which people just dip their hands and grab whatever they like and go regardless of procedure and process and transparency and accountability. I realise that this is not a culture that the Opposition Members recognise but that is not the basis upon which this Government operates and therefore, I have to tell the hon Members that no one was denied funding on the basis of having gone properly about it. The answer to that is the answer to his question.

NO 632 OF 1999THE HON DR J J GARCIA**TOURISM – NUMBER OF PRIVATE MOTOR VEHICLES ENTERING GIBRALTAR**

What was the number of private motor vehicles and the number of persons in such vehicles entering Gibraltar in May, June, July and August 1999?

ANSWERTHE HON THE MINISTER FOR TOURISM AND TRANSPORT

The number of private motor vehicles and the number of persons in such vehicles entering Gibraltar in May, June, July and August 1999 were as follows:-

	<u>Motor Vehicles</u>	<u>Persons</u>
May	125,537	301,933
June	120,332	304,550
July	142,748	358,880
August	151,927	388,796

SUPPLEMENTARY TO QUESTION NO 632 OF 1999

HON DR J J GARCIA:

Is the number of people in vehicles actually done by using a formula or do they actually count the people?

HON J J HOLLIDAY:

My understanding is that they actually do count the number of people entering per vehicle, it is not estimated.

ORAL

NO 633 OF 1999

THE HON DR J J GARICA

**TOURISM – INTERVIEWS**

Can Government state how many interviews with persons who said that they have stayed in a hotel have been carried out since May 1999, giving the number of persons interviewed and the date of such interviews.

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

Answered together with Question No. 634 of 1999.

NO 634 OF 1999

THE HON DR J J GARCIA

**TOURISM – INTERVIEWS**

Can Government state of the number of persons who have been interviewed since May 1999, who said they had stayed in a hotel, how many were interviewed at the airport and how many were interviewed at the land frontier and in each case what was the average length of stay in hotels?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The number of persons interviewed from May 1999 to July 1999 who said they had stayed in a hotel was 74, and this is broken down as follows:-

May	-	22
June	-	25
July	-	27

As regards the date of the interview, I wish to reiterate that it has not been the practice to give such detail in response to similar questions asked in the past. The number of persons who have been interviewed since May 1999, who said they had stayed in a hotel, interviewed at the airport and land frontier, together with their average length of stay in hotels were as follows:-

	<u>Airport</u>	
	May	22
	June	22
	July	27
	Total	71
The average length of stay	May	7.4
	June	6.6
	July	6.7
	Making an average of	6.9
At the land frontier	May	none
	June	3
	July	none
	Total	3
The average length of stay	May	zero
	June	3.3
	July	zero
	making an average of	3.3.

SUPPLEMENTARY TO QUESTION NOS 633 AND 634 OF 1999

HON DR J J GARCIA:

I know we have often raised the question of statistics in the way which they are compiled and collected and the Government have acknowledged this fact and said that there is a need for change. But certainly, it seems very peculiar that even though more people arrive at Gibraltar by land that there were no interviews at all conducted in May and in July and only 3 in June. Whereas at the airport it has been 22, 22 and 27. Is there any particular reason for that, why no people are supposed to have been interviewed at the frontier even though that is the main point of entry?

HON J J HOLLIDAY:

It is up to the Statistics Office personnel to decide where and how they are going to carry out the survey and what random sample they feel is adequate for this purpose. My own view is that the sample is still not adequate and the random assortment of surveys is still not adequate and in fact it is something that is currently being addressed. But that is how it stands for the period of May to July.

HON J J BOSSANO:

Did not the Minister say in relation to the numbers that were interviewed in answer to previous questions that the figure was then so low that it was really completely meaningless to extrapolate, if one asks three people in June how long they stayed in a hotel in Gibraltar, surely one cannot use that as the basis for assuming that 30,000 or 300,000 or however many thousands also stay the same length of time which is how the calculation was being conducted in respect of arrivals other than by air. The Minister gave the impression that in fact this point had been acknowledged and that we could be expecting to see an increase in the number of interviews.

HON J J HOLLIDAY:

The reality is that the actual number of questionnaires that have been carried out has been very much in line with the current practice. There has not been any real change, if anything there has been an improvement in that. I recall looking at the number of surveys that have been carried out prior to 1996 when a whole years survey results were based on a particular month where students carried out a survey in one particular location. So, therefore, there is an element of unsophistication really in the statistics results from this sort of survey but let me say that the practice has not changed if anything it has improved and I would like to see further improvements being done.

HON J J BOSSANO:

I am not talking about 1996 what I am saying is the last time we were given information, I mean, presumably if nobody was asked at the frontier whether they stayed in hotels in May we cannot make any kind of judgement as to how many people stayed in hotels because the judgement in June is based on the three people that were asked whereas the judgement in May, I mean, you cannot. The answer is that there were no interviews. That cannot be any improvement on anything because that is the minimum. The point that I am making is, perhaps, I misunderstood what the Minister said the last time round but the impression that he gave me the last time round was that having looked at it the Statistics Office was going to

be asked to conduct more interviews. This does not seem to be more it seems to be less for these three months of the year than it was before in respect of interviews at the frontier.

HON CHIEF MINISTER:

Well the first thing that has to be borne in mind is that the hon Member referred to deductions on these figures and how they might be disqualified by the insufficiency of the sample, so to speak.

HON J J BOSSANO:

Precisely.

HON CHIEF MINISTER:

Yes, that is what I meant. Mr Speaker, first of all, just to record statistics such as hotel occupancy and bed nights sold and statistics of that sort are not deduced from this information they are the subject of returns from hotels. As to the point that the hon Member is making, there is a need to improve all forms of statistical information in Gibraltar. Whether it be in relation to tourism, whether it be in relation to many other things which are necessary to produce meaningful national accounts for Gibraltar. We have inherited the system that the hon Members left us. They have since being in Opposition started raising criticisms of the system that Gibraltar has for the collection of statistics with which we agree. We agree with them that the system needs to be made much more sophisticated if the information is going to be more reliable and it is also right in saying that the political brief from the Government to the Statistics Office is that they should try and improve the size of the samples taken. I do not have in front of me the equivalent figures for the last time they asked the question and I do not know therefore how much time has passed and whether there has been an improvement or deterioration in this particular month.

HON J J BOSSANO:

If it is zero it cannot be an improvement.

HON CHIEF MINISTER:

Well, the sample is not necessarily on a monthly basis, the sample is on an annual basis and there may always have been months in which the sample is zero. Now, I am not a statistician nor is my Colleague, the Minister for Transport. We employ professional statisticians. Two of them now, because one of the improvements we have sought to make to improve the collection of statistics is that the previous Commissioner of Income Tax who is a qualified Government Statistician has now been added to the previous statistician so we now have two relatively senior officers as statisticians. The Government look to them to exercise their knowledge of these matters to produce statistics in a way which are meaningful. If the hon Member thinks that the samples are not big enough I will pass his comments on to the statisticians and ask them whether they agree with him and if they do agree with him why have they not accelerated the process of increasing the sample? If the hon Member now asks me across the floor whether I think that these samples are inadequate, my answer is that they are in keeping with what they have always been and that I cannot tell him whether as a matter of statistics collation they are capable of giving a meaningful result or not.



HON J J BOSSANO:

The Chief Minister seems to have forgotten why it is that the issue is being raised. In his opening remarks he said that this was not a significant source of statistics because it is the returns that are received.

HON CHIEF MINISTER:

If the hon Member will give way, let him not launch his supplementary on the basis of attributing to me statements, I did not say that no significant deduction or no significant use was put to them. I specifically said that figures in relation to hotel occupancy and to bed nights sold are not deduced from these figures. Other things are deduced from these figures as the hon Member well knows and I have not forgotten.

HON J J BOSSANO:

If the Chief Minister has not forgotten then in fact he presumably has not forgotten either that in respect of 1997 figures the issue was whether the returns on the bed nights sold produced by the hotels was more accurate than the returns produced from the surveys. This was not an issue before. This is why we are questioning what is being done on the surveys because there was a very large discrepancy.

HON CHIEF MINISTER:

I would have attached more significance to the returns than to the surveys but I do not think there is any dispute between us as to which is more significant.

HON J J BOSSANO:

I think if he cares to go back and look at Hansard he will find that that was precisely the dispute. I am glad that he is now saying in fact, that if he were me he would attach more credibility to the returns from the hotels because those are what the hotels say they have got in their beds and the other is a survey, however big the survey. Well, in fact, I think that that is the way it should be approached and on that we will have no quarrel. In fact, that was not the position a couple of years ago. I think the position a couple of years ago was that the results of the questionnaire was being defended as the more accurate of the two sources and when there was a discrepancy between the two it was the questionnaire that was being defended and its all recorded.

HON CHIEF MINISTER:

I think, Mr Speaker, I do not want to reopen that debate but I think the hon Member is capturing or trying to capture too much ground retrospectively. I think what we were doing during the debate that he is referring to is defending the fact that these were the statistics that were produced to the Government by the system that had always produced them in that way. I do not think we were defending the proposition which the hon Member is now suggesting on which I had immediately agreed but as a matter of information the returns from the hotels, if they had any people that are accommodated in their beds must necessarily and always be a more accurate record of the fact than asking 15 people out of 6 million or 30 people out of 6 million who visit Gibraltar where it is that they slept last night. My recollection of the debate was not that we were defending the contrary proposition to that but rather that we were defending ourselves on the basis that these were the statistics that had been made available to the Government to bring to the House, calculated by the people and in the same

manner as they have always been calculated. That is what I think we were defending in that debate with whatever degree of justification or entitlement to argue that the hon Member may think we have as politicians rather than the proposition on which we are now agreeing which I cannot imagine, I do not know if he remembers whether I or any of us, but I cannot imagine that we would have ever challenged the proposition that returns are better reflection than a survey at least when it comes to hotel beds. There are other things on which it might be different.

HON J J BOSSANO:

Well, I believe that if the Chief Minister cares to check he will find that that was not the case. But, I am glad that, in fact, that is no longer the case. If there was a difference before there is not anymore and therefore, Mr Speaker, are we likely to see in the figures that have been produced in the survey, a reflection of that?

HON CHIEF MINISTER:

As the hon Member knows there is a difference both in quality and in time passage between what politicians decide they would like and the ability of the administrative machinery to deliver it. I cannot tell the hon Member when statistics, not just in this area, but in many other areas, employment, income tax, all sorts of things where the Government are actually now taking advice from Professor Fletcher as to how we can radically upgrade the Gibraltar Government's machinery and techniques for collation of statistics and information across the whole range of economic activities and economic indicators. I cannot tell the hon Member and I would not want him to hold me to any sort of immediate deadline from one question time to another in the House, when we will reach the threshold of what he or I might regard as some degree or a sufficient degree of improvement. Certainly, the Government's whole thrust in terms of computer investments, in terms of resources for the Statistics Office, in terms of recruitment of the assistance of Professor Fletcher, in terms of a bigger role for the Chief Secretary who as the hon Member knows is also a statistician by profession. The Government are doing lots of things which together signals an obvious and clear intention to deal radically and profoundly with the issues of this sort but I cannot tell him whether the next set of statistics that will come out, in terms of the next survey will incorporate any measurable improvement or not.

NO 635 OF 1999

THE HON DR J J GARCIA

**TOURISM – NUMBER OF ARRIVALS IN HOTELS**

Can Government give the total number of guest arrivals in hotels for 1999 on a monthly basis?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The total number of guest arrivals in hotels from January to July 1999 are as follows:-

January	2,576
February	2,596
March	3,567
April	3,658
May	3,583
June	3,759
July	<u>3,446</u>
Total	<u>23,185</u>

SUPPLEMENTARY TO QUESTION NO 635 OF 1999

HON DR J J GARCIA:

Would the Minister also have the tourists arrivals as well?

HON J J HOLLIDAY:

I am afraid I do not have the figures here, I need prior warning.

HON CHIEF MINISTER:

May I ask the hon Member, tourists as opposed to what? I mean, apart from him and I going to a local hotel, who else would be a guest but not a tourist?

HON DR J J GARCIA:

The actual survey makes a distinction between tourists and others.

NO 636 OF 1999

THE HON DR J J GARCIA

**TOURISM – HOTEL BED NIGHTS SOLD**

Can Government give the hotel bed nights sold by month in April, May, June, July and August 1999?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The hotel bed nights sold by month in April, May, June and July are as follows:-

April	-	12,721
May	-	12,758
June	-	14,131
July	-	13,132

The figures in respect of August are only partially complete as there is one outstanding return therefore this cannot be made available today.

NO 637 OF 1999

THE HON DR J J GARCIA

**TOURISM – AVERAGE LENGTH OF STAY IN HOTELS**

Can Government state the average length of stay in hotels for each month of 1999?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The average length of stay in hotels each month for 1999 is as follows:

January	3.3
February	3.5
March	3.7
April	3.5
May	3.6
June	3.8
July	3.8

Making an average of 3.6 for the period January to July.

NO 638 OF 1999

THE HON DR J J GARCIA

**TOURISM – PERCENTAGE OCCUPANCY IN HOTELS**

Can Government give the percentage occupancy of hotels for each month of 1999?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The percentage occupancy of hotels for each month for 1999 is as follows:

January	28.8
February	34.2
March	45.5
April	44.3
May	43.7
June	49.1
July	44.5

NO 639 OF 1999

THE HON DR J J GARCIA

**TOURISM – ARRIVALS BY AIR**

What was the number of tourist arrivals by air in transit for May, June, July and August 1999?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

Answered together with Question No. 642 of 1999.

ORAL

NO 640 OF 1999

THE HON DR J J GARCIA

**TOURISM – SCHEDULED FLIGHTS**

What was the number of seats used by arrivals in scheduled flights from UK in May, June, July and August 1999.

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

Answered together with Question No 641 of 1999.



NO 641 OF 1999

THE DR J J GARCIA

**TOURISM – SCHEDULED FLIGHTS**

What was the number of seats used in departures by scheduled flights to UK in May, June, July and August 1999?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The number of seats used in departures by scheduled flights to UK in May, June, July 1999 is as follows:-

These figures are to the nearest thousand:

Arrivals in	May	10.0
	June	9.8
	July	10.7

Departure figures in	May	8.9
	June	10.0
	July	9.4

The figures for August are not yet available.

NO 642 OF 1999

THE HON DR J J GARCIA

**TOURISM – ARRIVALS BY AIR**

What was the number of tourists arriving by air and staying in Gibraltar for May, June, July and August 1999?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The number of tourist arrivals by air in transit and tourist arrivals by air staying in Gibraltar in May, June, July and August is as follows:-

I will give the figures for those staying in Gibraltar first -

May	3,638
June	4,915
July	3,976
August	<u>3,835</u>
Total	<u>16,364</u>

Those in transit -

May	4,776
June	5,308
July	4,493
August	4,133

NO 643 OF 1999

THE HON DR J J GARCIA

**TOURISM – ARRIVALS BY COACH**

What was the number of coaches entering Gibraltar in May, June, July and August 1999?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

Answered together with Question Nos 644, 645 and 648 of 1999.

NO 644 OF 1999

THE HON DR J J GARCIA

**TOURISM – ARRIVALS BY COACH**

What was the number of visitors arriving by coach in Gibraltar in May, June, July and August 1999?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

Answered together with Question Nos 643, 645 and 648 of 1999.

ORAL

NO 645 OF 1999

THE HON DR J J GARCIA

**TOURISM – NUMBER OF PEDESTRIAN VISITORS**

What were the number of pedestrian visitors to Gibraltar in May, June, July and August 1999?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

Answered together with Question Nos 643, 644 and 648 of 1999.

No 646 OF 1999

THE HON DR J J GARCIA

**TOURISM – CRUISE CALLS**

Can Government say how many different cruise ships have called at Gibraltar (a) During 1998 (b) From January to August 1999?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

Answered together with Question No 650 of 1999.

NO 647 OF 1999

THE HON DR J J GARCIA

**TOURISM – CRUISE LINER VISITOR ARRIVALS**

What was the number of cruise liner visitor arrivals for July and August 1999?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The number of cruise liner visitors were as follows:

July	9,488
August	14,272

NO 648 OF 1999

THE HON DR J J GARCIA

**TOURISM – ARRIVALS BY SEA**

What was the number of other visitors by sea in May, June, July and August 1999?

ANSWER

THE HON THE MIINISTER FOR TOURISM AND TRANSPORT

The figures requested are as follows:

	Number of Coaches	Visitors in Coaches	Pedestrian Visitors	Other Visitors by Sea
May	1,268	46,848	175,389	108
June	1,140	41,770	178,021	157
July	971	35,336	200,129	136
August	1,045	36,083	248,681	Not yet available



NO 649 OF 1999

THE HON DR J J GARCIA

**TOURISM – YACHT ARRIVALS**

What was the number of yacht visitors to Gibraltar in May, June, July and August 1999?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The number of yacht visitors to Gibraltar in May, June, July and August 1999 is as follows:-

	<u>Number of Yachts</u>	<u>Number of Visitors</u>
May	377	1531
June	509	1944
July	641	2479
August	769	3125

NO 650 OF 1999THE HON DR J J GARCIA**TOURISM – CRUISE LINER TERMINAL**

What are the opening and closing times of the cruise liner terminal?

ANSWERTHE HON THE MINISTER FOR TOURISM AND TRANSPORT

The number of calls during 1999 was 135 by 58 different cruise ships. The number of calls in the period January to August 1999 was 102 by 39 different ships. The cruise terminal is open at 9 am to 5.30 pm throughout the year. If a cruise ship arrives prior to 9 am, the Terminal is open about half an hour before its expected time of arrival. If the ship is in port after 5.30 pm, the Terminal remains open until it sails or until 9 pm whichever is the earlier, unless the vessel specifically requests that the Terminal be kept open in which case it remains open until the cruise ship sails.

SUPPLEMENTARY TO QUESTION NOS 646 AND 650 OF 1999

HON DR J J GARCIA:

Can Government say how many cruise ships actually are cruising the Mediterranean at this moment in general terms, is this known?

HON J J HOLLIDAY:

Mr Speaker, I am afraid I cannot give that figure; I simply do not know.

HON DR J J GARCIA:

In an article in the Spanish media the Chief Executive of the Tourist Board quotes a figure of 156, this is for July. Of 156 ships actually cruising the Mediterranean at this moment, according to the figures which we have just been supplied, of those, 58 call at Gibraltar at this particular juncture. What are the Government actually doing in order to attract more ships to come to Gibraltar given that 58 of 156 are the ones that actually come here at this moment?

HON J J HOLLIDAY:

The Government give high priority in attracting cruise liners to Gibraltar and have undertaken major improvements to the tourist product and continue to do so in order to make the experience of calling at Gibraltar far more attractive to passengers. Obviously we all aspire to bring to Gibraltar as many cruise liners as possible and there is obviously always a limit to how much market share one can actually generate from that particular strategy. Obviously even though the Hon Dr Garcia mentioned the figure of 100 or so cruise liners actually in the Med let me say that not all are in the Western Mediterranean. There are those that are stationed and positioned in the Eastern Mediterranean.

HON CHIEF MINISTER:

I do not know if its appropriate to move a vote of congratulation in favour of the Minister in the middle of question time but frankly I am very grateful to the Honourable Opposition spokesman for bringing that information to the House. I had not realised that we had been successful to the extent that nearly a third of all cruise ships that ply in the Mediterranean visit Gibraltar. I think that frankly that is an extraordinary statistic.

HON DR J J GARCIA:

The Chief Minister may well think that but what I am trying to do is to relate this to the expense and to justify whether the amount of money being spent is actually producing the results for which it was intended.

HON J J HOLLIDAY:

Well, I have no doubt in my mind that everybody in Gibraltar recognises that the result that has been achieved in this particular sector of the tourism industry is something that can go without a doubt and therefore, our objective is obviously to increase the number of different ships and the number of calls that are actually undertaken by these different ships and there can be no doubt in my mind that we are being successful. If we look at the figures of expected number of ship calls until the end of 1999 because the figures that I have given is until the end of August, we are hopeful that that figure will reach 200 calls by the end of the year. The prospects for next year are even better. Admittedly, it is the result of the fact that the number of cruise liners according to Gibraltar are increasing their presence in Gibraltar but that is part and parcel of the overall strategy. We want to get new operators but at the same time we wish those that come to come more regularly.

HON DR J J GARCIA:

The distinction that I was trying to make, Mr Speaker, is between the number of calls and the number of ships making those calls, in other words we can have 200 calls or 150 whatever it was but if one cruise liner comes once a week that is actually 52 of those calls, is that correct?

HON J J HOLLIDAY:

Well, let me say that this is very welcome. Every time the R2 calls in Gibraltar it brings a new set of passengers and therefore it is more than welcome. I wish the R2 would call into Gibraltar every day with a new set of passengers. I am sure Main Street would welcome that and so I do not think that that is the issue. Whether there are different ships coming in or not or the number of calls I think it is totally irrelevant.

HON DR J J GARCIA:

Mr Speaker, I think the Minister mistakes the request for information with criticism. All I have been doing is asking questions in order to determine and to make a judgement but I have not made that judgement here. What I have been asking is for various figures which have or have not been available, depending on what the question has been in order to make a judgement, but I have not made a judgement. I have not criticised or anything, I simply want to know what the figures were that is the role of the Opposition.

HON CHIEF MINISTER:

The hon Member is free both to make judgements, to ask information and thirdly he is actually free to criticise but what the hon Member cannot suggest, what the hon Member cannot with any degree of credibility suggest, that in asking is the hon Member satisfied that the amount of money that he spends on cruise marketing is successful given that we only attract a third of the cruise ships that ply the Mediterranean the hon Member will forgive us for interpreting that as mild criticism. It is insinuated, it is implicit in the formulation of the question and in the insinuation that are attached to it. There is nothing wrong with that. The hon Member is there to criticise the Government. We welcome the hon Member criticising the Government, it is what the tax payer pays him to do but what he cannot then do is say that he is not criticising the Government. It is perfectly okay to criticise the Government, he should criticise the Government but then do not finish off by saying, hang on I am not criticising the Government, it spoils it.

HON DR J J GARCIA:

Let me just say one more thing and that is that the actual person who was not satisfied with the number of calls, the number of ships was not me. I have not expressed criticism, it was actually the Chief Executive of the Tourist Board who works for him.

HON CHIEF MINISTER:

He is not satisfied in the sense that there is no maximum to aim for in the sense that we are not resting on our laurels that we are not complacent that satisfaction is constant improvement but if one believes that the Chief Executive of the Tourist Board has made a statement to say that the situation is not radically improving, then, Mr Speaker, I think the hon Member is being disingenuous and without even having read the article, let me tell the House that I am willing to wager right now that the words used by the Chief Executive are not capable of fair interpretation in that way.

ORAL

NO 651 OF 1999

THE HON DR J J GARCIA

**TOURISM – SUN COSTA LINE**

Can Government confirm whether the service by Sun Costa Line commenced on 3 September 1999 as announced?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

Answered together with Question Nos 652 to 658 of 1999.

ORAL

NO 652 OF 1999

THE HON DR J J GARCIA

**TOURISM – SUN COSTA LINE**

Can Government confirm whether since 3 September 1999 a service to Morocco has been provided by any other operator?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

Answered together with Question Nos 651 and 653 to 658 of 1999.

NO 653 OF 1999

THE HON DR J J GARCIA

**TOURISM – SUN COSTA LINE**

What was the evidence produced by Sun Costa Line Ltd that it was able to procure an operating licence from the Moroccan authorities and what was the manner in which this evidence was presented?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

Answered together with Question Nos 651, 652 and 654 to 658 of 1999.

NO 654 OF 1999

THE HON DR J J GARCIA

**TOURISM – SUN COSTA LINE**

Can Government state what have been the trading activities of Sun Costa Line prior to 3 September 1999 and the number of persons employed by the company in Gibraltar?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

Answered together with Question Nos 651 to 653, and 655 to 658 of 1999.



ORAL

NO 655 OF 1999

THE HON DR J J GARCIA

**TOURISM – SUN COSTA LINE**

When did Sun Costa Line Ltd inform Government that it would require a subsidy in order to provide a ferry service to Morocco?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

Answered together with Question Nos 651 to 654, and 656 to 658 of 1999.

ORAL

NO 656 OF 1999

THE HON DR J J GARCIA

Can Government state when the payment of Government funds to Sun Costa Line was made?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

Answered together with Question Nos 651 to 655, 657 and 658 of 1999.

ORAL

NO 657 OF 1999

THE HON DR J J GARCIA

**TOURISM – SUN COSTA LINE**

What is the nature of the security provided to the Government by Sun Costa Line Ltd to obtain Government funding for the provision of a service to Tangier?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

Answered together with Question Nos 651 to 656 and 658 of 1999.

NO 658 OF 1999

THE HON DR J J GARCIA

**TOURISM – NEW FERRY SERVICE**

Can Government say whether any of the other entities that in the last three months expressed an interest to the Government for the provision of a new ferry service to Tangier had indicated to the Government that they would also require a subsidy?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

Sun Costa Line submitted a proposal to Government through the Department of Trade and Industry on 26 April 1999. This required financial assistance for their proposed ferry service to Morocco. This proposal was considered by Ministers and Government assistance was made conditional on the company obtaining in the first instance evidence that the Moroccan authorities would issue a licence for the proposed service. The evidence proposed by Sun Costa Line of the issue of the operating licence from the Moroccan authority was in the form of a letter dated 11 June 1999 under the signature and seal of the Director of Merchant Marine stating that the Minister for Transport and the Merchant Marine of Morocco had granted a licence. The Sun Costa Line Service to Tangier commenced on 3 September 1999. Since that date the Tangier route has been serviced by two operators. None of the other entities who submitted proposals for a new ferry service to Tangier in the last three months requested a Government subsidy. The operation of the Mons Calpe in their business plan proposal requested a loan in the sum of £300,000, plus a grant of £25,000 to cover 50 per cent of the start-up costs and a further £15,000 grant for a feasibility study. Government agreed to a loan of £300,000 based on a total expenditure on the vessel of between £550,000 and £600,000 which includes the purchase price of the vessel and various other costs to bring the vessel into class, spare parts, delivery in Gibraltar, et cetera. Payment of the £300,000 loan was made on 16 August 1999. Government further agreed to the £25,000 grant to cover 50 per cent of the start-up costs but this payment has not yet been effected. Additionally, Government declined to provide a grant of £15,000 for the feasibility study. The Government loan is secured by a debenture over the company's assets and a first mortgage over the vessel in question. Sun Costa Line commenced trading on the 1 September 1999. The Mons Calpe service has resulted in the creation of nine jobs.

SUPPLEMENTARY TO QUESTION NOS. 651 TO 658 OF 1999

HON DR J J GARCIA:

Can Government confirm whether or not safety was a major consideration in awarding this route?

HON CHIEF MINISTER:

Before the Minister gets up to answer this supplementary I just want to take this early opportunity to say that this is not a question of the Government awarding a route. The Government, as a port authority at one of the destinations of a route, have to give a licence. But this is not a sort of Government contract where the Government contracts somebody to deliver a service. Anybody is free to apply to the Gibraltar Port Authority for a permission to

operate the service out of a route and it is either approved or not approved. Certainly, as a matter of Government policy, even if it were not also the criteria of the Captain of the Port, which I am sure it is also his criteria, but certainly one of the considerations that we took into account amongst others was the question of safety and the question of the connection which the shareholders of this operator had with Maritime Affairs generally and the experience that they had in these matters. That is why we decided to approve that particular application.

HON DR J J GARCIA:

Can Government say whether the certificate of safety relating to hull and passenger safety was actually in Gibraltar at the time of the first sailing?

HON J J HOLLIDAY:

The load line certificate which is basically a certificate allowing the carriage of passengers on a particular vessel, the original certificate was not in Gibraltar at the time on the 3<sup>rd</sup> September 1999 although the operators of the line and the classification society in Paris had certified to the Maritime Administrator in Gibraltar that this was being processed and obviously the time lag had elapsed. And therefore they had a letter sent to the Maritime Administrator confirming that this was on its way. The Maritime Administrator took the view that after he had inspected the vessel and the MSA who had visited Gibraltar two days earlier and had actually carried out the survey themselves, they felt satisfied that this document was something that was not essentially required for the vessel to operate on the 1<sup>st</sup> September or the 3<sup>rd</sup> September so long as the corresponding Maritime Administrator of the operating fork on the other side accepted the certificate that would be issued by the Maritime Administrator in Gibraltar certifying that the operation was safe to proceed. On the 3<sup>rd</sup> September there was hope that this certificate that we were waiting from the classification society would have arrived on time it did not. So the Maritime Administrator got in touch with his counterpart in Casablanca and through a process of exchanges in respect of the issue they felt satisfied that the vessel could proceed with the sort of support and confidence that had been expressed by the Maritime Administrator in Gibraltar. And for those circumstances the vessel was allowed to sail. I can tell the House that the Maritime Administrator contacted me that particular afternoon and Government's decision was that if the document that was needed was not in order the vessel could not proceed with the sailing. However, if there were administrative ways of overcoming that and he felt fully satisfied that that was the case then the decision would be based on his own technical recommendation and that is how the sailing proceeded on the 3<sup>rd</sup> September.

HON DR J J GARCIA:

Is it the practice for vessels to sail without an original Certificate of Safety?

HON CHIEF MINISTER:

It is the practice when the Port Authorities and the Maritime Administration in question use procedures and mechanisms which are available to issue interim certificates or to issue temporary waivers. In principal the law requires a vessel to be in possession either of the permanent certificate or to be the beneficiary of some or one of these other procedures that are available. What a ship cannot do is sail either without a certificate or without the specific authority of the relevant authority, the specific permission of the relevant authority.

HON DR J J GARCIA:

The issue of safety is obviously an important one. We now learn that the vessel sailed without the original certificate and we have been given the explanation for the arrangement at a local level which the Government have described. I am not sure how normal that is within international shipping. Are the Government aware then that according to information also related to safety received, the catamaran in question was built in 1975 which is 29 years ago. The manufacturer's recommendations are for it not to sail in winds of over force 4 and that the average in the Straits in August and September is force 5 not to mention in winter. That when registered under the Norwegian flag under a different name it was involved in an accident in 1998 which led to a public enquiry in Norway, during which the ferry was struck by another ship on the port side and then it had to go for repairs. Within a week of starting its daily service it has already broken down.

HON CHIEF MINISTER:

No the Government are aware of speculation to part of those effects which are liberally being put around by the parties who are aggrieved by the fact that this service has been allowed to commence. That is what the Government are aware of. The Government are now aware of the fact that the Opposition Members are making serious allegations on the basis of information which is brought to them, again, we had this position on Monday in relation to the cleaning contract on the basis of aggrieved commercial interests. Even if all the things that the hon Member was saying were true and certainly I am aware, even though the Government are aware that as a result of hitting something the propeller shaft was damaged what the Government are also aware of is two things. First of all, that in terms of the hon Member's first two sentences in the supplementary that was to serve as a pretext for basically making factual allegations there is no connection between the non-existence of the original certificate and whether or not the vessel is safe or is unsafe. I much regret that the hon Gentleman by juxtaposition of sentences has sought to give, yes, there is no point in narrowing his eyes now across the floor of the House. The hon Member said, "well the Minister said that safety was a consideration, the hon Member said that safety was a primary consideration but the fact is that the certificate was not held." If that was not an invitation for people to conclude that the absence of the certificate results in a lack of safety then the hon Member is again being disingenuous. The non-existence of the certificate in the circumstances in which it does not exist in this case does not raise issues of safety because the issues of safety that it might have raised has been explained to the hon Member and as he has his supplementaries written down there is no way influenced by the answers that he is given. What the hon Member was told immediately before he read out his pre-prepared supplementary is that the MSA, which is the United Kingdom Government's Ships Safety Inspection Department and the Gibraltar Maritime Administrator, who is qualified in these matters, had inspected this vessel and had formed the professional view, notwithstanding the litany of calamity that the hon Member has been provided with, that the vessel is safe. Now, is the hon Member suggesting that we, the Government should override all this advice from the United Kingdom Maritime and Coastline Agency, from our own Maritime Surveyor, from our own Port Authorities and ground this activity on the basis of tittle tattle put into the public domain by the people who are commercially aggrieved that either they had not been allowed to operate or that a competitor has not been allowed to come onto the route. The answer as far as the Government are concerned, is clear. The Government will not allow aggrieved commercial interests to try and manipulate public opinion in a way which is calculated to force the Government's hand in a way which serves their commercial interests and not the public interest and that is clearly the Government's position.

HON J J BOSSANO:

Can I ask for the benefit of what it is we are permitted to do. Are we now allowed to ask supplementary questions about that long speech or only about the original question?

MR SPEAKER:

It is only on the original question. Those are the rules of the House.

HON J J BOSSANO:

He does not seem to know them.

HON DR J J GARCIA:

I do not know why it is that the Chief Minister brings seven Ministers to the House if he keeps on interfering in all their questions. But that to one side, I think the source of information, is Lloyds list, which is a magazine of international repute according to the Government when they have actually published surveys or reports in it, or advertising features in it. So, I would not go around putting it around that people are complaining or aggrieved parties are complaining because even if they are it is their duty to do that and it is our duty to bring it to this House. But in this particular case, Mr Speaker, these issues are raised not by complaining people but by a magazine of international repute when the incidence took place. That is the first thing. Secondly the issue of the Certificate of Safety may or may not be unrelated to the type of ship and to the history of the ship that is being used and certainly it is not a case of the Opposition favouring one operator over another operator that does not come into the picture. If his operator had a ship which is considered suitable for the purpose then the issue would not arise. As it was other operators were offering a larger ferry which could take vehicles, which could take more passengers and all the rest of it. The issue is quite simple and it narrows down to this, that is whether the ship that is being used which is believed in shipping circles to be essentially for coastal purposes and not to cross the straits of this nature, whether that kind of vessel is adequate, and whether the Government in taking our decision to proceed with that particular application for a licence over other particular applications actually took account of that. That is a simple question whether that was taken into account?

HON CHIEF MINISTER:

Well, the hon Member may think that that is a simple question but he is going to get an answer to all the other questions that he included in his supplementary. The hon Member asks why I bring seven Ministers to the House. The reason why I bring seven Ministers to the House he would know if he had been here long enough and if he had been here long enough he would know that it has been standard practice, since this place has existed, for the Chief Minister to intervene as he sees fit on matters which are of broad public interest. Let me tell the House what is not so common, and which has only just started to happen since he came to the House, and that is, that the Leader of one political party is constantly rescued and is the subject of constant interventions by the Leader of the allegedly different political party. That is what has never happened in this House before, for the alleged Leader of an independent political party which Dr Garcia claims to be, to submit himself to the whip and the authority of the Leader of a quite different party which he then tells the electorate are different political parties. But fine, that is a matter for him but he ought to bear that in mind, at least, when he calls into question actions on this side of the House. Now, Mr Speaker, no it is not at all an important consideration but as so many points that the Government make,

some are designed to answer the questions that the hon Members put and others are designed to bring to light and to highlight the hon Member's lack of consistency and the hon Member's desire to throw stones in glass houses. The Government are not going to allow them to throw stones in glass houses, either by reference to their current behaviour or by reference to their behaviour when they were in office last. The hon Member continues with his irresponsible formulation of questions which give completely the wrong factual impression and he must take responsibility for this. He says, having given a litany of facts including the implication that the vessel is unsafe for the route, he says "the source of the information is not aggrieved commercial parties it is a reputable journal like Lloyds from Lloyds list". I have subscribed to Lloyds list for many years and certainly in Lloyds list he may have been able to find, if indeed he has ever looked at a copy of the Lloyds list himself, that a certain vessel in such and such a date has been the subject of a collision. One can find out facts about vessels, but I will tell hon Members what they will not find in Lloyds list and I will tell what I now tell the House he has not found in Lloyds list which he had nevertheless insinuated in this House that he has. That is the value judgement that this vessel is unsafe for this route. That is the insinuation that he has sought to make by making the glib reference to Lloyds list being the source of his information, and it is an act of irresponsibility. I will not do what the hon Members often used to ask me to do which is to make these accusations outside of the House because I believe that this is right to make allegations of that sort with the benefit of parliamentary privilege and it is my right to describe them as irresponsible. Let me tell the House why I know it to be case that the source of information is from aggrieved commercial operators and that is because the solicitor of one of them wrote to me saying various things amongst them including a fax from a broker, that represents one of the other interests, saying some of the things that the hon Member is now saying but without the letterhead of the broker. The reason why the letterhead of the broker had been marked out, blanked out, so all we had was a blank sheet of paper with six lines typed on it is that the broker did not want to be identified. Well, if one does not want to be identified one will forgive people for not taking ones opinion seriously. If anybody thinks that the Government are going to come to the conclusion that a vessel is unsafe on the basis of an anonymous broker's anonymous' opinion, well look, Mr Speaker, the hon Members will again forgive the Government if we come to the conclusion that that is not a proper way to conduct public affairs.

Mr Speaker, the hon Member says that there were other operators offering larger ships. Yes, he is absolutely right. One of the aggrieved operators on whose behalf on whom he appears to hold the brief, one of those larger operators wanted the Government to make available \$3 million to enable him to go off and buy a ferry in Ibiza. A ferry reputed to be owned, although this is unproven speculation by a company in which the Spanish foreign Minister has an interest. Government said, "we are not willing to invest \$3 million of public funds to enable you to go off to buy a ship for yourself and then be constantly looking to the Government to pay for repair bills and capital investment in that ship". Any other party that is interested in operating, this is not exclusivity, there is not exclusivity for the owners of the Estrella del Mar and there is not exclusivity for the owners of this catamaran. Anybody that puts a proposal up to the authorities here, to operate a service which is capable of passing the safety and certification requirement may operate the service and they have got to get a licence from the Moroccan services. One of the applicants, that the Government have not yet been able to accept, is from a local person or a local business man whose track record is mainly in the importation of tobacco and who has not yet been able to produce evidence that he is licensed at the other end. He has not been rejected because of his lack of Maritime experience that has not yet been taken into consideration because he has not overcome the principle hurdle which is to satisfy the Government that he will obtain a licence at the other end and indeed such other proposals as are formulated which apply for reasonable amounts of public finance, support in terms of loan, will be considered for that as well but what the hon Member cannot fairly do, is say, as he has attempted to insinuate that the Government have



obviously, unnecessarily is the insinuation, given a loan to these particular operators to operate an unsafe and unsuitable boat when there were other operators who were willing to do it at their own expense, without recourse to public funds in a bigger, more suitable and safer boat. That is the insinuation that the hon Member cannot make because it is not born out by the facts of the matter.

HON J C PEREZ:

Is it not the case that the number of operators in the route is restricted by the number of berths available to the Government for this type of operation and is it therefore not the case that if there are two operators at the moment there is no room for more, regardless of whether the people concerned can get the licence from Morocco or not?

HON J J HOLLIDAY:

That is not correct. The whole problem of berthing could be easily sorted out by staggering. In fact, we are at the moment analysing the timetable of the Mons Calpe and the Estrella del Mar to see how we can stagger this in order to allow both vessels to operate without overlapping each other and what we will not be allowing is for them to stay at the berth at the ferry terminal whilst they are not operating. They may have to move to other berths.

HON J C PEREZ:

What the Minister is saying is that if one or the other operators that made proposals, one of the other companies that made proposals to the Government is able to get a licence in Morocco then the Government would be willing to see a third operator on the route as long as it complies with whatever condition it has to comply?

HON DR J J GARCIA:

Mr Speaker, while the sermons from the Government have been very interesting we have not actually had answers to two questions. I will read them out again. One of them is, can Government state what has been the trading activities of Sun Costa Line prior to the 3<sup>rd</sup> September 1999 and can Government say whether any of the other entities in the last few months expressed an interest in the operating of the new service to Gibraltar. I know we were told that this a loan but did any of the other operators say they also needed the money and what are the trading activities and the track record of Sun Costa Line?

HON J J HOLLIDAY:

Can we go one by one. Remind me what I have to answer.

HON DR J J GARCIA:

One is the trading activities.

HON J J HOLLIDAY:

The trading activities, I say that they commenced on the 1<sup>st</sup> September 1999. Before that, obviously, Sun Costa Line did not have any other activity in this area but obviously the shareholders of this particular operation do have track record in Maritime and in fact links with Morocco itself. So they do have a track record in this particular activity and there is a bit of capacity under different companies. What other issue was there?

HON DR J J GARCIA:

The other issue was the subsidy by others?

HON J J HOLLIDAY:

No, the question asked for any operator that has asked for a subsidy in the last three months. None of the other proposals requested a subsidy in the last three months. Although there was one particular operator that must go back at least nine months to a year which actually requested a subsidy from Government for the purchase of this particular vessel which the Chief Minister highlighted earlier on.

HON J J BOSSANO:

The reference to the last three months was I think that the Minister told the House that it had been in discussion for a period of three months with several operators before a decision was taken. So during that period the question of the subsidy or loans was not raised by anybody other than this one.

HON CHIEF MINISTER:

The hon Members are giving the impression that there is a long list.

HON J J BOSSANO:

In case the Chief Minister now thinks I am making some insinuation about a huge number of applicants, I am simply quoting the words used by the Minister when he said that the Government had over the last three months received applications from four entities. We are referring to that so those four entities did not ask? Can I ask, when the Government were asked for assistance on the 26<sup>th</sup> April 1999.

HON J J HOLLIDAY:

That is correct, the first proposal was put through to the Department of Trade and Industry on the 26<sup>th</sup> April.

HON J J BOSSANO:

At the time I take it that Sun Costa did not own the vessel. The vessel presumably had been obtained as a result of the money being provided by the Government and money being obtained from somewhere else?

HON J J HOLLIDAY:

That is correct, the proposal actually included another, they then identified the vessel concerned and in the business plan they put forward the need to purchase that particular vessel.

HON J J BOSSANO:

Did the Government itself, other than waiting for the tittle tattle, to which the Chief Minister objects so violently, did the Government actually do any check on the vessel once they had identified it, once the proposal came forward and said this is the kind of vessel we are going to bring. Presumably they must have said where the vessel was laid up and the fact that it was up for sale and what its previous history was. Was that provided when the proposals were put forward in April?

HON CHIEF MINISTER:

The Government's acceptance of all proposals and let me say that the same is true of all the other proposals. They all rely on acquiring vessels that had been identified and that had not yet been acquired. The position is regulated in law and that is that the Government, one thing is the commercial proposal and the other thing is the technical analysis of the vessel. The Government deals with the commercial proposals. As far as the technical supervision of the ship it is a matter of law and there are surveys to be done by surveyors who represent the Government. The classification societies represents the Maritime Administrator in terms of this provision and the NSA Inspectors represents the Government. So yes, Government have submitted the vessel to inspections for suitability through the mechanisms of the Surveying Department in the port but the Government have not gone off to wherever this vessel was. I think it was somewhere in the Baltics, in Norway to inspect the vessel as part of the proposal or the details of the vessels, the type, size, capacity in the proposal itself.

HON J J BOSSANO:

All I am trying to establish is, Mr Speaker, whether a check was done on the vessel in any way when the proposals were put to the Government. So that in fact the allegations, given that the order of the question from my hon Colleague said, "are they aware of this," presumably if they had asked somebody to check out what was known about this vessel, if it had a previous history it would have come to the knowledge of the Government?

HON CHIEF MINISTER:

Mr Speaker, the allegations have all emerged after the event and that is usually the way these things happen in the commercial environment.

HON J J BOSSANO:

Well, I would not know I have never moved in that environment. But all I am asking is whether in fact a check was done. Presumably my simple assumption is that if the check had been done or enquiries had been made some of these things would have surfaced even before anybody made them?

HON CHIEF MINISTER:

The fact of the matter is that before the vessel had been accepted onto the route checks had been done, thorough surveys and inspections of the vessel have taken place and the position of all the technical people that have surveyed the vessel is one that it is safe and two that it is not unsuitable. There are rules about, there are very strict rules about carrying passengers. There are strict international conventions, there are strict provisions of the laws of Gibraltar reflecting international conventions about the licensing of vessels to carry passengers and those people whose professional job it is to survey the vessels for those

purposes have surveyed those vessels for those purposes and have issued the necessary licences. Thereby signalling that none of the issues that the hon Member has mentioned even if they were true are an impediment in law to this vessel. So it cannot be the case that this vessel breaches whatever the applicable rules are in relation to carrying passengers across the Straits as opposed to along the coastline which I think is one of the distinctions the hon Member drew that this vessel was suitable for coastal trade but not for international trade. There are people paid by the Government to do that, they have done that and they have come to a different conclusion to those who are arming the Opposition Member with information.

HON J J BOSSANO:

The Government said that the loan was secured as a first mortgage on the vessel and the other assets of the company. What are these other assets? What is the value of these other assets?

HON CHIEF MINISTER:

It is a standard form of security package. A mortgage on the vessel goes against the register of the vessel and means that the vessel cannot be sold without, or better still if the vessel is arrested elsewhere by other predators one has a first priority. The registered mortgagee of the vessel has with the exception of one or two items from professional memory, the wages of the crewmen, the unpaid wages of the crew, collision damage and things of that sort. The purpose of the registered mortgage against the ship is that the lender, in this case the Government, has priority over any other creditor that the ship may incur in Morocco or even in Gibraltar for any other purpose. The debenture covers all the assets of the Company other than the ship itself, for example, office equipment, computers, furniture, cash in bank, debtors and other things of value to which the company is entitled, other than the hull of the ship itself and therefore it is in the form of additional security.

HON J J BOSSANO:

What are the terms of the £300,000 loan, in terms of interests and repayments?

HON J J HOLLIDAY:

If my memory does not deceive me, I think the loan is payable over a three year period, on year two, three and four. There is no equal instalments during that period and is based on base rate for interests loans.

HON J J BOSSANO:

So, in fact, it is subsidised loan, it is not a loan at commercial rates?

HON CHIEF MINISTER:

Yes, there is an element of softness, there is an element of subsidy in that a bank would normally lend money, depending on the view they took. Well for a speculative business venture it might be even more than one and a half. It could be anything up to base plus 3 per cent and this is a phase and is similar to the hotel assistance scheme where the Government do not attach that much importance to the financial value of the interest. For the Government the important thing is the recoverability of the capital outlet which obviously is a

much larger sum of money than the value of the 2 per cent. £300,000 each per cent is worth £3,000, my arithmetic is not very good at this time of the morning, so 2 per cent is worth £6,000 a year or something like that. The security is supposed to be for the capital sum of the loan.

HON J J BOSSANO:

The fact that there is one operator on the route which is open to other operators would presumably give a competitive advantage to the one operator getting soft loan finance from the Government unless it was available to other competitors. The position of the Government is that they are willing to give similar assistance to competing operators?

HON CHIEF MINISTER:

No, the position of the Government is that it is willing to consider every application on its merits. I think it is important not to forget the backdrop against which the Government made these decisions. Backdrop where as the result of the Spanish Government decisions Moroccan workers were not being allowed to go to Algeciras to catch a ferry. The existing ferry operators were having great difficulty in bringing their ship, it had broken down, it was under repair. The Members of the Opposition, the very one who is now questioning us, the Hon Dr Garcia, I cannot remember whether it was on behalf of the joint forum or on behalf of his own party had the Government, he thought, against the ribs on this, "and when are the Government going to do something about this?" as if it was the Government's responsibility to lay on a ferry service which the Government have never accepted but he appears to think that it was the Government's responsibility to lay a ferry service to Morocco and at that time the only viable proposal in front to the Government, in other words, the only one that satisfied the Government, had an immediate access to a licence was this one. The other proposal that presumably would have had immediate access to a licence is by the current operators with a new ship. Presumably their existing licence would have been transferable to the new ship that they wanted to buy which costs £3 million or £3.5 million and which they wanted the Government to pay. So the Government had said no to them, not in terms of continuing with Estrella del Mar if they could fix it, which they are clear now to have done but in terms of buying the new ship for them with public funds. But there was no other licensed operator who had evidence that a licence would be forthcoming. Evidence of a credible nature. One produced facts from somebody who did not commit the Moroccan Government and it was against that backdrop that the Government shows to licence at that point in time this second operator. Now, the hon Member's question was whether we would give every competitor, the hon Member knows that there are limits to that. Every application is considered on its merits but it does not follow that the Government will give a soft loan to every operator that wants to operate because the Government takes the view that there is a limit to the number of operators that should. But, certainly, if the other operator comes up and asks for a loan for the purpose that the Government believes to be in the public interest and is able to secure it then certainly it will be given consideration.

HON J J BOSSANO:

My question was simply on whether the person could argue that they were facing unfair competition if the fares by one operator could be lowered because of the Government subsidy. The other operator presumably would then be able to say I cannot compete?

HON CHIEF MINISTER:

There is no operating subsidy to the new operator. I suppose one could take the view that if he had bought the ship out of his own money that would be reflected in higher finance charges which would have to be passed on ultimately to the cost of a ticket. But let us not forget that this is not a grant. This is a loan and it is no different to go to the bank to get the loan, its just that in this case the bank is the Government. The only element of subsidy there is is the difference between the 5 per cent or whatever the base rate is and the base plus 3. So the only element, one could argue operating subsidy that affects competitive issues that as the hon Member is focusing on is in the cash value of the softness of the loan. In other words, the 3 per cent or the 2.5 per cent, or the 2 per cent extra that one will have to pay the bank and on amounts of this size, Mr Speaker, those are not significant sums. I mean 2 per cent or 3 per cent of £300,000 in a year, the hon Member, can assess for himself the real value in terms of disturbing competitiveness, lower pay, competitive lower pay in view of that which it represents.

HON J J BOSSANO:

But the £25,000 start-up grant which has not yet been effected, of course does quite fall in the same category. Would somebody else be able to argue that they should also get a sum like that?

HON CHIEF MINISTER:

Well, of course, having £25,000 to make as a contribution to your start-up costs is an advantage over somebody who does not have them. But that is true of all the Government's business start-up scheme proposal. It is true of everybody who receives EU funds. It is true of everybody who receives Government funds through the DTI Schemes and therefore they just fall into that category. It is true of some airlines who are receiving on a perceived basis more subsidy than other airlines on a per seat basis. Per seat of capacity basis.

HON J J BOSSANO:

The point that was made, I think, in answer to a previous question was that the Government were careful when giving such grants, that they were doing it in an area where there are competing businesses so that one would get it and another one would not.

HON CHIEF MINISTER:

But, there are no competing businesses. As the hon Member's were paged to remind the Government throughout the summer there was a crying need for a new ferry service. This was not the case of the Government gratuitously choosing to assist somebody who wanted to arrive at the market that was already being perfectly well serviced with subsidies. The hon Members were constantly reminding the general public that the Government were remiss in allowing the situation that was then prevailing to continue because there was not a service of any kind at the time. It is true that the operators of the Estrella del Mar had subsequently chosen to recommence their services and we welcome that. Nothing that the Government have done with this second operator was intended as an act of hostility against the original ferry operators. The Government are happy to see competition on the route but it did not exist at the time that this was done.

HON J J BOSSANO:

I would like to get back, Mr Speaker, to this question of the interim certificates or waivers which we have the power to issue. I want further clarification on that. I would like to know, the power to give interim certificates or waivers, is that a power that is under the laws of Gibraltar in relation to the Shipping Ordinance or where precisely is that power that was mentioned that if they did not have the proper certificate a waiver could be obtained. I think that was said in one of the original answers by the Minister for Tourism.

HON CHIEF MINISTER

The answer to the question is, although I am not here to give the hon Member's legal advice or indeed to answer questions in law, I am here to give facts, the position is that the Maritime Administrator cannot have powers other than the laws of Gibraltar.

NO 659 OF 1999

THE HON DR J J GARCIA

**VALUE OF COMMERCIAL FREIGHT**

What was the value and amount of commercial freight set down and picked up by air in each month of 1999 to date?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The information on the value of commercial freight is not available at the present time. These are not figures which are kept by the Statistics Department. When this matter was last touched upon in Question No. 378 of 1998, the total value for the year 1998 for commercial freight set down and picked up by air was given. I can undertake to provide a similar figure for 1999 in due course. With regard to the volume of freight the figures requested are as follows:-

	<u>Set Down (000's Kgs)</u>	<u>Picked up (000's Kgs)</u>
January	33	6
February	28	3
March	28	8
April	32	4
May	35	10
June	38	5
July	43	7
August	44	10

Figures on value are not available to the Government.

SUPPLEMENTARY TO QUESTION NO 659 OF 1999

HON DR J J GARCIA:

Can the Minister say when those figures might be available?

HON J J HOLLIDAY:

These figures are compiled by the Customs Department and they do so on an annual basis. I have expressed the view that there could be a possibility of keeping these records on a monthly basis but I am told that it is a very complicated exercise. So the matter is being discussed at the moment as to whether they will be able to apply that information on a monthly basis or not. Assuming that that is not the case it will properly be in the early parts of next year when the figure will be known upto 1999.



NO 660 OF 1999

THE HON DR J J GARCIA

**TOURISM – HOTEL ARREARS**

What amounts are due and owing to Government by hotels broken down by item and in respect of which periods these monies become due as at the end of August 1999?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The amount due from hotels, rounded off to the nearest thousand pounds, as at the end of August 1999 is as follows:

Social Insurance	-	£313,000
PAYE	-	£269,000
Electricity	-	£350,000
Rates	-	<u>£ 51,000</u>
Total		<u>£983,000</u>

These figure includes arrears which date back to 1991 as well as amounts rather recently billed. The significant figure is that the historical arrears of £865,397.56 have been reduced by £92,404 to £775,992.56 since agreements were entered into by hotels. Hotels are now settling their current bills as and when due and in addition reducing the level of historical arrears.

NO 661 OF 1999

THE HON DR J J GARCIA

**TOURISM – HOTEL ASSISTANCE SCHEME**

How much money has Government paid to hotels since 1 April 1999 in loans and grants from the Hotel Assistance Scheme in chronological order with a breakdown giving the name of the hotels and the amounts paid?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The assistance paid to hotels since 1 April 1999 has consisted solely of soft loans. The amounts paid in chronological order, were as follows:

Rock Hotel	-	£139,223.67
Caleta Palace Hotel	-	£416,749.96

The hon Member will recall that these monies comprise secured and repayable loans and are therefore money advanced rather than money paid.

NO 662 OF 1999

THE HON DR J J GARCIA

**TOURISM – TRAVEL WRITERS**

What was the cost of bringing out 20 travel writers from the United Kingdom on or around 21 April 1999 and can Government say how many published articles or reports on Gibraltar giving the dates and the publications or media when and where such articles appeared?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The cost to Government of bringing out 20 travel writers from the United Kingdom on or about 21 April 1999 was £11,773.97. I will now pass to the hon Member a statement on the articles which have appeared in the press which includes the date of publication of each article. The statement includes 13 articles of features, two radio features and one television.

COVERAGE RECEIVED FROM PRESS ON THE ROCK 1999 AS AT  
15<sup>TH</sup> SEPTEMBER 1999

<u>JOURNALIST</u>	<u>PUBLICATION</u>	<u>DATE</u>
RICHARD BATSON	EASTERN DAILY PRESS	18 05 99
OLIVER BRETT	INDEPENDENT TRAVEL AGENTS NEWS	04 05 99 11 05 99
GARY BUCHANAN	BRITISH GUILD OF TRAVEL WRITERS NEWSLETTER THE HERALD	05 99 22 05 99
BRIAN CHARIG	SPECTRUM RADIO  LONDON JEWISH NEWS	17 04 99 AND 25 04 99 21 05 99
TIM EVANS	CHANNEL 5 TELEVISION TELETEXT	17 05 99 FOR WEEK
DAVID HEARD	SUNDAY BUSINESS	23 05 99
DINAH ROBINSON	TRAVEL WEEKLY FEATURE	03 05 99
VITALI VITALIEV	THE SUNDAY HERALD SUN	16 05 99
ROBERT WILSON	TAKE A BREAK	05 99
CLAIRE HAWLEY	WOMAN'S OWN	31 05 99
MAXINE GORDON	YORKSHIRE EVENING PRESS	31 07 99
JAMES TOURGOUT	DORSET ECHO	22 05 99

13 Articles/Features  
2 Radio Features  
1 TV Feature

—  
16  
—

NO 663 OF 1999

THE HON DR J J GARCIA

**TOURISM – SPANISH TRAVEL WRITERS**

What was the cost of bringing out 17 Spanish tourism writers whose representatives visited Gibraltar on or around 20 May 1999 and can Government say how many published articles or reports on Gibraltar giving the dates and the publications or media where such articles appeared?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The cost to Government of the Spanish press trip in May 1999 was £3,542.40. I will now pass a statement of the articles which have appeared in the Spanish media and which includes the date of the publication of each article. This list includes 11 features on Gibraltar and I believe there are still more to come.

<u>PUBLICATION</u>	<u>DATE</u>	<u>NO OF PAGES</u>
REVISTA IBERICA	JUNE 99	2
TRANSPORTE AEREO Y TURISMO	JUNE 99	2
SPIC	JULY 99	3
VIAJEROS	JULY 99	11
EXPO TURISMO	JULY 99	3
VIAJES Y VACACIONES	JULY 99	7
EDITUR	JULY 99	2
TURISMO Y ECONOMIA	JULY 99	6
ESCAPADA	SEPT 99	9
TURISMO Y AVENTURA	SEPT 99	6
AIRE LIBRE	SEPT 99	5

NO 664 OF 1999THE HON DR J J GARCIA**TOURISM – CARTA CONFERENCE**

What was the cost to Government of hosting the CARTA Conference in Gibraltar for four days from Friday 18 June?

ANSWERTHE HON THE MINISTER FOR TOURISM AND TRANSPORT

The cost to Government of hosting the CARTA Conference in June 1999 was £12,462.45.

SUPPLEMENTARY TO QUESTION NO 664 OF 1999

HON DR J J GARCIA:

Does the Minister have a breakdown of that particular figure?

HON J J HOLLIDAY:

Yes, this figure is broken down as follows:

Transport which includes coach transfers and taxis:	£1,695.30
Air fares:	£1,287.80
Lunches and dinners:	£4,164.45
Hotel:	£4,311.05
Literature and mementoes:	£ 867.00
Sundries:	£ 136.85

NO 665 OF 1999

THE HON DR J J GARCIA

**TOURISM – LONDON DIVE SHOW**

What was the cost of participating in the London Dive Show on 24 - 25 April 1999?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The cost to Government of the Gibraltar presence at the Dive Show was £2,226.56.

SUPPLEMENTARY TO QUESTION NO 665 OF 1999

HON DR J J GARCIA:

Could the Minister provide a breakdown of that figure, if it is available?

HON J J HOLLIDAY:

The breakdown is as follows:

Flights	£ 129.90
Brochure delivery	£ 21.62
Stand	£1,459.35
Stand Fittings	£ 615.69



NO 666 OF 1999

THE HON DR J J GARCIA

**TOURISM – EIBTM**

What was the cost of participating in the European Incentive and Business Travel Market (EIBTM) in Geneva between the 18 and 20 April 1999?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The cost to Government of participating in EIBTM was £13, 489.87.

SUPPLEMENTARY TO QUESTION NO 666 OF 1999

HON DR J J GARCIA:

Could the Minister provide a breakdown of that figure?

HON J J HOLLIDAY:

Yes, the breakdown of the figure, is:

Stand	£8,786.86
Stand fittings	£ 519.33

The money of the stand which is manned by the product manager and the Gibraltar Conference Bureau in London, that is two people - £2,190.30 (that includes air tickets, hotel, and subsistence).

Literature	£1,835.82
And give-aways	£ 157.56

NO 667 OF 1999

THE HON DR J J GARCIA

**TOURISM – CRUISE AND FERRY 99**

Can Government now give the cost of participating in the London Cruise and Ferry Exhibition “Cruise and Ferry 99”

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The cost of participating in the Cruise and Ferry exhibition was £4,286.97. The breakdown is as follows:

Staff	£ 918.50
Conference fees and stamps	£2,855.60
Advertising	£ 500.00
And Sundries	£ 12.87

NO 668 OF 1999

THE HON DR J J GARCIA

**TOURISM – AIRLINE ASSISTANCE SCHEME**

How much was paid from the Airline Assistance Scheme and to what airlines in the financial year ending 31 March 1999, giving the amounts and dates when the payments were made?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The airline assistance paid in the financial year ending 31 March 1999 totalled £133,566. £66,783 was paid to GB Airways and Monarch Airlines alike. GB Airways, breakdown is as follows:

GB Airways	16 July 1998	£32,094 (in respect of two quarters)
	16 October 1998	£17,076
	19 January 1999	£17,613
Monarch Airlines	12 June 1998	£32,094
	8 October 1998	£17,076
	12 January 1999	£17,613

SUPPLEMENTARY TO QUESTION NO 668 OF 1999

HON J J BOSSANO:

Am I right in thinking that this is based on the number of flights that each airline puts in?

HON J J HOLLIDAY:

This is based on the original memorandum of understanding that we have with Monarch Airlines when they started operating into Gibraltar and which were based on a number of flights to Gibraltar during those three years. We agreed that we would subsidise GB Airways the same amount, that is why the figures are exactly the same, even though GB Airways have a higher frequency on the route from London to Gibraltar. So, therefore, they are based on an original memorandum of understanding which I think committed Monarch Airlines to a minimum of three flights in the summer, two flights in the winter over a three year period, although that has subsequently been reviewed as a result of the fact that we wish to increase the number of flights on the route.

HON J J BOSSANO:

So, it is not then related that if they put more flights they get a higher amount? I seem to remember that there was an argument about having said that?

HON J J HOLLIDAY:

No, the matter has been reviewed. The reality of the situation is that I have two priorities as far as increasing the number of, both increasing new airlines, trying to bring new airlines on the route. I am actually trying to interest those that operate the route to put on more aircrafts. So what we did with Monarch is that at the end of year two we renegotiated the original memorandum of understanding which will be based on a flat, I think it is £60,000 a year plus an additional £500 per flight in excess of their original contract. The same applies to GB Airways if they wish to do that and Monarch has obviously taken that on board and have now moved to six flights a week. They will shortly be announcing a new schedule for next May which increases their frequency quite substantially based on that, although there is a cap of eight flights. Once they have reached their eight flights a week there is no more subsidy to come from us. In the case of GB Airways they will get the flat £60,000 in the same way as Monarch has but they have to produce the additional flights, in order to get any additional subsidy. So, we will hopefully end up in a situation that if GB Airways remain on the same frequency of flights they will get the flat £60,000 and nothing else. Although I can anticipate that that will not be the case as both airlines are about to announce new schedules for next summer which I think will be a revelation in themselves in terms of frequency and airports under which they operate. Do not ask any further questions. I am not able to divulge at this stage because it would prejudice any possible negotiations that are going on with both airlines.

ORAL

NO 669 OF 1999

THE HON DR J J GARCIA

**TOURISM – DISCUSSIONS WITH AIRLINES**

Has any progress been made on the possibility of entering into an arrangement with Air Malta to establish a stop-over flight from Gibraltar to a Portuguese airport?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

Answered together with Question No 670 of 1999.

NO 670 OF 1999

THE HON DR J J GARCIA

**TOURISM – DISCUSSION WITH AIRLINES**

Can Government say with how many airlines have the talks that were in progress in May 1999 now been concluded, with how many the discussions continue, and whether any new discussions with new airlines have commenced since that date?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The number of new airlines with which the Government have concluded discussions is one. Government will be making a statement in relation to this airline very shortly. Discussions, which commenced prior to May 1999, continue with three other airlines. Since May 1999, discussions have commenced with two additional airlines.

Discussions with airlines are obviously highly confidential. I am therefore unhappy that the Opposition Member should continue to ask questions which are not advisable to answer publicly as delicate negotiations could be severely prejudiced.

SUPPLEMENTARY TO QUESTION NOS. 669 AND 670 OF 1999

HON DR J J GARCIA:

Do I take it therefore, that the Minister will not be answering Question No. 669?

HON J J HOLLIDAY:

Mr Speaker I think I have answered Question No. 669 when I have been asked to comment or answer whether there have been any progress on the possibility. And I am saying that I do not feel that discussions on airlines is something that I ought to pursue. I am quite happy to discuss the matter with him personally, if he wishes to be informed on what is going on a private confidential basis. But not expose it in the House because we feel that it would be difficult to carry on with negotiations because there are competing airlines talking to us, for example. And I think it would prejudice what we are doing and it would not be in the interest of Gibraltar to do so.

HON DR J J GARCIA:

Mr Speaker, I appreciate the situation and would be happy to learn from the Minister exactly what the situation is. But at least if we cannot discuss airlines, given what the Minister said, would it be possible to at least know whether any of these discussions will open any new routes to new airports.

HON J J HOLLIDAY:

Yes, I think they do but if I said where they were from it would be easy to identify who I am in discussions with. But I am very happy to discuss the matter with him in private.

ORAL

NO 671 OF 1999

THE HON DR J J GARCIA

**TOURISM – GTB BROCHURE**

Can Government explain how it is that traders were being approached to advertise in the Gibraltar Tourist Board brochure before the production of the brochure had been put out to tender?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

Answered together with Question No 674 of 1999.

ORAL

NO 672 OF 1999

THE HON DR J J GARCIA

**TOURISM – HOTEL OCCUPANCY SURVEY**

What is the reason for the delay in the publication of the Hotel Occupancy Survey for 1998?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

Answered together with Question No 673 of 1999.



NO 673 OF 1999THE HON DR J J GARCIA**TOURISM – TOURIST SURVEY REPORT**

Can Government explain why the tourist survey report of 1998 was not made available by February this year, as was the case in the previous year?

ANSWERTHE HON THE MINISTER FOR TOURISM AND TRANSPORT

Both the Hotel Occupancy Survey for 1998 and the Tourist Survey Report for 1998, as indeed all other statistical reports, have been the subject of fundamental review. The review has included the reprogramming of the Surveys from an antiquated computer system to a more modern PC set-up and software. The 1998 Hotel Occupancy Survey Report which has now been laid before the House includes as the hon Member can verify, a number of diagrams and charts which have previously not formed part of the Report. Despite these improvements, and although the Hotel Occupancy Report has been laid before the House later than the corresponding report last year, it is not abnormal for the Report to be Tabled after the summer recess. For example, the 1995 Hotel Occupancy Survey Report was laid before the House on 4 September 1996 and the 1996 Report was laid before the House on 3 October 1997. I would like to add that most of the information for 1998 which is contained within the Hotel Occupancy Survey Report has been made public in the way of questions and answers asked in the House. With regard to the 1998 Tourist Survey Report, it is envisaged that this will be laid before the House in the next session. By way of clarification, the 1997 Tourist Survey Report was completed by the Government Statistician in February 1998 and was not laid before the House until 24 April 1998, at which time it became available. By way of comparison, the 1995 and 1996 Tourist Survey reports were laid before the House on 4 September 1996 and 3 October 1997 respectively.

SUPPLEMENTARY TO QUESTION NOS 672 AND 673 OF 1999

HON DR J J GARCIA:

I suppose that the short answer is a new computer. Is there, Mr Speaker, a reason for that? In other words, has all the data got to be inputted into the computer again or is the data simply transferred from one programme to the other in quite a simple operation?

HON J J HOLLIDAY:

The reality is that the Statistics Department have been completely reviewing its procedure in terms of making sure that they upgraded their computer systems putting in data presentational for improvement. The fact is that as can clearly be seen from what I have said, and in fact I can give examples going back to 1992, it has been common practice for these reports to be presented to the House after the summer recess of the following year. So, there is no delay as such, it has been the common practice. I would like to see them being published earlier. I remember before being in politics and being President of the Chamber of Commerce always advising the Government that these statistics were made available a bit earlier. They would be beneficial to traders in order to be able to assess performance and be

able to forecast what they expect in the years to come for planning purposes. Having said that, we would like to see an improvement in the publication but as it stands today the practice has not changed. The scheduling of these reports has been done precisely as has been the case since 1992.

HON J J BOSSANO:

Given that the Tourist Survey Report for 1998 was completed by the Statistician by February 1998 relating to the 1997 figures can he say when the equivalent information was processed by the Statistician in respect of the Report that is due to be published later on this year?

HON J J HOLLIDAY:

I am afraid that I do not have that information available but I am informed by the Government Statistician that this will be available at the next session of the House.

HON J J BOSSANO:

Other than there are some charts which in fact is not too difficult to do with the computer once one has the original information, is there anything else that is being changed in the content of the Reports?

HON J J HOLLIDAY:

No, I do not believe that this is the case. In other words, to the best of my knowledge anyway there is no information that has been fed to me in terms of the information that will be made available or the computation of these figures. But things like surveys and the sampling of surveys et cetera is something that is being examined in order to improve this. I think this was highlighted this morning in discussion over previous questions. I do not have any other information planned.

HON J J BOSSANO:

I am not talking about statistics in general, I am addressing the subject of question 673, Mr Speaker, which is the Tourist Survey Report where for example the tourist expenditure estimates are contained. Has there been any change in the methodology in calculating the estimates or is it being done this year the same as in previous years?

HON J J HOLLIDAY:

My understanding is that there has not been any changes, the calculations remain exactly the same as has been done in previous years.

HON J J BOSSANO:

Is the Minister aware of the results of those Surveys already or it has to go to the Government before it comes to the House?

HON J J HOLLIDAY:

No, I have not seen the draft report. I obviously do have the information which should be contained in the Report from the point of view of statistics that we ourselves in the Ministry keep, but these are statistics that are kept for my own information and for information of

management within the Ministry and within the Gibraltar Tourist Board. We nevertheless abide by the Government Statistician and the figures that are produced and obviously if there are major discrepancies we would highlight that at the time that the draft report is presented to us. But I still have not had the draft reports given to me for consideration.

HON J J BOSSANO:

Did the Minister say it is likely to be available in this particular House or is he talking about the next meeting of the House?

HON J J HOLLIDAY:

The next meeting of the House.

NO 674 OF 1999

THE HON DR J J GARCIA

**TOURISM – MAPS OF GIBRALTAR**

Can Government explain why the tourist office at the Piazza was distributing photocopies of a tourist map of Gibraltar on 29 June 1999?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

At certain periods over the summer months, I can indeed confirm that photocopies of tourist maps were indeed being provided to visitors when requesting a map. Indeed, this has been the practice for at least 15 years whenever there have been no printed maps available to give to visitors. Obviously, this is not a practice that is acceptable but is sometimes unavoidable. There is no incompatibility in going out to tender for the printing of brochures either before or after the soliciting of advertising. One process is in no way connected with the other. The obtaining of advertisers generates revenue whilst the printing work requires expenditure.

SUPPLEMENTARY TO QUESTION NOS 671 AND 674 OF 1999

HON DR J J GARCIA:

The question refers to the production of the brochure not to its printing. But perhaps, in order to clarify the situation, the Minister might be able to explain exactly what brochure it is that we are talking about, that he is referring to?

HON J J HOLLIDAY:

Well, the Gibraltar Tourist Board decided that in 1999 we would actually be producing four new publications and therefore with that in mind we commenced seeking the possibility of advertising in these publications in order to recoup part of the expenditure in respect of these particular publications. When the printing goes out and the need for it to be printed goes out to tender, the tender process has nothing to do on the printing works with the advertising that we have already started to try and promote.

HON DR J J GARCIA:

There was a Government tender which appeared on the 26<sup>th</sup> July 1999 and that refers to advertising in the Gibraltar Tourist Board Information Brochure, that entails collecting the advertising for the brochure or people who want to advertise in it have to tender for a space?

HON J J HOLLIDAY:

Can the hon Member repeat that again, sorry?

HON DR J J GARICA:

Yes, the tender which appeared dated 29<sup>th</sup> July 1999 refers to advertising in the Gibraltar Tourist Board Information Brochure. Now what exactly is it that a person is tendering for. Is it to compile and collect all the advertising for the brochure or for a space in the magazine?

HON J J HOLLIDAY:

The one the hon Member is referring to is that there is a space on the back of that particular brochure which is obviously an advert which is extremely popular and which a number of people would want and we put it out to tender in order to secure the highest bidder in this particular case. That does not apply to every particular publication. Sometimes we have to really struggle to get adverts in some publications.

HON DR J J GARCIA:

No, Mr Speaker, because the wording of the advert of the actual tender and the wording of the award of the tender were quite confusing. Just to clarify, it is the same one, the actual tender award was published in the middle of this month and the section we are referring to says, "The Treasury Tender Board for this award is the tender for advertising in Gibraltar Tourist Board Information Brochure to Marks and Spencer, York Limited in the sum of £1,000 for an addition of 500,000 brochures." That means they would have an advert in the back page of those brochures, is that the case?

HON J J HOLLIDAY:

That is correct. For £1,000 they will have the back page of that particular publication which has 500,000 copies.

HON DR J J GARCIA:

Obviously we can assume that the other three offers, or the three offers that were received, were for less?

HON J J HOLLIDAY:

Yes, most certainly.

HON DR J J GARCIA:

One more point in relation to the map. The reason why that question was tabled was because of the actual tourists who were brought round to my office to complain about it. It was not so much that maps were given out. The actual quality of the map made it very difficult to know where one was going. I do not know if this is the one that has been given out for 15 years which certainly looks like it but it is to do more with the quality of the map than actually distributing a photocopy.

HON J J HOLLIDAY:

I appreciate it, this practice is not desirable but sometimes its unavoidable.

HON J J BOSSANO:

The amount of £1,000 for the back page of half a million brochures seems a very reasonable sum. This is the one for which there is a lot of competition, but the Minister says there is not in fact quite a high amount of money that was offered?

HON J J HOLLIDAY:

That was the highest bidder. That is what we got offered and that is what we have had to accept. If we had offered anything higher we probably would not have had anybody advertising.

HON DR J J GARCIA:

Just very briefly the actual Tourist Information Brochure itself, have people been going out collecting other adverts for that on behalf of the Government. Has the Tourism Board contracted that out or is there any movement or development related to that?

HON J J HOLLIDAY:

We have a contract that was awarded through the tender system last year with Copywrite who have responsibility of doing the production of this and the layout and the seeking of adverts in this particular area and it covers a wide range of publications. I think it covers something like 10 or 12 publications. I have not got the details here in front of me. It is something that is very much dealt with by the management of the Tourist Board and not really something that I get involved in.

HON J L BALDACHINO:

Can the Minister say if in the brochure there is other advertising apart from the back page?

HON J J HOLLIDAY:

Yes, I think there are other adverts but they were not put out to tender because we could sell this.

HON J L BALDACHINO:

Would they have put a price on the space if they did not go out to tender?

HON J J HOLLIDAY:

Yes, here we are going into details but I understand that yes spaces other than the back page which we felt warranted going out to tender were priced and were put on sale to prospective advertisers.

NO 675 OF 1999

THE HON DR J J GARICA

**TOURISM – OVERSEAS ATTENDANCES BY THE MINISTER**

Can the Minister for Tourism give the dates when he has been away from Gibraltar on Government business in chronological order since May 1996, giving the event or function attended, the venue, the city and the country visited?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

I have pleasure in providing the information requested by the hon Member which is contained in this list which I now request the Clerk of the House to hand over to him.

**DATES ON WHICH THE HON. JJ HOLLIDAY HAS TRAVELLED TO EXHIBITIONS & MEETINGS ABROAD**  
**MAY 1996 TO AUGUST 1999**

FROM			TO			EVENT	CITY	COUNTRY
24	6	96	25	6	96	MEETINGS *	LONDON	UK
7	7	96	10	7	96	MEETINGS *	LONDON	UK
1	8	96	2	8	96	MEETINGS *	MADRID	SPAIN
14	9	96	19	9	96	SEATRADE	GENOA	ITALY
5	10	96	8	10	96	MEETINGS *	LONDON	UK
10	11	96	14	11	96	WTM	LONDON	UK
9	12	96	13	12	96	MEETINGS *	LONDON	UK
8	1	97	10	1	97	BOAT SHOW	LONDON	UK
30	1	97	31	1	97	FITUR	MADRID	SPAIN
8	2	97	12	2	97	MEETINGS *	LONDON	UK
12	3	97	16	3	97	SEATRADE	MIAMI	USA
13	4	97	14	4	97	MEETINGS *	LONDON	UK
14	4	97	16	4	97	MEETINGS *	LONDON	UK
25	4	97	25	4	97	SITC	BARCELONA	SPAIN
8	7	97	11	7	97	MEETINGS *	LONDON	UK
5	8	97	5	8	97	MEETINGS *	BARCELONA	SPAIN
13	9	97	17	9	97	ROUTES	OSLO	NORWAY
22	10	97	24	10	97	MEETINGS *	LONDON	UK
28	10	97	28	10	97	MEETINGS *	MADRID	SPAIN
14	11	97	18	11	97	WTM	LONDON	UK
12	1	98	15	1	98	BOAT SHOW	LONDON	UK
27	1	98	28	1	98	FITUR	MADRID	SPAIN
15	2	98	18	2	98	MEETINGS *	LONDON	UK
4	5	98	6	5	98	MEETINGS *	DUBLIN	IRELAND
1	6	98	4	6	98	POSIDONIA/PORT PRESENTATION	ATHENS	GREECE
19	7	98	23	7	98	MEETINGS *	LONDON	UK
6	8	98	7	8	98	MEETINGS *	MADRID	SPAIN
21	9	98	23	9	98	ROUTES/BALTIC EXCHANGE	LONDON	UK
15	11	98	19	11	98	WTM	LONDON	UK
30	11	98	2	12	98	PORT PRESENTATION	ATHENS	GREECE
13	12	98	15	12	98	MEETINGS *	MADRID	SPAIN
10	1	99	12	1	99	BOAT SHOW	LONDON	UK
20	1	99	22	1	99	MEETINGS *	LONDON	UK
27	1	99	30	1	99	FITUR	MADRID	SPAIN
13	4	99	15	4	99	MEETINGS *	LONDON	UK
10	5	99	12	5	99	CRUISE & FERRY	LONDON	UK
12	7	99	13	7	99	MEETINGS *	MADRID	SPAIN
23	8	99	25	8	99	MEETINGS *	LONDON/MADRID	UK/SPAIN

\* In respect of meetings, these covered on the one hand the regular UK GTA meetings, and in addition meetings for discussions with airlines, tour operators, cruise ship operators, port consultants and developers of tourist attractions and with regard to the development of the School of Tourism and the opening of the Madrid Office.



NO 676 OF 1999

THE HON J J GABAY

**TRANSPORT – SEAT BELTS**

Is it the intention of Government to introduce compulsory wearing of seat belts for drivers and passengers of motor vehicles?

ANSWER

THE HON THE CHIEF MINISTER

Government hope shortly to publish a bill to make compulsory the use of seat belts in accordance with the provisions of EC Directive 91/671.

SUPPLEMENTARY TO QUESTION NO 676 OF 1999

HON J C PEREZ:

Can the Chief Minister state whether the European Union obligation makes a distinction between the centre of the city and the outskirts of the city which would be sensible in other parts of the world but not in Gibraltar?

HON CHIEF MINISTER:

I know the directive makes no such distinction nor do I share the hon Member's views about when it is safe to wear a seat belt and when not to.

HON J C PEREZ:

I have not expressed any views on that.

HON CHIEF MINISTER:

There is no legislation, of which I am aware anywhere. Certainly the directive does not make the distinction between urban centres or city centres and motorways or country lanes or anything like that. The directive does not make any such distinction. I am not sure that the law of any other country in Europe does either. There is an issue of course about whether the directive is binding or not and whether the Government do it by obligation or by domestic policy because the principle basis of the directive is in article 75 which relates to the single marketing in goods. Of course this does not apply to Gibraltar and as with so many of these directives which deal with safety there is always a doubt about whether it applies or does not apply to Gibraltar.

HON J J GABAY:

May I ask the Chief Minister whether when he says that he will be taking positive action on this subject soon whether he in fact intends to take it as a matter of urgency given that we have had a number of tragic accidents and there seems general concern about it?

HON CHIEF MINISTER:

Yes, Mr Speaker, perhaps I incorrectly interpreted the essence of his hon Colleague's position and perhaps I am glad to see that hon Members think it will be a prudent move and if it is a prudent move that it will not matter whether there is an obligation to do it or not. The Government have a draft, a draft which maximises derogations which the directive permits and we are now considering whether we should avail ourselves of those derogations or not? In other words, is this one of those areas where we should try and do as little as possible or is it an area where we should just do whatever we think prudence requires, safety requires and not seek to minimise our obligations.

NO 677 OF 1999

THE HON J J GABAY

**TOURISM – BARBARY MACAQUES**

Has the Minister for Tourism implemented “The prepared management plan” meant to stabilise the population of apes at about 180 and thus avoid slaughter?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

Following the lengthy discussions with GONHS and the Gibraltar Veterinary Clinic, the Gibraltar Tourist Board has asked Government’s solicitors to draft the contracts which are to be put in place with both GONHS and with the Gibraltar Veterinary Clinic which will provide for the care, welfare, control and management of the Barbary Macaques. It is envisaged that the agreements will be ready for signature shortly. The advice received from the University of Zurich and other experts suggests that the Macaque population should be stabilised at about 180 animals, in six packs each of 30. This is therefore Government’s aim.

SUPPLEMENTARY TO QUESTION NO 677 OF 1999

HON J J GABAY:

The purpose of this question was to ask whether plans had actually been implemented as was suggested in a previous answer and since there was a reaction against the actual killing of numbers of apes as we had last time and the impression given by the Minister was this will be properly avoided or something of the sort but the prepared management plan would see to it that this would not be necessary. So it is specifically on that point that I am asking the question whether he feels that the experts that he has consulted are prepared to make a plan that will be effected actually in controlling the numbers. I presume some sort of family plan might be the answer.

HON J J HOLLIDAY:

The reality is that we have three options. Either we cull the animal, we use contraceptives or we export the animals. To export the animals is not easy and let me tell the House that we have tried to do this even at considerable expense like we did last year. The prepared management plan will hopefully come into operation on the 1<sup>st</sup> October, although we are still to sign on the dotted line. In actual fact GONHS and the Vets are working already on the different schemes that need to be put in place. The area of Moorish Castle is one that is currently being addressed. There has been a lot of hardship in that particular area and this has involved an element of culling. We had a figure of approximately 250 of these animals prior to the export of these to Germany. Twenty-five of these were exported and 15 were culled in Catalan Bay which brought down the number by 40 to about 210. Since that period there has been a certain amount of reproduction activity and we now have a number of about 248 again. So, we have to not just get the numbers down to about 180 we will then have to put suitable controls in place in order to keep these numbers down after that.

HON J C PEREZ:

I am not sure whether it was GONHS or the Government, a couple of years ago recommended contraceptives as a way to maintain the population down if that had been implemented when the report was done then obviously the numbers today would be fewer. But let me ask the Minister, is he saying that culling will continue in the foreseeable future until the numbers are brought down or is he saying that the management plan is to be implemented and see whether this over a period of time reduces the number before taking a decision whether culling is going to continue or not?

HON J J HOLLIDAY:

I think I would like to correct what the hon Member has said. The University of Zurich Report gave contraceptive as one of the options. It was not a recommendation that they actually stipulated. Export is another option that is obviously feasible and culling is another which obviously we are trying to avoid, but which sometimes becomes the only option available to us. Contraceptives, let me say, is a very expensive form of control, very expensive indeed. So what we would like to do is put this management programme into place, assess the welfare of the animals, dictate or assess what animals are better to be kept than those that could really go through the culling system. Once we get the figures down to 180 then we can think about contraceptives as the option for consideration, the numbers will then be much lower and also controlling the male population which unfortunately is the biggest culprit in the reproduction sequence.

HON J J BOSSANO:

If there are 248 now are they planning to kill 68? I think the word is kill not cull.

HON J J HOLLIDAY:

The plan is that the figure has to be brought down to 180 and this will have to be done over a period of time. There will be some that will die naturally, there will be those that will have to be culled because their welfare is not really upto scratch and therefore if we have to sacrifice a particular animal we will go for those that are in less state of health than those that are healthier and therefore there will be an element of culling. However, the idea is not just to cull 60 at random and bring the numbers down to 180 overnight it will have to be done over a period of time.

ORAL

NO 678 OF 1999

THE HON J C PEREZ

**TRANSPORT – GREEN LANE**

Can Government state when the existing lease on Green Lane will expire?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

Answered together with Question No 679 of 1999.

NO 679 OF 1999

THE HON J C PEREZ

**TRANSPORT – GREEN LANE**

Have Government approached the owners of the Rock Hotel to try and obtain limited access of vehicular traffic through Green Lane for residents of the Upper Rock?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

I can confirm that Government have indeed discussed with the owners of the Rock Hotel the issue of vehicular access through Green Lane. The existing lease over Green Lane will expire on 30 September 2062.

SUPPLEMENTARY TO QUESTION NOS 678 AND 679 OF 1999

HON J C PEREZ:

Is the Minister aware whether this is still the original lease granted to the owners of the Rock Hotel by the Ministry of Defence or whether there have been amendments made after that to that lease which has altered it in any way?

HON J J HOLLIDAY:

I believe that this is the original lease. There has definitely been no changes to that since May 1996.

HON J C PEREZ:

Would the Minister perhaps check, I know he will not have the information available, whether there was a transfer of the leaseholder from the MOD to the Gibraltar Government and whether certain changes were introduced at the time that the leaseholder became the Gibraltar Government. Could he check that? Could he possibly tell the House whether the reaction he has received from the owners of the Rock Hotel for limited access to the Upper Rock is favourable or not favourable?

HON J J HOLLIDAY:

Yes, I will definitely check the point that the hon Member has made in respect of the transfer of lease from the MOD to the Gibraltar Government. In addition to that let me say that I have representations, and in fact I met a number of individuals who live in the Upper Rock who expressed the desire to use Green Lane for access into the town area. I subsequently met the owners of the Rock Hotel who were willing to negotiate with the Government the possibility of the transfer of the lease back to the Gibraltar Government but obviously at a price. They were not willing to allow a group of people to use the Green Lane for vehicular traffic just because they lived on the Upper Rock. That they were not willing to entertain because they felt that it would need certain control and it was not something that they were amicable to. Nevertheless the idea of transferring the lease back to the Gibraltar Government at a price is something that they were willing to listen to and negotiations in that respect have not really been taken any further.

HON J C PEREZ:

Is the Minister aware whether the terms of the lease, all the terms of the lease have been adhered to and is he also aware whether there are some clauses that would permit the Government to take the lease if some of the terms were not being met, for example. I know that there is a clause about having to keep the area in condition and I know that it was the Government that filled in the holes of Green Lane a couple of years ago a matter I raised in the House at the time.

HON CHIEF MINISTER:

Well, of course, I am not personally familiar with the terms of the lease, it is a matter of public record and of course the hon Member is as free as I am to find out what the terms of the lease says. I do not think there has been any recent deterioration, in other words, I think the position now in respect of what the lease says and what the rights of Government are and the issues that impact on the question of whether Government should or should not try and recover that lane have not changed in the last three years. I do not know if the hon Members were working on any project in the run up to the last election that they might wish to acquaint us with or whether they had the matter in hand or did not have the matter in hand. I am not aware that they had the matter in hand. The Government certainly are not working on the issue. In other words, after I received a visit about 10 days ago from one of the residents of the top part of Gardiner's Road complaining that they were not allowed by the owners of Green Lane to use it to get out into Europa Road and had to go all the way up as it has always been since Gardiner's Road has been built. So, certainly I know that individual property owners, individual private property owners, in the top area of Gardiner's Road would like that to become public highway because it is obviously convenient for them but there is a lease in place and it is not the Government's policy that we propose to take to seek to forfeit that lease, even if there were grounds to doing so and we have no evidence that that is the case. The Minister may wish to answer why we filled the pot holes given that it is not public highway. But there must be a reason attached to tourists or something.

HON J C PEREZ:

If I may divert a little from asking questions it was the hon the Chief Minister that told this House that they were filling the pot holes because a lot of pedestrians used it. That is what they have told this House when I first raised it but that is another matter. Mr Speaker, given that on this occasion because indeed the owners of the Rock Hotel had been approached by different governments over the matter, but given that on this occasion they have indicated to the Government that they would be prepared to forfeit the lease, to give back the lease for a price it seems to me that the argument has not been used until now which is that it was to secure the area for the security of tourists and residents of the hotel and so that there should not be noise affecting the hotel now does not stand. If they would give money for it they would forfeit it. Can the Minister perhaps say whether the sum of money that has been mentioned is exorbitant in relation to this? Because it does not only affect the people at the top of Gardiner's Road it affects everybody with residence on the Upper Rock because of the build up of queues and cars at the junction of the nature reserve where it takes about 45 minutes to get to their homes everybody that has to access the Upper Rock not only the top part of Gardiner's Road. Is this sum of money that they have mentioned exorbitant in relation to it or is it reasonable and if it is reasonable what is the position of the Government on it?

HON J J HOLLIDAY:

The owners of the Rock Hotel have not mentioned the figure. What they said was that they were willing to consider the transfer of the lease back to the Gibraltar Government at a price but not just allowing the use of the lane for Upper Rock residents only. The situation may have changed as far as noise is concerned because the number of rooms that are available at the Rock Hotel. I believe there is no back rooms, all the rooms are at the front of the building, and therefore previously it was a disadvantage to have traffic flowing down that lane may not necessarily apply today. So therefore circumstances have changed. No price has been mentioned. The reality is that I undertook to consider what Government would value the transfer of this particular lease and negotiations have not been taken any further.

HON J C PEREZ:

Does the Minister intend to get a feed-back? Initiate negotiations to at least get a feed-back of what they would expect in return for the lease, given that, if we do not do something about it and we cannot look at clauses in the lease in order to forfeit it because as the Chief Minister said it is not the policy of the Government to forfeit the lease, we would have to wait another 62 years before we deal with that problem?

HON CHIEF MINISTER:

It is not the policy of this Government, just as apparently it was not the case when he was the Minister with responsibility for this particular issue. He sat in office for eight years and never thought that it was necessary either to look at the lease or still less to forfeit it. Therefore, that he should now press the Government, it is not Government policy to do it. The Government are not committed to do it. The Government have not even considered whether it is desirable to do it nor have the Government considered whether we are willing to invest public funds in buying back the land. Which is not to say that the Government may not at some point explore with the owners to see if the price that they had in mind is in the sort of ball park that would tempt the Government to do something even though the Government may not have it very high on our list of priorities. The Minister is pursuing it and I am sure he has neither completely ignored nor indeed is it uppermost on his list. It is worth exploring, I agree with the hon Member because if the cost is less burdensome than the benefits that will be derived from it, it is certainly worth looking at for any number of reasons. But it is not something that Government are focused on. It all depends on the sum of money involved.



NO 680 OF 1999

THE HON J C PEREZ

**TRANSPORT – WILLIS' ROAD**

Are Government aware that indiscriminate parking of motor cycles at Willis' Road is blocking car parking areas and that complaints about this have been made to the RGP?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

Government are not aware of indiscriminate parking of motor cycles at Willis' Road, as this is a matter for the police. It is not the sort of issue in which a Government Minister should be involved. If vehicles are parked illegally then this matter needs to be reported by those affected to the pertinent authorities. It would seem that the Royal Gibraltar Police have been apprised of the matter, and I have no doubt that they will deal with it in the way that they deal with any other issues of this nature which are brought to their attention.

SUPPLEMENTARY TO QUESTION NO 680 OF 1999

HON J C PEREZ

According to the residents that have made representations on various occasions to the RGP they have been told that, and this is where the department where the Minister is responsible for comes into it, that the only way to regulate it is by actually designating car parking areas because unless a car parking area is not designated there is nothing to stop a motor cycle from parking in it. And they have on various occasions been referred to his department for it and they tell me that they have actually approached some people in the department and that they have been at it for a couple of years according to their information. I am raising the matter to see whether the department can look at it to see whether how accurate the information is and to see whether indeed that is the solution that car parking area should be demarcated and separated from the motor cycle base because what they tell me is that a person leaves with his car, places his motor cycle there then comes back and parks in the same place. And although it is convenient for those tenants the tenants who live around it are complaining about that situation.

NO 681 OF 1999

THE HON J C PEREZ

### TRANSPORT – MOT TEST

Can Government state how many private motor vehicles were required to have taken an MOT test by June this year, how many passed the test, how many have failed, and how many have not taken the test at all?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The number of private motor cars required to have taken an MOT test by June this year was 11,276. Of these 6,273 passed the test first time; 2,456 motor vehicles failed at their first attempt. Subsequently 1,970 passed, 486 are still pending further examination. 4,517 motor vehicles have yet not taken the test at all. Of these 1,942 are motorcycles.

SUPPLEMENTARY TO QUESTION NO 681 OF 1999

HON J C PEREZ:

What steps are Government taking to try and ensure the enforcement of the law they introduced requiring an MOT test every year given that there are 4,517 vehicles that are not complying with the law?

HON J J HOLLIDAY:

Drivers that do not comply with the law should be reported by the police. It is a police matter. It is not a Government policy matter. If there are motor vehicles that are in our roads that do not conform with the relevant requirements well then it is up to the police to stop and prosecute as required by law.

HON J C PEREZ:

The Minister is aware, of course, that it was the practice of the Licensing Department to require an MOT test certificate to be presented before the renewal of the licence took place and that this aided the police in enforcing the legislation when it only applied to vehicles over 10 years old. This practice was discontinued by the Government because the obvious backlog that there was of people passing the MOT test. It seems to me and the complaints that I get is that a lot of people cannot get bookings fast enough to be able to pass the MOT test. It seems to me that they ought to review the situation and do what the Opposition suggested which is implement the EU legislation so that the test are biennial and therefore the resources available have enough time to go through all the vehicles that need to get the test. It seems to me that the resources available cannot cope with having annual test for all the vehicles that need to pass the test. Notwithstanding the fact that as a matter of principle we disagree on whether it should be annual or biennial?

HON J J HOLLIDAY:

The information that I have available from the Chief Examiner is that there are capabilities within the Motor Vehicle Test Centre to have annual MOTs and that there is no question of not being capable to handle this on an annual basis. The problem of being able to obtain a road tax certificate not having the relevant MOT was addressed in that anybody who had booked a test with the MOT was able to get his road tax renewed. Let me say that from my own personal experience the delays in actually getting a test can be anything between three or four weeks and this is not something that is irregular, most people find that that is the case. Waiting a period of three or four weeks is not something which I would consider unreasonable.

HON J C PEREZ:

So the Minister is saying that the practice of giving the licences or linking the MOT test to the licence is not going to be reintroduced?

HON J J HOLLIDAY:

What I have said is that the linking of the MOT and the road tax certificate currently exists. What has happened is that this year we allowed people to be able to obtain their road tax certificate on the strength of having an MOT booking form and this may apply for the future as well. There is a year, one does not renovate ones MOT test every year and so therefore one could be overlapping on a continuous basis. So we are not re-introducing anything because we have not diverted from the original system.

HON J C PEREZ:

So then, the Minister is actually indicating from his answer that it is very possible that there 4,517 vehicles that have not renewed their licences either because they have not passed an MOT test and they have only renewed their licences if they had a booking or they made their booking and they cancelled it after getting the licence or they have not passed the MOT test and they have not got a road licence either. That is the indication that the Minister is giving through his reply.

HON J J HOLLIDAY:

As an extreme case one would have to have every single motor vehicle of the 4,517 without a booking to actually have these cars on the road without a road tax. That would be the extreme. That is not the case. The case is that a significant number of motor vehicles did actually book tests and therefore that figure is much much lower. I have not got the actual statistics here in front of me but there were a significant number of cars which did not have their MOT in place when it came to the time of renewing the road tax certificate and actually did the booking and the test was subsequently undertaken.

HON J J BOSSANO:

Was not the reason given in the House for the need for this annual tests that it was very important for road safety. If that is the case is it not worrying that there are 4,000 vehicles on the road which have not been tested?

HON J J HOLLIDAY:

The advice given to us by the experts in this particular field was that tests had to be done annually and that MOT tests were recommended to be done annually and we have gone down that route. Of the 4,517 that may have not taken the test at the end of June, a good number of them have now taken their test and passed and therefore the numbers that are on the road without an MOT is much much less than the 4,500 which is the figure which has been highlighted as an extreme case. I presume it is better to have a good high percentage of cars on an annual MOT on safety on the road than it is not to have any at all.

HON J J BOSSANO:

This is not whether it is better or worse to have more or less but if the advice was that it was important to have them tested annually and then it turns out that a big chunk of them have not taken the test when they were due to it and they are still happily driving all over Gibraltar, surely is it not worth reviewing the policy in the light of experience?

HON CHIEF MINISTER:

A policy based on the advice that it is safer to check cars annually is not brought into disrepute because on the 14 month 4,000 cars have not fallen apart. The fact of the matter is that the Government are satisfied. The hon Member said that we disagree as a matter of principle about whether cars should be tested annually or every two years. It is not a matter of Government policy. We did not decide it should be one year as a matter of policy. What we decided to do on a technical matter is to accept the advice of our technical officials. Now, what the hon Member is saying is that had he been in office, notwithstanding the technical advice of his officials, he would nevertheless have imposed on top of it his own opinion and not accepted it. EEC standards as the hon Member well knows are a minimum threshold. They do not represent a test of what is desirable. They represent a minimum threshold of common denominator. The hon Member knows that the United Kingdom does MOTs annually and that most other European countries, notwithstanding the directive that only requires them to do it every two years, most European countries also do it annually. Our own officials advised us that given the use to which Gibraltar registered cars use roads in Spain and for other reasons as well it was also prudent for Gibraltar to do what most of the rest of Europe is considered to be prudent and that is to test them annually. I hear that the hon Member's position is that he, notwithstanding what three quarters of the rest of Europe has thought to be prudent and the advice that he would have had on the assumption that he would have had the same advice as we got that he would nevertheless, notwithstanding all of that, he would have done it differently. Fine. All I am saying is that it is not a matter of policy difference. It is a question of his policy against the advice. The Government did not decide as a matter of policy that it should be every two years or every year. The Government said this is a technical matter we will be advised by the technical advises and therefore we have adopted this policy. But it is not conviction policy. It is policy based on advice of technical people on a technical issue, which we accept. Mr Speaker, just to come back to the supplementary and to sit down before somebody looks at the stop watch again. The Government are certainly not persuaded by the Leader of the Opposition's view that given that the 4,000 cars or such of them of which half are motor cycles and that is the source of worry, frankly. If the hon Member were to ask me whether it is a matter of concern that there are 2,000 safety untested motor cycles on the road, frankly, I find that a matter of some concern. But I do not think that the fact that there are untested cars still going around and they have not all crashed into the nearest tree to be evidence that supports the contention that it was not really necessary to test them annually after all.

HON J J BOSSANO:

I was not putting it in such dramatic terms as expecting motors to start crashing because they were not crashing before the law was brought in and they have been testing every ten years, or when they were ten years old. Can I ask, the Government have said that this is a matter for the Police, well presumably, there is a feedback to the Police as to these statistics on the numbers that are still not coming for their test?

HON CHIEF MINISTER

I am not sure whether any official of the Vehicle Testing Centre has passed this information to the Police. It would not be usual, the executive does not normally pass on to the Police, there are laws there. The responsibility to enforce them is the Police's. The Police must be aware of this, they listen to proceedings in this House. Well, if they share the same computer list then they presumably know what the list say. This is a matter for law enforcement and what it is more it is a matter of the enforcement of a law which has a safety basis to it. I would expect that the Police would take that into account in deciding what degree of manpower and resources to dedicate to the policing of that. But, certainly the hon Member is suggesting that we should bring to the attention of the Police that they should pursue these 4,517 motor vehicle owners, I shall certainly do that.

HON J J BOSSANO:

Is it not for the Police and not for him to answer what is happening with these cases then. I do not know whether the Attorney General wants to contribute to the subject?

HON CHIEF MINISTER:

Driving a car in Gibraltar without the appropriate road test certificate is an offence. It is an offence like so many other offences. Speeding, parking on a double yellow line. It is an offence and the enforcement of the laws of Gibraltar is a matter for the Police. Now, I accept that there are areas where the administration and strict law enforcement overlap, especially when there are laws with a revenue base to them, for example. I am not aware that it has been put up to the Police but I see the sense in doing so on the basis of the hon Member's suggestion. I am sure my Colleague will do so.

NO 682 OF 1999

THE HON J C PEREZ

**TRANSPORT – TINT OF REAR WINDSCREENS**

Have Government now received the legal advice it sought over the representations by some car dealers about the tint of rear windscreens on vehicles manufactured to EU specifications?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

Government were made aware of two types of difficulties which arose consequent on the original legislation introduced to remove the problem of darkened windows in motor vehicles. There were certain individuals who made representations that they could not replace their car windows as they were not manufactured to any other specification. Representations were also made by some car dealers that certain models of motor vehicles could not be imported into Gibraltar as the tint on some windows does not comply with Gibraltar legislation. The Government have decided to address both these issues by allowing the Minister for Transport certain discretionary powers to allow particular vehicles to be exempt from the provisions of the Ordinance provided that the person inside the car can be readily be identified by anyone outside the vehicle. This power is intended to apply in the case of vehicles that were already in Gibraltar prior to the enactment of the Ordinance. In addition, the Minister will have the power to exempt certain models of vehicles which are only manufactured to specifications which provide for a deeper tint than the Ordinance allows, again provided that the persons inside the vehicle can readily be seen through every window of the vehicle. The legal advice which was sought related to matters connected with the EU standards, if any, for windscreen and other window transparency in motor vehicles. It is in no way related to the merits of the Gibraltar legislation which the Government believes has achieved what was intended.

SUPPLEMENTARY TO QUESTION NO 682 OF 1999

HON J C PEREZ:

I presume the Minister is referring not only to rear windows but actually to some front windscreens. Well, if I may, Mr Speaker, I have a letter here written by Mr Richard Garcia from the Department of Transport, to one applicant which says, that his issue which is a front window is being looked at favourably with a view to amending the Road Traffic (Windscreen Transparency) Ordinance. We are talking here not about rear windows but about the front windscreen.

HON CHIEF MINISTER:

Well, Mr Speaker, I cannot comment on any particular case. The Government are showing some flexibility in cases of hardship in respect of rear windows in recognition of the fact that they are windows which the EU directive does not capture. I am very surprised to hear what the hon Member is saying to me because the front windows are regulated by the EU directives and our restrictions on the tint as apply to front windows are no stricter than the EU

directive. Therefore what the hon Member has read out, if he has read it accurately or interpreted it accurately rather, would suggest that we were planning to make concessions beyond, to allow something which is prohibited by the EU directives, and that is not as far as Government are aware the intention.

HON J C PEREZ:

The letter of the 7<sup>th</sup> of July says, "I have been asked by the Chief Minister to reply to your letter addressed to him on the 26<sup>th</sup> May," and it says, "I welcome this opportunity to inform you that the Law Draftsman has now completed his draft amendment to the Road Traffic (Windscreen Transparency) Ordinance and it will be therefore shortly be published." This means that a further step has been taken in bringing this amendment on the statute book. This is an indication that his problem which is a front windscreen is to be dealt with by changing legislation.

HON CHIEF MINISTER:

The hon Member may wish to interpret it in that way, but it is only his interpretation. When people write to me saying, that they have got problems with their windows, I write back to them telling them what the Government are planning to do. If what the Government do is then sufficient for that purpose, fine. If it is not well that is too bad. I will have to see what that letter was a reply to and indeed what the rest of that letter says and how much information it communicates.

HON J C PEREZ:

Yes, I have got it here, Mr Speaker, and it refers to a letter by the grieving party to the Chief Minister where it talks about his problem with his front windscreens and this is the reply that he got. I mean I can supply copies of all the relevant correspondence to the Chief Minister but this individual has been given to understand that the amendment that is being brought to the House will solve his problem and evidently that is not the intention.

HON CHIEF MINISTER:

Well, if that is the case so be it and too bad. The Government are not in the business of changing legislation to suit the needs of individuals. The Government are in the business of changing legislation in a way that does fairness where there is a sufficiently large problem. Now, if the changes that the Government are bringing into the legislation help this individual whether it might be, I am glad. If they do not well, that is too bad. The Government's commitment to, and if he has been misled by anybody, then that is highly regrettable, but certainly I am not aware that the Government have ever addressed to anybody and I am not, as I do not have the correspondence in front of me, I am not challenging what the hon Member is saying but I am not challenging it because I do not have it in front of me. He should not interpret the fact that the absence of a challenge as signalling that I accept the rather selected quotes that he has chosen to make from the correspondence. Leaving all that question to one side the fact that somebody has written a letter to somebody that has misled them certainly does not operate on the Government's mind when it comes to deciding what it is fair and proper to do by way of changing the legislation. So, if he has been misled it is regrettable, but it is not going to change the fact that what the Government are going to do is what has been explained. No more and no less.

HON J C PEREZ:

Given that it is the Minister that has the discretion, what is it, that the Minister is going to check the windscreen or he is going to take advice from the experts on whether the opaqueness of the windscreens ought to be passed or not given that it is the Minister who will have the power to make the exemptions. I presume, that there will be a system in place whereby a mechanism which is more than just an appeal by an individual to the Minister?

HON CHIEF MINISTER:

Ministers have lots of discretions and whenever a Minister has a discretion it is exercised on the basis of advice and information and preparatory work done on his behalf by officials. The hon Member must be in jest, I do not believe that he could possibly be asking that question seriously.

HON J C PEREZ:

Is the power of the Minister going to be found in the transport legislation which recently passed this House where the Minister is in fact the only power responsible for everything?

HON CHIEF MINISTER:

It is in the form of an amendment, the windscreen regulation or the windscreen ordinance.

HON J J BOSSANO:

This is presumably something that needs to be brought to the House and we will have an opportunity then to raise the matter?

HON CHIEF MINISTER:

Yes.



NO 683 OF 1999

THE HON J C PEREZ

**TRANSPORT – UPPER TOWN**

Can Government now categorically state that it will not proceed with the intended traffic changes in the Upper Town area announced in Government Press Release No 284/97, and if so, will it give details of the alternative plans and an implementation date?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

Government can confirm that the traffic changes in respect of the Upper Town announced in Press Release No 284/97 have been reviewed. The final phase of new traffic flows will be implemented on the 24<sup>th</sup> September 1999. This will coincide with the official opening of the widened section of Line Wall Road, along the west boundary wall of The Convent. The principal changes are as follows:

Traffic from the Upper Town area will travel along Town Range and enter Main Street via King's Yard Lane, so the flow will be from Governor's Street to King's Yard Lane. Governor's Street, from Governor's parade to the junction with Prince Edward's Road will remain two-way, but only Emergency Services vehicles will be able to travel from south to north. Main Street, from the junctions with King's Yard Lane and Governor's Lane will be made one-way, so the flow will be from south to north. George's Lane and Main Street, from the Law Courts to the junction with Library Street will be pedestrianised. The traffic flow along Governor's Lane and Secretary's Lane will be reversed. The flow will be from Main Street to Line Wall Road. South bound traffic along Line Wall Road will continue to travel south along Lovers Lane and will access Main Street to the north of Referendum Gates.

SUPPLEMENTARY TO QUESTION NO. 683 OF 1999

HON J C PEREZ:

Let me say that I am glad that on this occasion they took the advice of the experts and they actually started implementing the plan at 2.30 this afternoon and not at 12.30 which is when they wanted to do it when all the school children are coming out of school and so on. Mr Speaker, there are indeed very obvious difficult points in the plans that have been disclosed and it is early days yet. I would ask the Minister to confirm that as with every other plan that they have instituted this is on a trial basis given that I think that there are going to be some very serious difficulties with some of the changes and they ought to be opened to change those if it is actually proved that those changes are not working properly. So could I take it that the initial stage will be on a trial basis given that although this is better than what they had planned for before it still has got its problems and I think that the representations will be made sooner or later and the problem areas will become evident. But of course it is not the subject of a question and it is not up to me to judge it at this stage given that it started at 2.30 today. Can we get confirmation that it is on trial basis or not?

HON CHIEF MINISTER:

The only thing that is certain in life is death and short of death everything else is capable of being changed if it turns out not to work and therefore it is on a trial basis to that extent. Nothing is irreversible except death itself and therefore we do not share the hon Member's concern that it will bring problems. We think it will solve many problems and will cause very few ones. The hon Member I know has spent most of the summer talking about traffic chaos and thinking that we could not fix the problems at Winston Churchill Avenue junction. I notice that he has been remarkably quiet about traffic chaos and traffic matters and we believe that these traffic changes will be as successful as the traffic changes to Winston Churchill Avenue have been but if some unforeseen problem arises it will be dealt with.

HON J C PEREZ:

So, I take it that it will be on a trial basis to the extent that the Government will be willing to receive representations and if they find that there are some things that could be made better will do so? It is not like what they announced previously where the Chief Minister said, "Yes, I am going to go ahead regardless" and then I managed to change his mind about it and he came back and said that he was not going to carry on but then his previous plans are the ones that have changed?

HON CHIEF MINISTER:

No, that is not the case. Nor is it the case that we have had to change our plans for introducing 2.30 instead of 12.30. I know that the hon Member has obviously been watching interviews on television by a Police Sergeant but the reality of it is that the only thing the Government had planned for 12.30 was the inauguration, the re-opening of Lovers Lane, which has always been a south to north road, or rather a north to south road, has continued, continues to be the same, north to south and the only thing that was scheduled for 12.30 is the re-opening of Lovers Lane. The re-opening of Lovers Lane is something very different to the commencement of the traffic flow that is completely an independent thing. I am not aware that the Government have had any role or part in the selection of the time as a matter of traffic management whether there is a new traffic plan introduced at 12.30 or at 2.30. What was scheduled for 12.30 and occurred at 12.30 was the inauguration, the re-opening of Lovers Lane with the same traffic arrangement as it has always enjoyed. Mr Speaker, the hon Member is only partly right in respect of the principal part of his last intervention. The previous traffic flow arrangements were announced on a trial basis.

HON J C PEREZ:

On a trial basis on the basis that it has been implemented first.

HON CHIEF MINISTER:

Yes, of course.

HON J C PEREZ:

But they were not implemented.

HON CHIEF MINISTER:

No, they were planned and announced on a basis of a trial. It is true that the trial never took place because before the trial was put into operation the Government considered alternative plans which are the ones that are now being initiated today. Now, we believe that these plans will not require reversal. Already if one goes to the area one will see the vast improvement that is already noticeable in traffic volumes. In the junction at the top of Main Street, and remember that this is not driven just by a desire, these changes are not driven just by a desire to change traffic flows. They are driven by a desire to eliminate a highly dangerous situation, both pedestrians and traffic at the junction of Secretary's Lane or Governor's Lane and Main Street, outside the King's Chapel where there is insufficient space for pedestrians along that very narrow pavement where pedestrians walk on the other side of the road where there is no pavement, where traffic coming out of Governor's Lane has to do a sharp right into the path of oncoming traffic into Main Street and there are constant near misses and where there have already been several traffic accidents. And apart from the desire to eliminate that troubled spot there is also the desire to facilitate the pedestrianisation of Main Street from the junction of Library Street to the Supreme Court Garden. These are non-traffic flow considerations which apart from the Government sees the advantage of having done these it is going to have to be a pretty cataclysmic consequence to traffic flow to outweigh the other benefits which I have just outlined to the hon Member, which just do not believe it exists or materialised. There are other issues that have not yet been done which are part of the scheme. For example, widening the road behind No 6 Convent Place by eliminating the car park which leads nowhere, not the car park the pavement on the other side of No 6 Convent rear wall, the outside which is a pavement that leads nowhere. So that the road outside St Mary's School could be widened to facilitate drop offs and there are zebra crossings to be installed in one or two places. So there are things to be finished off.

HON J C PEREZ:

I am sure the Chief Minister will be pleased to note that I shall be reserving the position of the Opposition on this matter and he will no doubt be glad to know that he will be hearing from me on the changes introduced today as time goes by and as the thing is tested. We take the responsible view that it should be on the basis of a trial basis and once one knows the effects of it then one responds. So Government Members will be hearing our response to it in the not too distant future.

HON J L BALDACHINO:

I think that the Minister said in his intervention that there were certain roads that would be one way but it would be two-ways for emergency services. May I ask in that case is it that the essential services will only use that facility when they go in an emergency and if that is not the case will notices be put up that there is two-way because there will be on-coming traffic?

HON CHIEF MINISTER:

Well, it is up to the emergency services to decide when they should behave like emergency services. Certainly when they are the sole users of a one way system one would expect them to be using their sirens and their lights. Drivers of fire engines and ambulances know how to exercise their traffic preference in a way which minimises the risk to other users of the road. I would not expect to see the fire engine on its way to the petrol station to fill up with petrol to be using, unnecessarily using, a preferential two-way system. One would expect it to be going to an emergency but this is a matter of discretion for them.

HON J J GABAY:

I was very impressed by the profound philosophical statement made by the Chief Minister that all is remediable except death. May it not be in the excitement of his involvement with more mundane matters he has forgotten the dogma of resurrection?

HON CHIEF MINISTER:

Yes, Mr Speaker, but resurrection is taking one forward to a new level. It does not remedy the termination of ones life on earth.

ORAL

NO 684 OF 1999

THE HON J C PEREZ

**TRANSPORT – PUBLIC BUS SYSTEM**

Having studied the report of the review team on the public bus system, are Government now in a position to make public any proposals they may have?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

Answered together with Question No 686 of 1999.

NO 685 OF 1999

THE HON J C PEREZ

**TRANSPORT – BREATHALYSER TESTS**

Is it still the intention of the Government to bring legislation to this House for the introduction of breathalyser tests?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The question of the introduction of breathalyser tests continues under consideration.

SUPPLEMENTARY TO QUESTION NO 685 OF 1999

HON J C PEREZ:

Was this House not told that it was something that the Government had decided to do at the request of the Royal Gibraltar Police and that they were going to bring legislation, that the decision had already been taken to bring legislation to this House. Not that I am pushing for them to be introduced, I am not, but that is the information that Government gave us at the last meeting of the House or the time when I raised it last.

HON CHIEF MINISTER:

Indeed, Mr Speaker, and the position has not moved on much from what I think I explained to the hon Member and that is that there is an issue between the Law Draftsman and the lawyers and the Police as to whether what has been drafted works. It is therefore stuck in a very technical level rather than a political level. It is under consideration as to how those disputes are resolved, as to how those disagreements are resolved.

HON J J BOSSANO:

The policy decision to go ahead is not under consideration. The policy decision is to go ahead.

HON CHIEF MINISTER:

The policy decision is not under consideration but it is worth reminding ourselves what the policy decision was. The policy decision was to permit a limited breathalyser to be introduced for limited use. In other words not for road sides tests but to replace the somewhat cumbersome police station blood tests and calling out the doctor and walking along the straight line and whatever the present system is to establish unfitness at the Police Station once one has been arrested on suspicion and taken there. That was the policy decision rather than the UK system where the policeman has reason to suspect, has reasonable cause he can pull one over on the side of the road and ask one to blow into a bag there and then.

HON J J BOSSANO:

This is a policy decision taken on conviction I take it not on expert advice. Is that the expert advice or is the expert advice to do the other, what is not being done?

HON CHIEF MINISTER:

It is a mixture of both conviction and expert advice. I have no doubt that the police would like to have full English style breathalyser procedures available to them. That is not what the Government have so far agreed to. What the Government have considered and agreed to is ways of resolving a particular problem and that is that when asked why there were not more prosecutions why there was not more police action against drinking and driving. The answer was that it is difficult to motivate police officers because the rigmarole to obtain a successful prosecution in terms of the collection of evidence in terms of persuading doctors to turn up at the police station to do the things that are currently essential to take a case forward. The rigmarole is such that it operates as a disincentive to strict policing of those existing rules. Therefore the Government said "fine, would it help if instead of calling out the health centre doctor, if instead of taking a blood sample which needs a doctor would it help if you would have a breathalyser machine in the station and the law said that the result of that would suffice to establish the commission of an offence". The answer was yes and then the Draftsmen were tasked to draft and the debates have commenced at that point.

HON J J BOSSANO:

But surely for blood limited use is it not possible to do something which is relatively simple.

HON CHIEF MINISTER:

That is how I looked at it and that is how I had thought of it. But there are different views which will be resolved. There is now light at the end of the tunnel. It is not entirely as simple as the hon Member thinks because the present law does not prescribe a quantity of alcohol content in the blood. The law at the moment is not framed around driving with an excess amount of alcohol defined as follows in your blood. The present law is formulated, as I recall it, around driving whilst unfit to do so through drink or drugs which is a subjective test and hence the need for medical evidence and that is where the complication comes. So there was a need to change the nature of the offence or at least to add a new offence or to change the existing offence. So that it is not subjective but a standard test based on quantity of the alcohol in the blood stream.

NO 686 OF 1999

THE HON J C PEREZ

**TRANSPORT INSPECTORS**

Can Government state whether the Gibraltar Development Corporation has recruited Transport Inspectors?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The Government will in due course make public its strategy in respect of public transport. The strategy will take account of some of the recommendations contained in this report. The recruitment by the Government of a Transport Inspector should nevertheless see the start of improvements to the public bus service. An offer of appointment has been made to the successful candidate who will shortly be in post.

SUPPLEMENTARY TO QUESTION NOS 684 AND 686 OF 1999

HON J C PEREZ:

Can the Minister say how many Transport Inspectors will be recruited?

HON J J HOLLIDAY:

Government's intention is to recruit two Transport Inspectors but after consideration being given to the number of applicants only one has been appointed.

HON J J BOSSANO:

How many applicants were there?

HON J J HOLLIDAY:

I do not have this information available here but out of the top of my head I think it must have been in the region of about six to eight that were short listed for interviews. I am not sure how many originally applied.

HON J C PEREZ:

When is it that the Minister expects to make the Government's view on the public bus system public. Before the end of the year or when he says soon what does he mean by soon?

HON J J HOLLIDAY:

It is really difficult for me to commit myself to a date.



HON J C PEREZ:

The Government have not got the faintest idea?

HON J J HOLLIDAY:

No, in respect of a date yes, but it is not a simple matter that can be addressed overnight.

ORAL

NO 687 OF 1999

THE HON J C PEREZ

**PORT STUDY**

Mr Speaker, have Government made proposals to the staff side at the Port Department for the privatisation of their existing functions?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

Answered together with Question Nos. 688, 689, 690 and 692 of 1999.

ORAL

NO 688 OF 1999

THE HON A J ISOLA

**PORT STUDY**

What changes do Government propose to make to the Port arising directly out of the Port study?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

Answered together with questions 687, 689, 690 and 692 of 1999.

ORAL

NO 689 OF 1999

THE HON A J ISOLA

**PORT STUDY**

When will Government be in a position to invite proposals for the development of a container transshipment facility in Gibraltar?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

Answered together with questions 687, 688, 690 and 692 of 1999.

ORAL

NO 690 OF 1999

THE HON A J ISOLA

**PORT STUDY**

Can Government confirm that other than when a cruise liner is berthed which requires on security grounds to restrict access to the Port, there will be no restriction on access to the port by the general public.

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

Answered together with questions 687 to 689 and 692 of 1999.

NO 691 OF 1999

THE HON A J ISOLA

**PORT – HEAD 103, SUBHEAD 8**

Can Government state how much of the £750,000 provided for in the approved estimates at Head 103 sub-head 8 has been spent to date in respect of what matters?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The amount spent to date is £203,779, which is made up as follows:-

Purchase of pontoons	£15,909
3 <sup>rd</sup> instalment of the Port Launch	£139,000
Four floating fenders	£48,870

SUPPLEMENTARY TO QUESTION NO 691 OF 1999

HON A J ISOLA:

So in fact, Mr Speaker, can I glean from that, that in fact nothing has been done in respect of security in oil pollution equipment?

HON J J HOLLIDAY:

Well, it is not that nothing has been done. The port security towards pollution equipment, nothing has been paid towards it, although in terms of port security there are a number of items that have now been ordered and oil pollution equipment is something that is now in the process of being assessed.

HON A J ISOLA:

Does the Minister envisage the remainder of the estimates being spent by the end of the financial year?

HON J J HOLLIDAY:

Yes, I think that obviously Port security will be spent by the end of this financial year. Oil pollution equipment and most of the other smaller items will have been spent by the end of this financial year.

NO 692 OF 1999

THE HON A J ISOLA

**PORT STUDY**

Can Government state whether the target date for the setting up of the Gibraltar Port Authority is September 1999 as stated by Government in May 1999?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The Government have not made any proposals to the staff of the Port Department for the privatisation of their existing jobs as it is not Government's intention to privatise the Port. Discussions are nevertheless continuing with ACCTS and GGCA with regard to the restructure of the Port Department into the Port Authority. The Government will shortly be making a policy statement on the Port, to outline which recommendations of the Steering Committee which I set up consequent on the MDS Transmodal Strategic Study into the Port have been accepted by Government. The Port Authority will then be constituted in name, and there will then be a period of transition from the Port Department to the Port Authority. The development of a possible container transshipment hub in Gibraltar is not connected with the transition from Port Department to the Port Authority. The Government are in the process of formulating an EU tender for an adviser for this project so that the initial marketing study for the project and a technical feasibility study can be commissioned. With regard to access to the Port, public safety and safety of port operators requires that public access to the Port, beyond the Port Department Office be restricted. However, fishermen will be allowed access on a permit holder basis. Permits will be freely available to local anglers.

SUPPLEMENTARY TO QUESTION NOS 687 TO 690 AND 692 OF 1999

HON J C PEREZ:

Can the Minister state what the nature of the negotiations are with the Port Department if no privatisation is to take place. Is it that the function of the Civil Servants working within the Port Department are being reviewed now that they have become part of the Port Authority rather than the Port Authority being the Port Authority itself? Can the Minister say what it is that is being reviewed or whether no changes are envisaged in the terms of reference or conditions of employees in the Port Department?

HON J J HOLLIDAY:

Government wish to put in place the new structure under the Gibraltar Port Authority which will basically cater for the functions of the present Port Department in its new environment. There are a number of responsibilities or there are a number of functions which are currently undertaken by the Port Department which no longer meet the requirements of today's needs in the market. Therefore a new structure is being put in place which addresses this and hopefully will meet the requirements which today's commercial shipping world requires. There may be an element of changes in responsibilities and work practices but there is no threat of any form of reduction in complement and in fact there will be actually increases in the complement in certain areas. This matter has already been made known to the unions and we are hopeful that the formal discussions will commence very shortly.

HON J C PEREZ:

So, despite the recommendation that the Minister received, being that there were too many people in the Port Department, the Minister envisages an increase. Can he also tell me whether he can confirm that whatever the arrangements finalised with the trade unions the employees of the Port Department will remain being Civil Servants under Civil Service conditions?

HON J J HOLLIDAY:

That is correct. The employees of the new Port Authority will remain as Civil Servants and that has already been made known to the unions.

HON CHIEF MINISTER:

May I just add to that, Mr Speaker. The hon Member should not believe that the Port Authority will be a privatised body. The Port Authority will remain an Authority within the public sector. It will not be a private body.

HON J C PEREZ:

No, but as opposed to a Government agency where the employees are members of the Development Corporation, the Port Department will continue to be part of the Civil Service conditions in the same way as they have always been. That is what I was getting at.

HON A J ISOLA:

What has happened since or between May and September that has delayed the setting up of the Port Authority and as an annex to that by when do Government feel it will be in a position to actually launch or announce the launching of the Port Authority?

HON J J HOLLIDAY:

The slight delay is basically due to the fact that the recommendations of the Steering Committee and the actual formulation of the final paper and consultation amongst various members because obviously there was not a complete agreement in every particular point, required more time than was expected. That paper has now been formulated. It is currently with Ministers for approval because obviously there are cost implications which need to be considered by Ministers and as soon as that happens the official launch will be put in place. Obviously part of that paper will publish the proposed structure which we feel will meet the requirements of the Port but obviously then that will form part of the negotiation process with the Union which may mean that in actual fact there may be an element of change which may have to take place eventually.

HON A J ISOLA:

The Minister is saying then that all that is left pending for the launch is in fact ministerial approval?

HON J J HOLLIDAY:

That is correct, Mr Speaker.



HON A J ISOLA:

Does the Minister have any idea when Ministers will be in a position to consider the paper?

HON J J HOLLIDAY:

This will happen in the next few weeks.

HON A J ISOLA:

In respect of the transshipment facility, when this was brought before the House at the beginning of this year the Minister informed the House that it would shortly be in a position to invite proposals and he also made clear at that time that in fact it was not going to be a Government operation itself but it would be an entirely commercial and private venture. What the Minister has said today is quite different to that in the sense that what he is saying is, that what they are now accessing or attempting to access is, if I have understood him correctly, EU funds for the purpose of securing the services of an expert consultant in order to prepare the tender documentation. Is that right?

HON J J HOLLIDAY:

I think what I said was that we were in the process of formulating an EU tender. That does not mean that we are seeking EU funds, although that could be a possibility but because of the size of the project there are European Union regulations that the tender must go before the European dimension. From the point of view of appointing what is normally commonly known in the industry as a transaction matter, which obviously is not one person it is normally an institution appointed as having the expertise and they have to advise Government on the different steps that need to be taken in order to consider whether the project does proceed at every stage.

HON A J ISOLA:

Is that expertise already available to Government or, I understood from the Minister's original answer that in fact that expertise is now being sought, that is already there is it?

HON J J HOLLIDAY:

No, what has happened is that a number of institutions in this particular field have approached the Government offering their services as transaction manager and originally we were going to go down the route of appointing a particular manager – Transaction Manager which is an institution, and then taking it forward in actually putting the project out to tender. We were advised by legal advisers that the way forward was to actually put the Transaction Manager out to tender in itself and that would follow on, on the process. In other words, that would trigger the initial process, rather than go straight to step 2. We would actually start through a tender system right from the beginning. The formulating of the tender documents which is a fairly complicated exercise will be made public in the next two to three weeks. So I am still hopeful that within a very short period of time that will be made public and the process will start.

HON A J ISOLA:

So the first phase, that is the tender for the institution, the Transaction Manager and the second stage after that would be to invite tenders once they have prepared all the documentation for the actual facility.

HON J J HOLLIDAY:

That is it, in order for the tender documents to be prepared for the project one needs to have a Transaction Manager in place. That Transaction Manager will need to carry out engineering and marketing studies that actually form part of the tender document in itself because it is not a short process at all, and it is not an easy process either. So the Transaction Manager will be appointed and he in turn will invite his own internal tenders for the engineering exercise. There will be a number of specialists in this area and they will also be marketing people who will actually prepare the study and then those will be selected and those will form part of the tender documents for the project. At that point Government will take a decision as to whether the project ought to proceed or not. Obviously the advice of the Transaction Manager will be vital at that stage because there are cost implications as to whether the project is commercially viable or not.

HON A J ISOLA:

What sort of time scale the Minister expects or hopes for phase 2 to be reached. In other words the stage in which people are invited to actually put their projects in?

HON J J HOLLIDAY:

Well, once we have got our Transaction Manager in place we commence certain targets under which the people will have to work to. We are told that it will take roughly about six months from the point of appointment to the point of a decision being taken to proceed to the second phase. During that six month period the engineering and the marketing study will have to be undertaken and a complete assessment will have to be carried out by the Transaction Manager and then the Government will have to take a view as to how to proceed.

HON A J ISOLA:

So we are looking really at an eight or ten month period before phase 2 comes into place?

HON J J HOLLIDAY:

Well, I would say that once the Transaction Manager is appointed and I hope that that will probably take another two to three months, it will probably be another six months after that.

HON DR J J GARCIA:

Can the Minister say when was the post of Chief Executive of the Port Authority actually advertised?

HON J J HOLLIDAY:

The Chief Executive post of the Port Authority has not been advertised. What I have done was that at the launching of the Port handbook, the day before yesterday, I announced that Tony Davies who is the current Chief Executive of the Gibraltar Tourist Board, would assume responsibility as Chief Executive designate of the Port Department for a period of time in order to undertake a number of policy changes that need to be implemented over a period of time. The study, the port paper, which is the one I hope to publish within the next few weeks, lists a number of recommendations for change and I felt that I did not have the human resources within the Ministry to be able to undertake this work and having discussed the matter with the Chief Executive from the Tourist Board and the fact that one of the areas that we obviously wish to promote in the Port is this Leisure Park for commercial and where he has been involved in the cruising side of the industry, we felt that he would be the proper person who would be able to work with me in trying to implement Government policy over the next few months. Whether the post in the immediate short term remains permanent or not we will have to assess depending on how successful and on how the whole system works. Obviously we also have to be, we cannot forget the fact that there is a function within the Tourist Board in itself which will have to be taken care of. So at the moment what I am trying to do is meet what I feel are the demands of implementing this policy paper and at the same time concentrate on the fact that the Tourist Board now has a proper structure in place. It has systems in place and therefore there is less of a demand in actual implementing policy from that respective point of view and so I am using the current resources that I have in order to undertake this particular project.

HON DR J J GARCIA:

Can the Minister say, whether there is any consultation with the sector or with the Port Authorities in making that appointment, even if it is of a temporary nature?

HON J J HOLLIDAY:

Well, I discussed the matter briefly before the matter was announced with the Union. I intend to meet the shop steward of the Port Department during the lunch break of the House today in order to brief them as to what our agendas in this particular area. I do not feel that there is a lot of consultation to be undertaken in this particular area because after all it is a management appointment which will have to be assessed before any sort of firm decisions are taken as to the future.

HON DR J J GARCIA:

I do not know whether the Government have really thought about this, but if this becomes a permanent position how is it envisaged that the Office of the Chief Executive will be in relation to the functions and the office of the Captain of the Port?

HON J J HOLLIDAY:

This is something that obviously is covered in the paper that I hope to make public so I would be anticipating Government policy on this particular issue which has not been ratified by Ministers. But let me say that it is my intention that the Chief Executive should take over the role of administration and financial control. Income generating which is particularly the function that I would like to develop, I would like to see the Port Department being self sufficient or at least actually generating direct income to the economy and obviously having a more pro-active marketing stand in order to promote the services that Gibraltar has. I think

the Captain of the Port is more of a role in terms of its maritime responsibilities within the Port and up to now we have found that the Captain of the Port would be basically a maritime man, has been looking after responsibilities or administration or financial control which I feel not really fit in to the demands that are going to be made on this particular part of the office. So, I hope that the office of the Captain of the Port, the position of the Captain of the Port and the Chief Executive will be complimentary to each other.

HON DR J J GARCIA:

Following from that, will Mr Davies be replaced at the Tourist Board whilst he is carrying out this new function or will the post be advertised?

HON J J HOLLIDAY:

Well, what I intend to do is, in an acting capacity one of the Managers of the Tourist Board will be acting as Chief Executive during this, on a temporary basis, and there will actually be some form of internal assessment as to who will be selected. I informed management of this prior to my announcement of the Government report and I have also informed them that during the course of the next week they should be presenting to me and to two of the Members of the Tourist Advisory Council a presentation on how they would want to take the matter forward, in order to make it a bit more competitive as to who rather than make a direct appointment on one of them which may reflect unfairly on the other three. So that they do understand that this is a temporary acting position I would like to hear from them on how they would like to deal with the day-to-day running of the Department before an appointment is actually done. I hope that this will be undertaken within the next 10 days. Tony Davies is still at the Duke of Kent House and will be there possibly until the next 10 days.

NO 693 OF 1999

THE HON A J ISOLA

**TOURISM – SUN COSTA LINE**

Other than the loan for £300,000 to the operator of the Ferry Service from Gibraltar to North Africa have any other monies or concessions been made available to the operator?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

Sun Costa Line submitted a proposal to Government through the DTI on 26 April 1999. This required financial assistance for their proposed ferry service to Morocco. This proposal was considered by Ministers and Government assistance was made conditional on the company obtaining in the first instance evidence that the Moroccan authorities would issue a licence for the proposed service.

The evidence produced by Sun Costa Line of the issue of an operating licence from the Moroccan authorities was in the form of a letter dated 11 June 1999 under the signature and seal of the Director of the Merchant Marine stating that the Minister for Transport and the Merchant Marine of Morocco had granted a licence.

The Sun Costa Line service to Tangier commenced on 3 September 1999. Since that date the Tangier route has been serviced by two operators. None of the other entities who submitted proposals for a new ferry service to Tangier in the last three months requested a Government subsidy. The operators of the Mons Calpe in their business plan proposal requested a loan in the sum of £300,000, plus a grant of £25,000 to cover 50 per cent of the start-up costs and a further £15,000 grant for a feasibility study. Government agreed to a loan of £300,000 based on a total expenditure on the vessel of £550,000 to £600,000 which includes the purchase price of the vessel and various other costs such as bringing the vessel into class, spare parts, delivery et cetera, payment of the £300,000 loan was made on 16 August 1999. Government further agreed to the £25,000 grant to cover 50 per cent of the start-up costs but this payment has not yet been effected. I believe it still has not at the time of drafting this. Additionally, Government declined to provide a grant of £15,000 for the feasibility study. The Government loan is secured by a debenture over the company's assets and a first mortgage over the vessel in question. Sun Costa Line commenced trading on 1 September 1999. The Mons Calpe service has resulted in the creation of nine new jobs.

SUPPLEMENTARY TO QUESTION NO 693 OF 1999

HON A J ISOLA:

Did Government have an evaluation of the vessel carried out itself or has it accepted the value given by the proposer?

HON J J HOLLIDAY:

The Government accepted the valuation of the vessel based on the business plan that was proposed but obviously we had our own surveyor. The Maritime Administrator who actually looked at the vessel and examined the vessel, surveyed the vessel and assessed the value

of the vessel and that was he felt in line with the contracted price for the vessel. There was a transaction and that was the price that we paid. We feel what Government have done is given a loan to this entity. We have not provided a grant, the actual value of the loan is in no way the total value of the vessel, it is only a proportion of that. So we feel that Government's position is very secure.

HON DR J J GARCIA:

With reference to the valuation and on the state of the vessel, was the Port Department itself satisfied with the vessel and in the condition it was in?

HON J J HOLLIDAY:

My understanding is that they were, they must have been if they issued the relevant authority for it to be able to operate. Otherwise it would not have issued a certificate allowing them to operate the route.

HON DR J J GARCIA:

Can the Minister tell the House whether the vessel is now working again after it broke down in the first week of operation.

HON J J HOLLIDAY:

I understand that the vessel is currently being repaired from an accident it had. The last time I spoke to the operator at the beginning of this week where I requested information from them as to when the vessel was going to be back in operation, because I wanted to get our own Port Surveyor to actually do an overall on the ship itself, they advised me that they were hoping to have the vessel back in operation by the end of the week. I do not know whether that has been undertaken but I know that the operator has taken the opportunity that the vessel is out of water to undertake a number of other improvements to the vessel which I think will hopefully improve the quality. I do not know the details I have not seen the vessel. I am just going by what I am informed over the telephone conversation.

HON DR J J GARCIA:

Given the use of public funds in the set-up, are the Government aware where the vessel is being repaired, were the Government consulted in any way?

HON CHIEF MINISTER:

There are not any public funds used in the set-up. The public funds are not being used to operate the vessel. The public funds have been used to make a secured loan to the operator and that does not need the Government to keep a track on operational matters. The Government have an interest in operational matters because we are interested in the service being available but not because there are public funds in the set-up. Therefore it is the operators in primary commercial interest for the service to be resumed as quickly as possible. I just wanted to make sure that in using the phrase, there are public funds in the set-up, that I appreciate he was using loose language to make a general point. But there are no public funds. There are no subsidies to the operation of the service. There are public funds in the form of a secured loan for the purchase of the ship and the other matters that we mentioned, that we debated the last time in the House, that it was a start-off grant of £25,000.

HON DR J J GARCIA:

Are the Government aware that the ship is being, according to information that we have certainly, is being repaired in Algeciras and not in Gibraltar?

HON J J HOLLIDAY:

I think it is not being repaired in Algeciras. It is actually being repaired in Barbate.

NO 694 OF 1999

THE HON J J BOSSANO

**TOURISM – MOROCCAN FERRY**

Can Government say how the arrangements were made for the Moroccan ferry to sail from a Spanish port to Gibraltar to pick up passengers for Morocco?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

The Port Department was informed on 13 August 1999 that the Moroccan authorities had arranged for the Moroccan registered vessel "Bismillah" to sail to Gibraltar to collect passengers who were bound for Tangier. On arrival, the Port Surveyor went on board, inspected the ferry's certificates, and found them to be in order, and that evening the ship sailed for Tangier.

SUPPLEMENTARY TO QUESTION NO 694 OF 1999

HON J J BOSSANO:

Is that confirmation that it came from Spain and not from Morocco? The question asks how the arrangements were made for it to come from Spain but the answer does not say that it came from Spain. Is it that the Minister does not know whether it came from Spain?

HON J J HOLLIDAY:

Yes, it did, it came from Algeciras.

HON CHIEF MINISTER:

It was not arranged by the Gibraltar Government.

HON J J BOSSANO:

I still do not know who arranged it because that is what I am asking and I have not had an answer.

HON CHIEF MINISTER:

It is for certain that the whole sailing of the "Bismillah" was not the project of the Government, it was not arranged by the Government it must have been arranged by the Moroccan authorities under pressure, after representations either from the operator of the old boat or indeed from the Moroccan Workers Association. I remember reading at the time, I am just reminded, that the news at the time said that it had come directly across and that must have been arranged by the Moroccan Authorities. Therefore we cannot say how those arrangements were made.



HON J J BOSSANO:

Would the Government not agree that this is a sufficiently unusual event given the fact that the last time that something arrived here from the port of Algeciras was before the closure of the frontier or just after the closure of the frontier to have merited trying to find out how it happened.

HON CHIEF MINISTER:

No, it is not that unusual. There are boats moving from the port of Algeciras to the port of Gibraltar always. What is not allowed is the operation of a ferry service. In other words what one cannot do is carry passengers but boats are moving from the port of Algeciras to the port of Gibraltar every day of the week, every time the CEPESA barge comes from the Refinery which is part of the port of Algeciras to Gibraltar, it is a direct shipping movement between the port of Algeciras and the port of Gibraltar. Yachts regularly and constantly move between the port of Algeciras and the port of Gibraltar. Ship movements between the port of Algeciras and the port of Gibraltar are not at all rare. In fact, they are very common. What would have been a rarity is if this boat had come to Gibraltar not as part of a relocation of a ship but rather, and which is what occurred, but as part of a service for the transportation of passengers between one port and the other.

HON J J BOSSANO:

My original question asks how the arrangements were made for the ferry to come from Spain to pick up passengers from Morocco. Is the last answer correct that it is not unusual for boats to come to Gibraltar to pick up passengers from Morocco?

HON CHIEF MINISTER:

Well, that is a different issue, where it is not usual. I do not know whether it has happened before and if it has not happened before I do not know whether it is because it is not allowed or because there has never been a need for it to happen before. What would have been unusual and remarkable and noteworthy and a very significant and positive development would have been if a boat had arrived in Gibraltar from Algeciras carrying passengers. That would have been most unusual and all the other things that I have just described but a ship transferring from the port of Algeciras to the port of Gibraltar whether it be a cargo ship, a merchant ship of some sort, a yacht is not at all unusual. The Spaniards do not object to commercial ships coming from Spanish ports to Gibraltar. It happens all the time. There is an element of eroded premise in the hon Member's position which suggests that the difficulty is the movement of the ship as opposed to the nature of the activity that that movement is pursuant to and really the reality is more the latter case in terms of the Spanish objection.

HON J J BOSSANO:

Are the Government then saying that the Spanish objections to communications with Gibraltar do not in fact prevent the "Bismillah" going from Tangier to Algeciras and then coming Algeciras to Gibraltar and picking our passengers and going back to Morocco. That that is not prevented because to my knowledge it has always been prevented before.

HON CHIEF MINISTER:

The hon Member is asking me to speculate, I do not think it has been tried but what is certain is it has not been prevented on this occasion on the basis of a one-off repositioning of a ship. There is a difference between repositioning a ship for a one-off operation and doing something as a routine on a regular route basis. It may be that the Spaniards would not have allowed this if it had been pursuant to some triangular route, the Algeciras to Gibraltar leg of which was always sailed empty, or they might, I do not know. The sight of a ship sailing across the bay from the Algeciras port to Gibraltar is neither noteworthy nor unusual, such as to provoke the Government into thinking out this is a new development.

HON J J BOSSANO:

Are the Government aware of whether in the last three and half years there has been a sailing from Algeciras to Gibraltar by a Moroccan ferry to pick up passengers to take to Morocco prior to this occasion.

HON CHIEF MINISTER:

It has apparently never been necessary for it to be done before. I think the hon Member is seeking to draw inappropriate and inaccurate influences from one event. The fact that it may not have happened before in the last three years does not give it the characteristic of an interesting development. There are many things that have not happened before in the last three years which is not because the Spanish would not have permitted it but because no one was willing to do it and this may fall into one category. I am not aware that there has ever been a need but let me tell the House the operators of this new boat, the Mons Calpe 2 have intentions to try and do that on a regular basis, not involving Algeciras but to somehow work into the schedule a third visit to a Spanish port and we will see then to what extent. Let us not forget, of course, that the Spaniards claim to have changed their law to permit ferry services between Gibraltar and Spain.

HON J J BOSSANO:

In 1985.

HON CHIEF MINISTER:

In 1985 and it said that it is all on the basis of bureaucracy that no one can actually do it. Well, I think it may soon be put to the test.

NO 695 OF 1999THE HON J J BOSSANO**TOURISM – MOROCCAN FERRY**

Have Government discussed the possibility of an application for a maritime service to a Spanish port in the course of the discussions it has held with operators proposing a service to Morocco?

ANSWERTHE HON THE MINISTER FOR TOURISM AND TRANSPORT

No proposals were made by any of the potential operators who were exploring the possibility of a Gibraltar-Tangier service for a maritime service to a Spanish port. However, other potential operators of ferry services have approached Government and suggested a ferry service to Spanish ports.

SUPPLEMENTARY TO QUESTION NO 695 OF 1999

HON J J BOSSANO:

Am I right in my understanding that the proposals that have been put to the Government would be from a Spanish port to Gibraltar and back to the Spanish port without the Moroccan link, is that correct?

HON J J HOLLIDAY:

The original proposals in respect of the Tangier-Gibraltar route, those proposals did not include any Spanish port even though this would develop once they were operating the route. We have had other potential operators who had approached Government on the idea of promoting a service from Gibraltar to Tangier back to Algeciras to Gibraltar. They have looked at various options, even Ceuta as well. However, this has only been initial talks and nothing has, no real development has come of it.

HON J J BOSSANO:

This particular proposal is not one of the four that have been holding discussions over several months with the Government?

HON J J HOLLIDAY:

No, that is correct.

HON J J BOSSANO:

But in those discussions that the Government have had with those four potential operators, have the Government suggested the possibility to do that? Even if they did not take the initiative, do the Government not think it is a good idea if we put it to the test?

HON J J HOLLIDAY:

No, the Government do believe that it is a good idea if we were able to open up new routes, maritime links with both Spanish ports and Ceuta itself.

HON CHIEF MINISTER:

But in answer to the question, we have not suggested it during those discussions.

HON J J BOSSANO:

Given the fact that as the Chief Minister said, the law was changed in 1985 and indeed the argument, I think, has not just been one of bureaucracy, I think in terms of when the matter was taken up at the level of the European Union the response was that the last time round it was attempted, Spain got away with it because the applicant was a Spanish company wanting to operate from Spain to Gibraltar. Would the Government not think that it is wise, it is worth investing in supporting somebody that would want to put the thing to the test by applying from this end?

HON CHIEF MINISTER:

Indeed, the Government do think it would be a good idea and would support any such attempt. But of course that is not to say that the Government is itself going to try at the attempt. One thing is to provide support for some commercial operator to genuinely seek to do it. None has approached the Government except in a very tentative way but if one did come up the Government would certainly lend its full support to test the issue. To test the issue or to successfully provide the service if it turns out to be possible, both are desirable.

ORAL

NO 696 OF 1999

THE HON J J BOSSANO

**MARITIME SECURITY BILL**

Is it still the intention of Government to proceed with the Maritime Security Bill published in March 1998?

ANSWER

THE HON THE MINISTER FOR TOURISM AND TRANSPORT

Yes.

NO 697 OF 1999

THE HON J J GABAY

**ANNUAL FAIR**

Will Government explain what safety changes have been introduced this year by the Spanish operators at the fair machinery compared to the last time they functioned in our fair in Gibraltar?

ANSWER

THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE AND YOUTH

Last year, our safety officers categorically stated, in writing, that the Fair rides operated by the Spanish "feriante" were not up to the required standards in Health and Safety Ordinance which was about to be processed. We were informed, nevertheless, this year by the operator that he had now acquired new equipment and greatly improved the safety conditions of his rides. He was also able this year to present documentation certified by the Chief Technical Engineer of the relevant official supervisory body in Cadiz in respect of all the fair rides brought to Gibraltar. Furthermore, our safety officers were instructed to inspect the rides in situ at the Spanish fairground shortly before our own fair and monitor the installation of all the rides as they were being installed in Gibraltar and kept a close and watchful eye on the operation of the rides throughout the fair week. May I, Mr Speaker, now take the opportunity of thanking the National Week Organising Committee and all the officers and other staff in Government departments who assisted in organising the fair which from all accounts has been greatly enjoyed and appreciated by thousands of people, particularly the young and to express my own personal satisfaction that on the matter of safety, thank God, there was not a single hitch in the operation of the fair rides at any time.

SUPPLEMENTARY TO QUESTION NO 697 OF 1999

HON J J GABAY:

Mr Speaker, Opposition Members also add our thanks to all those who contributed to the fair, all those who had a good time and everything that goes with an expression of genuine thanks and since in the documentation provided by the operators from Spain in some instances were found deficient why is it that this time round they were so acceptable? And are we in a position, technically, to inspect this machinery with the necessary expertise?

HON DR B A LINARES:

Mr Speaker, we can only rely on the expertise and qualifications of our own safety officers and this is what we did last year and what we have done this year with different outcomes. The reason why last year we rejected the Spanish "feriante" was precisely on the grounds of safety conditions which were not in line with the requirements of the Health and Safety Ordinance. I take it that the thrust of the question is why was the Spanish "feriante" acceptable this year and why was it not acceptable last year. This is the thrust of my own answer to the question.

HON J J BOSSANO:

Mr Speaker, can the Minister in fact be more specific, what was it that they found last year wrong which was put right and can he say whether in fact the alternative or the UK providers of the service last year was also available this year or is it that this year if the Spaniards had been found unacceptable there would have been no fair.

HON DR B A LINARES:

There are a number of questions. First of all as regards the details, yes, we had a detailed report last year. To go into extreme detail by referring to the topless carousel, the whip train and all the defects that were found last year in the operation. But in more general terms mostly was the deficient electrical equipment, the age of the carousels, the manufacturers instructions not being available, that is what I mean by the documentation. A recent documentation certifying the safety, all that was not available last year, emergency stops and evacuation drills. Now it has got to be seen that there has been definitely a move this year because in Spain, itself, following now pressure and directives within the tourists context from the European directives there is now a great deal of pressure from "feriantes" to come up with the required standards. And what they demonstrated this year, particularly, in terms of absolutely brand new. Anyone who went to the fair this year would have seen that most of the rides, they looked absolutely new and that all the requirements of our safety officers to an extreme in terms of asking for these jackets that the people manning the rides were required to, the wiring of the electricity in a proper manner. The safety fences, all the documentations I have said were produced and we saw good faith and in any case satisfaction to the expertise and qualifications of our safety officers. I would assure the House that in a matter as important and delicate and sensitive as this I will not be as unscrupulous, I hope that is not in any way insinuated by the questioning, as to allow rides for our children here in Gibraltar which were not coming up to the absolute standards required by our own experts and that there was any form devious strategy of last year as is being suggested by some press, in actually excluding them from operating in Gibraltar.

HON J J BOSSANO:

Mr Speaker, nobody is accusing him of having put the safety of the whole of Gibraltar at risk the year before when they came, presumably without having met any of the necessary standards. They came one year, they did not come the next year and they have come this year. Now, presumably the standards were not there the year before if they are this year. What I am trying to establish, which was part of my question which perhaps he missed because, as he said, I had put a number of questions in the supplementary was, is it that this year the UK alternative was not available that came last year.

HON DR B A LINARES:

Indeed there was element of that. The dates that the UK alternative were offering did not quite tally with the dates. They were only able to come after the 10<sup>th</sup> September and we felt that this would be not really acceptable. But, nevertheless, let me be absolutely open and frank in explaining how we assess this situation. The fact is that definitely the UK operator did offer safety standards of the highest, but nevertheless, somehow the rides were not as popular, were not as attractive, the atmosphere and other aspects like that. Certainly, the fair last year was successful but not as popular as certainly this year's fair has been from all accounts.

HON J J BOSSANO:

I am not suggesting that the British one was superior to the Spanish or Iberian one or the atmosphere was the same. If I recall correctly last year it was being put about that the substitution of the Spanish by the UK operator was a wonderful GSD achievement. I am glad that it is now recognised that that is not the case.

HON DR B A LINARES:

I am not suggesting that he is suggesting any of the sort. I do not agree that we put it out as a wonderful GSD triumphalistic thing. We put it out as objectively and based on assessments and facts as I am doing this year.



NO 698 OF 1999

THE HON J J GABAY

**EDUCATION – CONSTRUCTION TRAINING CENTRE**

Will the Minister for Education state how many of the 13 trainees in the 1997 intake have now completed the two year course at the Construction Centre and what qualifications they have obtained and what employment they have found up to now?

ANSWER

THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE AND YOUTH

Answered together with Question Nos. 699 and 700 of 1999.

NO. 699 OF 1999

THE HON J J GABAY

**EDUCATION – CONSTRUCTION TRAINING CENTRE**

Will the Minister for Education state how many of the 16 trainees in the 1998 intake at the Construction Training Centre will be continuing into their second year?

ANSWER

THE HON THE MINISTER FOR EDUCATION, TRADING, CULTURE AND YOUTH

Answered together with Question Nos. 698 and 700 of 1999.

NO. 700 OF 1999

THE HON J J GABAY

**EDUCATION – CONSTRUCTION TRAINING CENTRE**

Will the Minister for Education state how many trainees have enrolled at the Construction Training Centre for the forthcoming intake, giving a breakdown by trade?

ANSWER

THE HON THE MINISTER FOR EDUCATION, TRAINING CULTURE AND YOUTH

Out of a total of 13 trainees in the 1997 intake a total of 12 trainees will be completing the whole course by the end of November 1999. They have not completed the courses yet.

3 Carpenters at NVQ Level 2,  
1 Bricklayer at NVQ Level 1,  
1 Plasterer at NVQ Level 2,  
1 Tiler at NVQ Level 2,  
1 Tiler at NVQ Level 1,  
3 Plumbers at NVQ Level 1,  
1 Painter/Decorator at NVQ Level 1,  
1 Painter/Decorator at NVQ Level 2

All these trainees have, as yet, not completed the course and none therefore is yet in employment. All the 16 trainees in the 1998 intake will be continuing their course into the second year.

4 Carpenters,  
5 painter/Decorators,  
2 Plasterers,  
3 Plumbers,  
1 Bricklayer

As yet no trainees have been enrolled for the forthcoming intake. Thirty-four candidates have applied and they will all be interviewed actually today and tomorrow and required to carry out a practical test at the Construction Training Centre throughout the day on Thursday 23<sup>rd</sup> September. Until the results of these tests are assessed it is not possible here and now to state either the exact number of trainees qualified for this intake or the breakdown of trades.

SUPPLEMENTARY TO QUESTION NOS. 698 TO 700 OF 1999

HON J J GABAY:

If I may refer, for example, to the 1997 intake which was on a two year course and we had 13, presumably, they would have finished by now, the two year course.

HON DR B A LINARES:

No, they are due to complete the course, as I said, at the end of November.

HON J J GABAY:

The intake in 1998 was 16. Has that remained stable?

HON DR B A LINARES:

Yes, Mr Speaker, 16 will now be moving into their second year.

HON J J BOSSANO:

A number of the people who are completing the second year will be finishing with an NVQ Level 1. I thought that Level 1 was one year.

HON DR B A LINARES:

It depends very much on the progress and ability of the individual trainees. Some have reached a level which is assessed as level 1 and some have reached the full height of level 2.

HON J J BOSSANO:

But, the full height of level 2 does not make them trades men, I take it.

HON DR B A LINARES:

No, of course not. The hon Member will know that as a craft tradesman that is NVQ level 3.

HON J J BOSSANO:

So, in fact, we are talking about this modular system possibly taking longer than the traditional apprenticeship in that case, if somebody is taking two years to reach level 1.

HON DR B A LINARES:

Let me explain the NVQ system. Yes, in a way, the answer to the hon Member's question is true. It is a much more flexible system of training than the much more rigid indentured apprenticeship of old. It suits more, it is more tailored to the ability and to the aspirations and to the progress of each individual candidate, of each individual trainee and hence the differences of targets reached by them at different stages in their trade. In a way in an NVQ course it is not really a one year or two year or a three year course, it is an open ended progress and each trainee will reach whatever standards and skills he can master as he goes along.

HON J J BOSSANO:

Well, let me make it clear that we are not asking this question because we have any objections to people being given the opportunity to finish up qualified however long it takes them, it is just that obviously the impression we had was that at the end of three years they would be in a position to enter into the labour market. This is not necessarily the case then.

HON DR B A LINARES:

At the end of three years many will be in a position of entering into the labour market but not all of them.

HON J J BOSSANO:

But, in fact, of the 12 only those that have now reached level 2 have got any hope of entering the labour market in 12 months time, no? Because one cannot go from level 1 to level 3 without going to level 2?

HON DR B A LINARES:

One can go from level 1 through level 2 in one year and into level 3. It again depends on the, on the spot assessment, in situ assessment on the place of work by the qualified and recognised assessors. So that is exactly what I mean by the flexibility in the development of the students skills that is available now within the NVQ system as opposed to the more rigid indentured Apprenticeship of old.

HON J J GABAY:

Would it not be clearer to say, that the normal expected schedule would be for one year, NVQ 1? The normal, general normal will be one year, would it not, the average, call it the average, the means?

HON DR B A LINARES:

Really, if we look at the qualifications reached by this year's intake, the first intake, the 1997 intake, we have six level 2's and four level 1's. So the majority have reached level 2 in one year.

HON J J GABAY:

There were 13 in the figures that the Minister gave me to Question No. 415 of 1999. There were in fact 13 unless one of them has dropped out. There were 13 and it would appear.....

HON DR B A LINARES:

There were 12. Six level 2's and six level 1's. I am terribly sorry. I should have done my sums before.

HON J J GABAY:

Will the Minister check his figures that he gave me then in answer to 415 of 1999, where he actually quotes, in fact three tilers, four carpenters, three painting and decorating, one plasterer, one plumber and one bricklayer, which makes 13. So one of them disappeared.

HON DR B A LINARES:

Yes, one of them dropped out.

HON J J GABAY:

I see, now we know.

HON J J BOSSANO:

We have got six at level 1 and six at level 2.

HON DR B A LINARES:

That is correct.

HON J J BOSSANO:

The six at level 1, presumably, will be undertaking the level 2 this year, hopefully to reach level 3.

HON DR B A LINARES:

Yes, hopefully to reach level 3, by the end of the second year.

HON J J BOSSANO:

Of the others, the ones that have finished the first year. The ones who started in 1998 whom there are 16 in answer to Question No. 699. Have all of them reached level 1, all 16, or are there some who have to continue with level 1 beyond the first year?

HON DR B A LINARES:

I have not got the answer to that question. I will find out.

HON J J GABAY:

Will the Minister not agree that despite the flexibility of these courses that one should aim, obviously, at a certain standard, the average standard, which would mean really NVQ level 1 in one year and the second level in the second year. The question is not, as my hon Colleague said, we do not want to see well under a flexible system that it may also reflect on the standards that are provided. I am not saying that are unsatisfactory but it is a very pertinent question to ask.

HON DR B A LINARES:

Yes, Mr Speaker, I agree that within the flexibility of the NVQ it is also important to establish norms and fixed standards, but we are perfectly satisfied with this. We had occasioned that this meeting of the House of Assembly of informing the House of the recognition and the glowing reports that the Construction Training Centre has received from the validating, crediting body the City and Guilds of London Institute, which has actually expressed their admiration for the progress which has been made in the Centre and recognise the qualification, the expertise of the instructors and the assessors in reaching very soon level 3 which will be declared then as a Centre of Excellence.

HON J J GABAY:

Then we are I believe quite entitled to see an enormous progress in the coming year given the gradual report that has been received on the facilities and the teaching staff?

HON DR B A LINARES:

That is my hope and aspiration.

NO. 701 OF 1999

THE HON J J GABAY

**EDUCATION – FABRICATION AND WELDING APPRENTICESHIPS**

Would the Minister for Education state how many trainees there are in the apprenticeship scheme for fabrication and welding at Cammell Laird at present?

ANSWER

THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE AND YOUTH

Answered together with Question Nos. 702 to 704 of 1999.



ORAL

NO. 702 OF 1999

THE HON J J GABAY

**EDUCATION – FABRICATION AND WELDING APPRENTICESHIPS**

Will the Minister for Education state how many of the said apprentices may be continuing into a second year in fabrication and welding?

ANSWER

THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE AND YOUTH

Answered together with Question Nos. 701, 703 and 704 of 1999.

ORAL

NO. 703 OF 1999

THE HON J J GABAY

**EDUCATION – FABRICATION AND WELDING APPRENTICESHIPS**

Will the Minister for Education state how many apprentices have registered for the new intake in fabrication and welding?

ANSWER

THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE AND YOUTH

Answered together with Questions Nos. 701, 702 and 704 of 1999.

NO. 704 OF 1999

THE HON J J GABAY

**EDUCATION – CAMMELL LAIRD TRAINING SCHEME**

Will the Minister for Education state how many applicants have registered at Cammell Laird for the second intake in October/November of this year which is to include electrical and mechanical trades?

ANSWER

THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE AND YOUTH

There are at present a total of 16 apprentices on the Cammell Laird Training Scheme. Cammell Laird will be offering all trainees the opportunity to continue their training into the second year. This will be based on individual performance and their standards achieved over the duration of their first year. Cammell Laird and the Government have not formally registered any trainees for the second intake, as yet, since the processing of applications has not been completed, or finalised. There are to date 37 applicants but the closing date has been extended to allow those still wishing to apply now that they know their GCSE results to do so. Cammell Laird and Government are considering taking on, after all this process, at the end of this process, 10 for fabrication and welding, 10 for electrical engineering and 10 for mechanical engineering. The new courses will start in late October of this year and selection of trainees will be based on an aptitude test and in basic numeracy and literacy together with a personal interview.

SUPPLEMENTARY TO QUESTION NOS. 701 TO 704 OF 1999

HON J J GABAY

Since there were 18 apprentices of Cammell Laird following the fabrication and welding courses or schemes as at the 31<sup>st</sup> March 1999 it would appear that the 16 mentioned means that two have dropped out, right? Are there any particular reasons that the Minister might proffer as to why they have left?

HON DR B A LINARES:

They left by personal choice, in other words it was not a disciplinary measure but presumably they may have found another avenue in their career.

HON J J GABAY:

In respect of those continuing into the second year, since it appears to be a two year course, is it not rather late not to know how many will be continuing, since I presume that we are almost there, in the start of the second year?

HON DR B A LINARES:

I think we can be pretty sure that the 16 will continue.

HON J J BOSSANO:

Is the training that they have done up to now linked to the NVQ system, have they had an NVQ level 1 at the end of the first year, the 16 who are now going into the second year?

HON DR B A LINARES:

Yes, the training scheme leads to an NVQ level 2 in foundation and fabrication of welding through the Engineering and Marine Training Authority Enter which is accredited by that Authority.

HON J J BOSSANO:

My question is, have the 16 achieved level 1 NVQ as a result of their first year of training?

HON DR B A LINARES:

Certainly, level 1. Is that what you asked, level 1?

HON J J BOSSANO:

Have all 16 got level 1 and they are now going to commence to work towards level 2?

HON DR B A LINARES:

They will now continue to work much more on the job placements with underpinning knowledge in the College of Further Education and the Training Centre but they will be much more on the job.

HON J J BOSSANO:

No, what I am trying to establish, by reference to the information we were provided on the Construction Centre, is, I want confirmation, have they actually been assessed, the 16. Have they been sort of found to have successfully reached level 1 and what they are about to commence now is work towards achieving level 2 in the next twelve months, is that the position.

HON DR B A LINARES:

That is correct, Mr Speaker.

HON J L BALDACHINO:

Will any of them have the opportunity to carry on to level 3?

HON DR B A LINARES:

Well certainly, that is really the target and the aim of the whole exercise, yes.

HON J J GABAY:

With respect to this new course that has been advertised, profusely in the press, which will include electrical and mechanical trades, this is meant to be a full year course, is it not? With the foundation year and then the three following years to coincide with the three different levels of NVQ. Is that the case of the aid?

HON DR B A LINARES:

Yes exactly as put in the advertisement which I have and the hon Member has in front of him. The apprenticeship programme will last upto 4 years in total and trainees will then be expected to complete NVQ level 3 in the subsequent year, sorry, the foundation year in the Cammell Laird and Gibraltar Government Training Centre leading towards a relevant NVQ level 2 qualifications. Trainees will then be expected to complete NVQ level 3 in the subsequent years of their specific discipline, whether it is electrical, mechanical or fabrication or welding and these qualifications as announced are accredited by the Engineering and Marine Training Authority.

HON J J GABAY:

Will the Minister explain the nature of the test, of the entrance test, which is given, in broad outlines, of course.

HON DR B A LINARES:

I know that some emphasis is laid on basic literacy and numeracy but I have to confess I am not familiar with all the intricacies of the aptitude test.

HON J J GABAY:

Are certain 'O' levels, for example, GCSE's taken or accepted in lieu of the entrance test?

HON DR B A LINARES:

There is, as I said, a general personal interview and I am sure also achievement at GCSE level will also stand them in good stead at that stage of selection.

HON J J BOSSANO:

I am not very clear. I got the impression when the Minister was referring to the advertisement that the NVQ level 1 was what at the end of the foundation year or at the end of the first year? I mean, in the four year cycle?

HON DR B A LINARES:

When the advert speaks of the foundation year is what we understand as the first year.

HON J J BOSSANO:

I see. It is not a foundation year then followed by three years.

HON DR B A LINARES:

Yes, that is the way it is put in the advertisement, but as we understand it there is a first year in the Training Centre with a great emphasis more in theory and understanding of the trade and then there are two more years more on the job training which leads up to level 3.

HON J J BOSSANO:

So, it is three years not four?. The NVQ level 1 is attainable after the foundation year in the Centre, is that correct?

HON DR B A LINARES:

Yes.

HON J J GABAY:

There is a foundation year, and then each level as I previously asked, the following three years contain the three different levels of NVQ. So the foundation year must be in general preparatory course presumably, otherwise why would it be called a foundation year?

HON DR B A LINARES:

I agree, that it is confusing, but I do know for certain that the first year in the Training Centre is not a foundation year in that sense, leading to nothing except simply an entry to another stage of training, it is in itself leading to an NVQ, a National Vocation Qualification Level 1.

HON J J GABAY:

Finally, I mentioned this foundation year because as we both know, foundations seem to be creating certain problems.

HON DR B A LINARES:

I know exactly what you are referring to. Perhaps it will come up at a later stage.

HON J L BALDACHINO:

I understand that level 3 is where the person, is actually considered to be a fully pledged tradesman. Are there provisions, because it might happen that some of the candidates, after doing level 3, might have the ability to continue to level 4 or level 5. Is there any provisions that that can happen?

HON DR B A LINARES:

Yes, indeed, Mr Speaker. I mean, it is an open ended process of training and those with the aptitude and the desire and the aspiration to proceed into a higher stage, a higher level of qualification will be afforded the opportunity. Whether it will be possible locally or perhaps in a Training Centre in the UK we will have to consider as we approach that stage.

HON J L BALDACHINO:

If one has a level 4 or level 5 qualification in NVQ one could be considered to attend college in the United Kingdom, is that correct?

HON DR B A LINARES:

Yes, indeed. There are precedents for that.

NO. 705 OF 1999

THE HON J J GABAY

**EDUCATION – TRAINING SCHEMES FOR THE UNEMPLOYED**

Will the Minister for Education state how many participants completed the course entitled “Training Schemes for the Unemployed”?

ANSWER

THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE AND YOUTH

Answered together with Question No. 706 of 1999.



NO. 706 OF 1999

THE HON J J GABAY

**EDUCATION – TRAINING SCHEMES FOR THE UNEMPLOYED**

Will the Minister for Education state how many students have registered at the start of this new academic year to attend the “Training Schemes for the unemployed”?

ANSWER

THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE AND YOUTH

Seventeen participants completed the course. No new students have been registered as yet as we are currently considering suitable short courses that will respond to an identified demand.

SUPPLEMENTARY TO QUESTION NOS. 705 AND 706 OF 1999

HON J J GABAY:

Are we to see then that the schemes as outlined previously will cease to exist and an enhanced scheme take its place?

HON DR B A LINARES:

Yes, as all things which are pioneered they stand to be reviewed and improved and that is exactly what is happening on this one. It is a very new area, dealing with people in a social and moral terms which requires a great deal of counselling and encouragement and motivation and therefore it is particularly difficult and delicate to provide them and offer them courses in training, which after all requires effort and study at some level, than will actually elicit their response and their enthusiasms. And that is exactly the type of review that we are presently carrying out.

HON J J GABAY:

Initially we questioned the depth of these courses and needless to say we are pleased that they are to develop into something more than a couple of scattered lessons. However, I do hope the Minister will forgive me if I find the word “pioneering” in this context, a little inflated.

HON DR B A LINARES:

Perhaps, it is a little inflated. I meant as a starter, it is something that did not exist before, it is a bit of a chestnut now, but certainly it is new. It has not been done before. I think perhaps my Colleague would like to have a word also about his proposed Job Club, which is also a very intelligent approach-dealing with customers as persons and trying to tap exactly those levels of response that are very often the downfall of many people that are unemployed and I will not go on about the psychology.

HON J J NETTO:

Perhaps, Mr Speaker, given that the hon Member has this subject very close to his heart, I might give a much broader picture, in terms of the thinking between the Employment Service and the Department of Education and Training. Let me say that the Employment Service and the Department of Education and Training are currently finalising plans to offer unemployed people, through the Gibraltar College of Further Education, short courses on IT. The courses will be aimed at basic and intermediate levels, dependant on demands, run for approximately 10 weeks, be free of charge for those eligible to attend. It is hoped that the courses will start within the next few weeks. If demands exists these courses will be repeated throughout the year. Arrangements have been made to set up other training opportunities for the unemployed in various fields, such as nursery care, fork lift driving, literacy and numeracy skills and these will be introduced during the next few months. The Employment Service and the Department of Education and Training continue to monitor, the training needs of the unemployed and where there is a perceived need for particular training they will endeavour to address these needs to a rolling programme of training opportunities. In addition to the above, the proposed Job Club which is still not open, once operation will be provided in-depth assistance to the unemployed to make them more effective in their job search and to provide them with the essential skills necessary to obtain employment. These areas will be covered, the areas that will be covered, are wide ranging and will include, for example, assistance in CV writing, interview skills, telephone skills and confident building. In addition to the employment counsellors will be delivering the Job Club programme arrangements have been made with the Gibraltar College of Further Education to have a tutor seconded to the Job Club once a week to deliver specialist help in liaison with employment counsellors as it may depend upon the individual needs.

HON J J GABAY:

It is obviously a far cry from these so called training skills for the unemployed and they will be more comprehensive and they will attract hopefully more of the unemployed, to improve their education, needless to say we must reserve our right to see how it works in practice.

HON J J BOSSANO:

Were the 17 people who participated volunteers or selected by the Employment Service, or were they asked to attend the courses?

HON J J NETTO:

I think this question has already come up before in the House and if I remember rightly the courses were actually advertised both in the Job Centre and they were advertised in the Chronicle at the time. And it was on the basis of first come, first served basis, if I remember rightly.

HON J J BOSSANO:

Given the fact that there is not any new intake, that does not suggest that there was a queue of dissatisfied customers wanting to be in the course. No? Is it that there were more than 17 people wanting to be on the courses and they were stopped?

HON J J NETTO:

I have not got that information right now in front of me but what I can say, and I think that the Minister for Education and Training has already alluded that with regards to the IT which the hon Member is referring, that will be happening, it will be on-going. So, it is not a question, I think, where there is still a demand there, at least from within the unemployed and they will be provided.

HON J J BOSSANO:

I am trying to establish what that demand is, I think, the unemployed want jobs more than courses and if they want courses, presumably it is because they hope that the course will lead to a job, clearly. Were the 17 people in long term unemployment or was it a purely random thing?

HON J J NETTO:

I do not know whether they were on a long term unemployed as defined more than six months and 12 months. The answer to that, I have already given, was on the first come, first served basis. Whether the first come, first served was within the category of over 12 months or over six months I cannot tell right now.

HON J J BOSSANO:

Was it a requirement that they should be registered as unemployed or was it open to anybody?

HON J J NETTO:

Yes, Mr Speaker.

HON J J BOSSANO:

Yes, which?

HON J J NETTO:

That they had to be registered as unemployed.

HON J J BOSSANO:

When was it that the course finished?

HON J J NETTO:

The course finished?

HON J J BOSSANO:

Yes.

HON DR B A LINARES:

I have not got the date for that, the question was how many students have completed the course and the answer I got from the people involved is that 17 have completed the course. The actual date of completion, I am sorry, I have not got with me.

HON J J BOSSANO:

Mr Speaker, has anybody taken any interest in finding out whether the 17, after they finished, have obtained employment. I would have thought it was something that the Government would want to know, even if the question had not been asked?

HON J J NETTO:

The management both in the Employment Service and in the Department of Training have been looking and seeing the end results of whether people have been getting employment given that the precise objective is to get them into the labour market. But given that the question, the original question did not seek to get that kind of information we do not have it available.

HON J J BOSSANO:

But the original question asked, how many completed the course and there is only 17. Did the Minister not ask to be kept informed as to whether the 17 found it easier to get a job now that they had been to the course, even if the question has not been put? I would have thought he would want to know himself.

HON J J NETTO:

I cannot remember at the moment how many.

HON J J BOSSANO:

I do not think it is an outrageous speculation.

HON J J NETTO:

Time has elapsed and I do not know how many have ended in the labour market.

HON J J BOSSANO:

But, Mr Speaker, if time has elapsed then we can take it that the course has not just finished.

HON DR B A LINARES:

Yes, I have now spotted a note from the officers saying that the courses were held for the unemployed between April and June 1999. So presumably the course was completed in June this year.

HON J J BOSSANO:

Would the Minister then see if there is any information as to what has happened to the 17 after June to see whether in fact they have been able to find employment after the course, in June.

HON J J NETTO:

Yes, Mr Speaker.

NO. 707 OF 1999

THE HON J J GABAY

**EDUCATION – CULTURAL GRANTS**

Will the Minister for Education inform the House whether the cultural grants have already been awarded and whether all applicants have been informed?

ANSWER

THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE AND YOUTH

Mr Speaker, the cultural grants have not yet been awarded.

SUPPLEMENTARY TO QUESTION NO. 707 OF 1999

HON J J GABAY:

Can the Minister tell us if there is any special reason for the delay since I have had some representations on the subject since it can effect a long term planning as to whether they get what they think they are going to get or not?

HON DR B A LINARES:

The Cultural Grants Committee normally meets around the end of the latter half of August every year. We have been rather busy, particularly, the Director of Culture has been rather busy at that time of the year with the National Week Festivities and the fair and hence the delay this year. But the hon Member can tell the persons who have made representations to him that they are in for good news. I have carried out a round robin to the members of the committee and I have agreed to grant them the funds that they require because of their trip abroad.

HON J J GABAY:

The information will be conveyed.

NO. 708 OF 1999

THE HON J J GABAY

## EDUCATION – SCHOOL OF TOURISM

Will the Minister for Education explain – with regard to the nine candidates who completed the one-year course at the School of Tourism – what employment in the industry has been found for the seven who have remained in Gibraltar and whether the two sent to the United Kingdom for further courses only qualified for entrance as a direct result of their local certificates?

ANSWER

THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE AND YOUTH

The certificates obtained by the trainees of the School of Tourism are not all local certificates as suggested in the question by the hon Member. They include the City and Guilds of London Institute International Certificate in Food Preparation, Cooking, Accommodation Operations and Food and Beverage Services and also the Welcome Host Certificate of Customer Care which is also accredited in UK. The students who have obtained places in UK Colleges of Further Education to further their studies have not been sent to UK as suggested in the question. They have obtained places in these Colleges on their own merits and certainly the qualifications which they gained in the local course have enabled them to gain acceptance by these Colleges. The other students have obtained employment in the Industry as follows:-

Two have found employment in the Rock Hotel,  
One has found employment in Elliot Hotel,  
One has been offered employment at Queen's Hotel but is as yet undecided whether to take up the offer,  
One has found employment in a Jeweller's shop,  
One has been interviewed for possible employment in the Bristol Hotel or Radical Pizza and is awaiting replies, and the seventh has decided to follow a Christian Disciple Course in a Mission College in Aberystwyth.

To these we should add two more students of the initial intake who earlier in the course of their studies were offered full time jobs in the Rock Hotel. I will take this opportunity of congratulating all the students and their teachers and tutors on the successful outcome of their studies.

SUPPLEMENTARY TO QUESTION NO. 708 OF 1999

HON J J GABAY:

With respect to the qualifications which one could almost have identified given the tremendous explosion of advertising on television and the press, the children waving certificates, and the Minister describing the whole thing as wonderful, one would have thought, with all due respect, that it was the pinnacle of our educational system. However, when we queried the type of examination that was to be done, we were informed in this House, were we not, that they were to do NVQ's, what accounts for the change?

HON DR B A LINARES:

I think the House will agree that I am not normally condemnatory and abrasive in my replies to the hon Member, I wish I could get the same treatment from him. But in this case when the achievement, the enthusiasm, is turned into a parody by the hon Member referring to the show on television et cetera. When he tries to denigrate what this young people have achieved with their tutors, I have to say, frankly I find that quite disgraceful and shameful; particularly unworthy of a person who repeatedly claims to be an educator.

HON J J GABAY:

In the field of education, Mr Speaker, we try to keep the educational debate on a sensible level. What is perhaps more shameful that what I have just said is the fact that it has been reduced to a cheap level by trying to argue our differences to the validity of the courses on television, and I repeat, with a tremendous roaring description of it as wonderful followed by the remark that they will have to swallow it, so do not be surprised if I become aggressive. This was done in public. What we have done, simply done, and we wish the students every success, the Minister may doubt it as much as he wants. I am quite sure of my own credentials in that field. But let me come back to the question of what we found wrong with these courses. First of all we found them costly, we found them full of gimmicks with treasure hunts and so at the beginning. As an educationalist the Minister may well agree with me, that is hardly the way to present the wonders of the system. Secondly, we question the tremendous drop out rate. That was worrying and we naturally raised it even though the Chief Minister had the audacity of saying, even if it were for one it would be worth it. So those three points remain as valid arguments on the validity of this operation. If, for example, I had been a little aggressive it is only in reply to the more public aggression to veil the educational debate and argument with these hyperbolic expressions of wonderful and so on. We have not seen this with the results of the 'A' levels or 'O' levels. It is obviously a political intention in this, to carry out the argument outside. Let me come back to the actual point. Why were the NVQ's replaced by the HND's?

HON CHIEF MINISTER:

The hon Member's views about these courses in tourism are well known as are the Government's views, not just about the courses but about the hon Member's views. We debated this at length almost in the identical terms of the hon Member is now using not three months ago in the House of Assembly. And, we are just not willing to debate the same issues again. There are rules about raising issues within six months in question time. There are rules in Standing Orders, Mr Speaker. There are rules in Standing Orders, about raising the same issue within six months of the last time. The hon Member may ask questions but what we are not willing to do with them again, is again debate and repeat the debate that we had with him three months ago. The hon Member's views are well known to everybody in this House, to everybody who has read it in the Chronicle and more worryingly for him are well known to the students and their families whom he constantly denigrates. By the same token our views are equally well known and people have already formed a view in this community about whether the Government's commitment to tourism training, and the way we have gone about it, is a good thing or a bad thing. We will not debate this issue with the hon Member again every time there is question time.



HON J J GABAY:

Perhaps then, Mr Speaker, the Chief Minister who has interceded in this conflict may well answer the question which I put to the Minister about giving up the NVQ's. What was the rationale behind this?

HON DR B A LINARES:

Yes, it was found and assessed that it was more appropriate to level the qualifications and the targets of this course to the City and Guilds London Institute in these areas of catering.

HON J J GABAY:

I find this rather surprising even though the Chief Minister feels that we should not be reverting to what has been discussed before. In question 385 of 1998 my Colleague, the Hon Mr Baldachino, asked him and he reiterated in these words, "the Minister is clear that the person at the end will have no difficulty in getting an NVQ." "Is that correct?" the answer was "that is correct". Naturally, we are surprised and we ask?

HON DR B A LINARES:

I will repeat that. We have no difficulty, in fact two of them are going to UK to do precisely one year and two years training leading up to NVQ's. So those reaching these levels of qualifications after one year in the School of Tourism will have no difficulty, if they so wish, in pursuing their studies and their training of reaching NVQ levels 1, 2 and perhaps even 3.

HON J J BOSSANO:

Is it that we cannot provide NVQ training here. I had assumed that they were being sent to UK to do something that was not possible to provide in Gibraltar. Cannot we do NVQ level training here?

HON DR B A LINARES:

It is not the point, Mr Speaker, the fact is that these students, these trainees have opted for a much more structured course in colleges which specialise, one going to attend Hendon College to study travel service, travel and tourism, and another one going to attend Guilford College to study professional chefs diploma. Well, these are courses which at the moment we cannot offer to the same degree of expertise that they are going to be obtaining in these Colleges in UK.

HON J J BOSSANO:

Then surely it is perfectly reasonable to ask, would it not be better to have people trained in the United Kingdom which was something we were asking initially. If it is going to cost so much money and there are small numbers might they not be better off sent to specialist catering colleges in the UK rather than doing it here. Is it not the case that when they were originally announced here by the Minister for Tourism he said that what they were going to finish up with was, in fact, qualifications related to being a chef and a number of other things, all which were listed by him, initially, before the Minister was involved? Now, that does not seem to have happened.

HON DR B A LINARES:

It is probably these trainees would not have obtained acceptance and places in these colleges in UK if it had not been for this foundation which they have obtained locally in this course as I answered to a previous question.

HON J J BOSSANO:

But, then can he say, what is the stage at which the students in the UK are studying are they studying on the premise that they are now going to do a course which is level 2 NVQ?

HON DR B A LINARES:

Yes, Mr Speaker.

NO. 709 OF 1999

THE HON J J GABAY

**EDUCATION - TEACHING PROFESSION**

Is the Minister for Education planning to institute a term off for training or research as part of the structure of the teaching profession?

ANSWER

THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE AND YOUTH

No Sir.

SUPPLEMENTARY TO QUESTION NO. 709 OF 1999

HON J J GABAY:

Since there is a possibility of this, a strong possibility, of this being instituted as part of the range of policies to be brought in by the Government in the UK we feel that given the complexity of education and the importance of keeping up to date that there should be a sabbatical term in order to do some research or refresher courses or even international exchanges, after all it does happen with doctors as well and with other professions. It seems to me a rather sensible proposal that it should not necessarily be dismissed without further analysis as time progresses?

HON DR B A LINARES:

It is a matter of judgement whether there is a strong possibility or a weak possibility. As I understand it this is a very half baked idea which has been flagged by the "Times" in a recent article. There is some reference to this in a green paper on pay and conditions and therefore a suspicion in the minds of the unions that this sabbatical training development may be very much linked precisely to the performance related pay increases that we discussed at a previous meeting of the House. So, about whether it is a strong possibility that this will materialise or not is still very much in the air, as the Director put it to me in consultation with his advisers we prefer to wait and see before commenting on a half baked idea. So, in answer to the question, are we planning in any meaningful way to provide this sabbatical term for teachers, I have to be honest and say that at this stage we prefer to wait and see how things develop. Whether this is a realistic option that is going to materialise in the UK or is going to remain, as I might say, without being over political in some sense that many other ideas which are being flagged by the labour Government and Mr David Blunkett and which eventually do not come to very much. In any case our policy has always been to wait to see how things educational initiatives develop in the UK before we actually embark upon them and therefore learn by their mistakes. In any case I also have to refer to the biennial report of the Education Department. We are rather proud, I must say, of the intensive provision that we made for in-service training in our profession here locally and at the moment we do not see that our professional teachers are underdeveloped in their skills professionally. So, my answer is an honest one that we prefer to wait and see. So, no realistic planning here now, but nevertheless we are always open to review.

NO. 710 OF 1999

THE HON J J GABAY

**EDUCATION – STATUTORY INDUCTION YEAR**

Will the Minister for Education enter into discussions with the UK Ministry of Education about the possibility of introducing the Statutory Induction Year for newly qualified teachers on a basis of mutual acceptance?

ANSWER

THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE AND YOUTH

Discussions on this matter have already been held between officers in our Department of Education and Training and their counterparts in the Department of Education and Employment in UK. We believe their response at this stage is positive in general terms. Two of our advisers, moreover, will be holding further meetings in Darlington next month with Mr Keith Johnston who is the senior officer in the DFEE steering the implementation of the induction year for new teachers in UK at a national level. Should these negotiations fail to produce the desired result I will then take up this matter at a political level since, as I have stated in answer to a previous question, the Government looks at this question with serious concern, not only as a matter of principle but in order to ensure the career prospects and the employment of opportunities of our local teachers.

SUPPLEMENTARY TO QUESTION NO 710 OF 1999

HON J J GABAY:

I remember having a most interesting, friendly discussion with the Minister on this subject and I must congratulate him actually on the initiative he has taken on this point, which I think is quite important.

HON DR B A LINARES:

Thank you.

NO. 711 OF 1999

THE HON J J GABAY

## EDUCATION – LITERACY AND NUMERACY SUMMER SCHOOLS

Will the Minister for Education agree to the institution of Literacy and Numeracy Summer Schools for needier pupils in order to ease the transition from Middle school to Comprehensive?

ANSWER

THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE AND YOUTH

No Sir.

SUPPLEMENTARY TO QUESTION NO. 711 OF 1999

HON J J GABAY:

The Minister must be aware that in the United Kingdom concern has been expressed in the question of transition from primary to secondary schools and as part of the policy to make the transition as smooth as possible, they have introduced a number of measures one of them, of course, is the summer school particularly the literacy summer school. I would have thought that that might be a good idea here noticing myself personally, in my classes with youngsters of the concern of parents that during the summer period some extra tuition in English will obviously assist them. It is with this in mind that I mentioned it and also related to this has been a policy applied very successfully in the United Kingdom that during the first year of Comprehensive School to assist them in reading, certainly the weaker ones that come into the school, parents have been brought in to assist and in some schools very successfully six formers have been helping with those who are weaker in the English language. Given the fact that quite a number of our students really come into the Comprehensive with a fairly weak standard of English, at least some of them, this might assist them, so that they do not suffer, as some of them tend to do throughout the school career. It is merely a suggestion for consideration.

HON DR B A LINARES:

I am grateful for the ideas passed on by the hon Member which I and my colleagues in my department will consider seriously but I have to say that those concerns which he refers have not reached us at all, there are no identified requests from parents or schools, either the feeder schools or the receiving schools for summer tuition. I think one has to take into account that the term immediately prior to transfer to the secondary school is used in all middle schools to prepare children intensively for the transition to secondary schools and to be frank we do not at this stage, but as I say I am open to reviewing the situation, think that literacy and numeracy skills are going to improve so dramatically to make it cost effective during the few weeks over the summer when the children have spent the previous 11 years in our schools. The Department however, I have to point out, is very sensitive to special requests from schools and parents in respect of individual children. For instance, this year we have actually paid for tuition over the summer break for a child who had missed school extensively last term due to medical reasons, so in particular cases of intrinsic merits the Department is open to the provisions of these summer tuition's. But, I do not think in a global and genetic we should really think of it at this stage from the point of view of cost effective.

HON J J GABAY:

I was only suggesting this, not as I have in the past in a more global way but merely for those who are identified as weak and this might be of assistance during the long summer period.

HON DR B A LINARES:

As I have explained that is already within our agenda.

NO. 712 OF 1999

THE HON J J GABAY

**EDUCATION – SCHOOL RULES**

Will the Minister for Education state whether there is a prohibition in Gibraltar on girls wearing trousers to school?

ANSWER

THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE AND YOUTH

There is no statutory or legal prohibition in Gibraltar on girls wearing trousers to school. But school uniform is determined, as he knows, by School Rules and these are generally taken very seriously by both parents and pupils and at present these rules do not allow for the use of trousers by girls in school.

SUPPLEMENTARY TO QUESTION NO 712 OF 1999

HON J J GABAY:

The reason why I raise this question is that some parents on grounds of civil rights took a school to court, and they won the case. On grounds of civil rights. Since case law is applicable in Gibraltar it may open the door for similar breaks in traditional uniform and if the appeal is not crossed may the whole practice actually not lead to the erosion of school uniforms and girls being allowed to wear maroon trousers to the Girls Comprehensive and perhaps in exceptional cases boys wearing maroon skirts to the comprehensive.

NO. 713 OF 1999

THE HON J J GABAY

**EDUCATION – LIBRARY BOOKS**

Will the Minister for Education indicate how much has been spent in the provision of library books (at First Schools, Middle Schools and Comprehensive Schools respectively) in the academic years 1997 to 1998 and 1998 to 1999?

ANSWER

THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE AND YOUTH

Answered together with Question No 714 of 1999.



NO 714 OF 1999THE HON J J GABAY**EDUCATION – LIBRARY BOOKS**

Will the Minister for Education state what financial provision has been made specifically for the purchase of library books in the current school year?

ANSWERTHE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE AND YOUTH

The figures requested are as follows:

In First Schools	1997/1998:	£11,020
	1998/1999:	£14,664
and the provision for	1999/2000:	£20,283
In Middle Schools	1997/1998:	£11,632
	1998/1999:	£11,843
and the provision for	1999/2000:	£12,699
Secondary Schools	1997/1998:	£7,524
	1998/1999:	£6,957
and the provision for	1999/2000:	£6,250

SUPPLEMENTARY TO QUESTION NOS. 713 AND 714 OF 1999

HON J J GABAY:

Are these sums simply for the purchase of library books and not under a general vote for equipment and so on. These are sums allocated actually for the purchase of books for the school libraries?

HON DR B A LINARES:

Different schools have different practical arrangements in the running of libraries. Some have a central library others have class room libraries, some of the uses of the library books are combined also with the provision of readers where the teachers can actually monitor and guide the reading trajectory of a pupil. I presume the thrust of the hon Member's question is, to what extent are the schools investing in the development of reading skills and literacy skills and I will say that that is a fair representation, reflection of the investment the schools are making precisely because of the same concern.

HON J J GABAY:

Could the Minister inform the House whether the libraries, particularly in the Comprehensives, are run by qualified librarians?

HON DR B A LINARES:

Depends what the hon Member means by qualified librarian. Definitely the teachers in charge of the libraries have specialised and done courses in the running of the school library rather than the generic qualification of the librarian.

HON J J GABAY:

I believe there is, Mr Speaker, a highly professional full time course really for librarians as opposed to teachers and they play an extremely important role in secondary school libraries, in particular, and I believe that in some countries, in fact, all the libraries in the schools are run by highly qualified librarians, places like Canada, New Zealand, the United States where the level in the United Kingdom is lower. So I was thinking in terms of whether we might be moving in that direction eventually and also as a supplementary, to this question of library books, in the United Kingdom they have had a very successful year now coming to an end called the National Reading Year, which has been hailed really as a great success. Not only has it focused on school libraries but also public libraries and the role of parents and society at large in promoting reading which most teachers today feel is one of the handicaps of many pupils, they do not seem to read enough. Something similar might be of help in the future.

HON DR B A LINARES:

We have actually adopted some of the elements in the reading strategy in some of our schools where parents and public figures will actually join with the students and actually carry out a reading exercise with them stories, but I have been personally involved myself. They roped me in as Minister in order to give a certain image to the exercise and it was very enjoyable.

NO 715 OF 1999

THE HON J J GABAY

**EDUCATION – COMPREHENSIVE SCHOOLS**

Will the Minister for Education state how many pupils have entered the Comprehensive Schools this term and been diagnosed professionally as suffering from dyslexia?

ANSWER

THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE AND YOUTH

Answered together with Question No 716 of 1999.

NO 716 OF 1999

THE HON J J GABAY

**EDUCATION – DYSLEXIA**

Will the Minister for Education state what specific attention from qualified staff such dyslexic pupils will be receiving once at the Comprehensive stage of their education?

ANSWER

THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE AND YOUTH

May I refer the hon Member to my answers to Question Nos. 233 and 234 of 1998 when I gave a detailed comprehensive and I must say very lengthy explanation of the Department's policy on the subject of dyslexia. More concisely on this occasion, although it is a very complex subject, I can inform the House that, in direct answer to his question, that the Schools' Psychological Service carried out, this year as it does every year, a detailed analysis of literacy levels of the 366 pupils moving into the Comprehensives. Of these seven pupils, six boys and one girl, were adjudged to have a serious literacy difficulty in that their reading quotients were below 75 and were therefore delayed by more than two years. Now that is a global and generic literacy difficulty. More specific learning difficulties, however, which can include dyslexia, can occur at all levels of the academic ability spectrum and there were five complex cases, three boys and two girls identified within this bracket, who were reported to show special learning needs related to specific language and literacy problems, some might wish to label these problems as dyslexia. As regards our policy and provision we believe in an inclusive policy, that is integrating pupils with specific learning difficulties as far as possible within the mainstream curriculum but supporting them in terms of their specific needs. For this purpose, both Comprehensive Schools enjoy additional supernumerary staff. The pupils concerned will receive two or three additional sessions per week, they are called periods, in groups of not more than two or three pupils attended by qualified experienced teachers who can address specifically their needs, such as spelling, study skills, reading comprehension, auditory memory, visual sequencing, auditory sequencing, which are characteristics of this very wide ranging problem which we all understand as generic dyslexia.

SUPPLEMENTARY TO QUESTION NOS. 715 AND 716 OF 1999

HON J J GABAY:

It is true that dyslexia encloses a certain range of reading problems, but they are identified fully as dyslexia outside other problems that children may encounter with spelling and so on. It is a disability, a recognised disability and it is for that reason that there exists specific schools for treating dyslexic children. If an ordinary experienced teacher who has not had a specialised course in how to deal with dyslexia there is very little, in fact, that he can do for those pupils. This is why when we look at the Times educational supplement will the Minister not agree that there is constant reference to dyslexia, how to approach it and there are these excellent courses, long distance courses, which are 16 months and can be done to really train teachers to deal specifically with dyslexia in children and it might be something worth considering that a number of teachers with a particular grasp of this problem and how best to handle it, since it is a recognised fact that some of them are quite intelligent, but if

they do not get the necessary treatment in terms of specialised teachers aware of the problems, the real problems of dyslexia in children many of them, however intelligent tend to muddle right through the school careers and research has shown that many of them muddle into crime as well. So as a suggestion perhaps somewhere along the line it might be considered to take this particular ailment on its own and try to have a number of people in the schools capable of dealing with them as they deserve. I believe there is a dyslexia society in Gibraltar but I have not been able to make contact with them. There is a number but there is never any reply. I just therefore, give this as a suggestion.

HON DR B A LINARES:

I would like to make a few points in response to that, Mr Speaker. First there is quite a number of our teachers who have already done this specialist courses because of their natural concern for a problem which causes anxiety and difficulty. Secondly, I think I have to be frank about this, we try, and this is good psychological and educational advice, try to avoid two things which are counter productive. One is to medicalise the problem. I mean with respect, the hon Member spoke of ailment and diagnosis. We try to avoid this. I am not being controversial, it is just an attitude and a style that we do take on board because it is well advised by, as I say, psychologists and educationalists. Thirdly, I think some parents tend to overdo this and be at fault to label students. There is, a pro-dyslexia lobby group and I think we have to be very careful sometimes with articulate lobby groups. I think the concern and the commitment of the Government is to all our children with special educational needs who might not always enjoy the advocacy of a particular lobby and nevertheless it is our duty to consider all global literacy difficulties and all special learning difficulties including, of course, and I do share a concern under sensitivity to these children with that more specific difficulty. But we have to take into account all these factors as a Department in adopting a balanced and nevertheless a positive approach.

HON J J GABAY:

I must admit that in my own teaching career when I have come across dyslexic children, I have come across quite a few in Gibraltar, and have attempted to teach them and it is a tremendous problem, it requires a very very special technique and it is with this mind that I suggest that this be treated as something special.

NO 717 OF 1999

THE HON J J GABAY

**EDUCATION – STATUTORY SCHOOL LEAVING AGE**

Will the Minister for Education state how many pupils left school at the statutory school-leaving age of 15 in the course of the school year ending in July 1999?

ANSWER

THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE AND YOUTH

Answered together with Question No 718 of 1999.

NO 718 OF 1999

THE HON J J GABAY

### EDUCATION – NON-GCSE COURSES

Will the Minister for Education state how many of the 15 year old leavers had opted in year 9 for the special one year non-GCSE course as opposed to the two-year course leading to GCSE in year 11?

ANSWER

THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE AND YOUTH

In Westside School 17 pupils left at the school leaving age of 15, six of these at end of the year and 11 during the year once they reached the age of 15. In Bayside School 24 boys left, three of these left at the end of the year, two left for UK at the end of the year and 19 left reaching the age of 15 during the academic year. In Bayside 13 of these 24 pupils had opted for the one year non GCSE course. There is no such course in Westside School.

SUPPLEMENTARY TO QUESTION NOS 717 AND 718 OF 1999

HON J J GABAY:

What do we actually mean by opted is it they are channelled in that direction or they have an element of choice so it is a matter of compromise?

HON DR B A LINARES:

Well, I think the hon Member knows exactly how counselling and guidance proceeds in schools. There is, an element of course, of freedom and of choice but there has to be a very honest and frank advice to the parents and to the children concerning their potential and their ability to reach the academic demands of the GCSE course which very often leads to disaffection and dropping morale of pupils who see that they cannot keep up with the type of demands of an academic course which is not for them. So there is an element of choice obviously and of freedom but there is as there is with other pupils who are advised in respect of subjects, in respect of levels of GCSE as the House knows there are higher papers, intermediate papers, foundation papers and there has to be an extensive guidance process for all pupils at this important and crucial moment of their secondary school year.

HON J J GABAY:

Is this certificate they take, this non-GCSE certificate, is there any follow up to see to what extent it is useful to them in finding employment because obviously there is a great competition with those who have GCSE. Has any study been made?

HON DR B A LINARES:

I am afraid we have not got, at least I have not got here any scientific evidence of statistics. I am sure teachers and particularly careers masters will know the trajectory of different individual pupils, after all they are only talking about 17 and 24 out of a total in take of nearly

400 in the two schools and therefore it is easy to follow up and I am sure careers masters and other tutors will follow this. But I am afraid there is no scientific statistical analysis. At least not in my possession.

HON J J BOSSANO:

Can the 15 year olds opt to go into the Training Courses in the Construction Centre or in any other of the other areas at the age of 15 or is it that they have to wait one year before they can go there?

HON DR B A LINARES:

They have to wait until the applications for entry into the Construction Training Centre are advertised and the whole process of selection is proceeded with. So, that if they are, for instance, there are 15 in October of the academic year they will have to wait. October maybe they are still within the time element that the applications for the Construction Training Centre but in the middle of the year they would have to wait before they can be accepted for a formal course of training in the Construction Training Centre.

HON J J BOSSANO:

But it is not that they have to be 16, the alternative to doing the one year special non-GCSE course could be for many of these 15 year olds instead of staying an extra year at school they could go into one of these courses, provided they are over 15 obviously in September?

HON DR B A LINARES:

There is no impediment as regards the age. The problem will be the timing fitting in with the schedule of the Construction Training Centre.

HON J J BOSSANO:

There does not seem to be a particular advantage to the one-year course in terms of going on to do that kind of training?

HON DR B A LINARES:

The advantage is purely educational. That the skills and the tuition and curriculum that is offered as part of this one-year course is more vocationally geared, more geared to basic skills and that is more advantageous and of greater benefit to this type of student than trying to force him into a level of academic work, GCSE curricula and syllabuses which they will find very disenchanting and I know from personal experience how much disaffection can creep into a child's attitude to school, precisely because the course offered to him is not relevant to his ability or to his vocational needs.



NO 719 OF 1999

HON J J GABAY

**EDUCATION – ENTRY AGE TO PUBLIC EXAMINATIONS**

Will the Minister for Education state whether it is possible at present for bright pupils to move up classes irrespective of age in order to do public examinations at an earlier age?

ANSWER

THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE AND YOUTH

It is theoretically possible for bright pupils to move up classes irrespective of age, in a sense that there is no statutory impediment neither is there a strict school regulation on this matter. However, each individual child will have to be assessed, and as I said before counselled, on his or her own merits and circumstances and this assessment, of course, will have to take into account, not only the academic brilliance or potential of the child but also of other personal characteristics emotional and social factors related to the child's level of personal maturity. So, in summary, although there is no strict regulatory impediment there is a whole set of factors that need to be taken into account and assessed before that move will be proceeded with.

SUPPLEMENTARY TO QUESTION NO 719 OF 1999

HON J J GABAY:

Nevertheless, Mr Speaker, the Minister must be aware that there is a very definite initiative in this direction going on in the United Kingdom already with an important pilot scheme. It is the intention of the Government in many ways to follow the example of the public schools and really make special allowance for the fast track pupils. I think there is a general concern that they are not getting a particularly good deal and it is the intention of the Minister for Education in the United Kingdom to virtually be able to afford every talented child the opportunity to, it seems to be a contradiction with his claim that the examination results are getting better and better, in the sense that the brighter pupils are not being challenged and therefore there is a definite plan supported by the Chief Inspector of Schools to introduce this coming year and to develop it into a very full programme of opportunities for the more talented or brighter pupils to be able to do, for example, the GCSE's at the age of 10 or 11 and even their 'A' levels at the age of 13 and 14. And, of course, there is a child recently who did an 'O' level and passed it with a 'B' at the age of eight. So, these things are worth bearing in mind in our development in these directions, if the Minister would agree.

NO 720 OF 1999

THE HON J J GABAY

**EDUCATION – GCSE/'A' LEVEL RESULTS**

Will the Minister for Education provide us with the analysis of this year's GCSE and 'A' level results which we have previously been accustomed to receive in the form of a Government Press Release?

ANSWER

THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE AND YOUTH

I have a detailed analysis of the GCSE and 'A' level results which I am happy to pass on to the hon Member. The House will have already noted this from reports in the media that once again this year records have been broken and I will take this opportunity of formally congratulating all the students and teachers and their parents for these. Yes, indeed, why not. We have to have a collegial approach to all this. I think education is very much a collegial effort. It is team work and I do not think we should just narrowly focus on a particular person. I am not too sure what is behind your reference to previously accustomed to receiving the form of a Government Press Release. We do issue these to the press then of course the press do not publish the table like that. They publish simply their interpretation of this but if the hon Member is suggesting that we should really pass on the tables I will be very happy and I apologise if we have not done so because it has not been the practise. May I take this opportunity of saying, for all other statistical information that Opposition Members keep asking for us here that would be much more effective and useful to pass on in answer to written questions than in written replies, anyway I am glad that the hon Member will accept this.

SUPPLEMENTARY TO QUESTION NO 720 OF 1999

HON J J GABAY:

I am gladly accustomed because for the last three years I have been receiving all these details.

HON DR B A LINARES:

And we have failed this year, I am terribly sorry about this. It has not been intentional in any way.

HON J J GABAY:

But despite my comment I do sincerely believe that the standards of the examinations is going down. At the same time I am not depriving the children or the teachers of their success and I share the Minister's views and I also convey my congratulations to all of them.

NO 721 OF 1999

THE HON J J GABAY

**EDUCATION – MANDATORY SCHOLARSHIPS**

Will the Minister for Education state the number of mandatory scholarships awarded in the academic year 1999 to 2000, giving details of the subjects for which the scholarships have been awarded?

ANSWER

THE HON THE MINISTER FOR EDUCATION, TRAINING CULTURE AND YOUTH

Answered together with Question No 722 of 1999.

NO 722 OF 1999

THE HON J J GABAY

**EDUCATION – NON-MANDATORY SCHOLARSHIPS**

Will the Minister for Education state how many non-mandatory scholarships have been awarded for the coming academic year 1999/2000, giving details of the courses to be pursued and their duration?

ANSWER

THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE AND YOUTH

To date, literally today the 21<sup>st</sup> September, 102 mandatory scholarship awards have been processed but there are some whose contractual arrangements still have to be processed. We do not have the total exact figure as yet but it will be very approximate to 102 mandatory scholarships. Similarly, 23 discretionary scholarship awards have been approved by the Scholarships Awards Committee but there are some that still need to be processed in contractual terms. It is premature, and I hope the hon Member understands, that to attempt to give details at this stage relating to courses et cetera is difficult but I will be glad to pass on detailed information to the hon Member once the dust settles and a whole administrative process is completed.

SUPPLEMENTARY TO QUESTION NOS. 721 AND 722 OF 1999

HON J J GABAY:

I will very much welcome that information. At first sight it would appear that there may be less mandatory scholarships and less non-mandatory ones as well. I believe last year we had, although not 100 per cent confirmed, we had from 180 to 200 approximately mandatory and 40 non-mandatory. That was the exact figure. It should be interesting to compare and pass on some comment on some future time.

HON DR B A LINARES:

I may have misled the hon Member when I said the final figure may be proximate to the 102. I now remember that the people processing this said that they expected about 50 to 60 within the mandatory, so that would bring it to about 160.

HON J J BOSSANO:

Given that there was an increase provision in the estimate this year for discretionary awards, on the basis of the information provided, are the indications that in fact this sum is not going to be used?

HON DR B A LINARES:

I would not like to commit myself at this stage. I really mean it when I say that there is a process which is still on-going and we never know suddenly figures shoot up and rise and then I prefer if I give the information once the whole thing is settled.

HON J J BOSSANO:

Can the Minister say how many applications for discretionary awards he has had?

HON DR B A LINARES:

I have not got the figure with me at this moment.

HON J J BOSSANO:

Is it possible to even at this stage, when the academic year is already starting, for new applications to be submitted. Is there a closing date for applications?

HON DR B A LINARES:

There is a closing date for applications definitely, because discretionary ones have to be processed by the Scholarship Awards Committee. So when we advertise and invite applications there is very much of a dateline and time for applications is now closed but nevertheless it is a question of processing contractual arrangements. What I mean by that is actually involving the means assessment that has to go with each applicant. May I take the opportunity to say that this year we are being particularly strict in assessing these applications. As I promised the House earlier on, that the Department will take a much more serious view and analyse declaration of incomes much more closely, certainly going beyond the income tax declared income and asking for evidence of assets and the total of all sources of income and putting pressure on applications which look very doubtful indeed on prima facie and we do mean to be strict. So the means assessment may end up determining and conditioning the final grants.

HON J J BOSSANO:

But, Mr Speaker, I am not trying to establish how many people are going to get a full grant or a minimum grant which is irrelevant to the information that has been provided. What I am trying to establish is, if there has been a closing date and the closing date is passed, then we ought to know if there has been 50 applicants or 100 applicants irrespective of whether the sifting of the means testing result in them getting big grants or small grants.

HON DR B A LINARES:

It can also result in people opting out because they do not get the grant that they may have wished for.

HON J J BOSSANO:

Opting out? The people would opt out rather than take the minimum? Is that the position? That is a very strange consideration.

HON J J GABAY:

The thing is that there is a notable difference given the information we had last year. Last year the Minister told us in terms of mandatory scholarships that 168 had been processed, 47 were pending and that by October, the exact number would be confirmed. But it was obviously clear that it would be between 180 and 200 whereas the figure given now is 102. We feel the Minister needs to really check those figures and with the non-mandatory there is

a similar discrepancy because last year we had 40 and today the Minister has given a sort of a provisional figure, of 23 for the non-mandatory. So when we get that information we will get a clearer picture.

HON DR B A LINARES:

I must say that those figures which have been passed on to me also look, particularly surprisingly low in the context of previous records that is why I was trying to avoid actually entering into this arena that the hon Member has actually pushed me into. That is to guess and forecast final figures. I frankly feel that there are still many factors at play here in the minds and in the processes carried out by the advisers in determining the contractual arrangements which may yet bring up figures above the present figures brought to me

HON J J BOSSANO:

But, Mr Speaker, irrespective of the numbers that have been processed today simply because it is obvious that if greater scrutiny is taking place then the process must be taking longer so they may have been less completed than at this time in another year. I am not questioning that, what I would like to know is whether the demand this year, irrespective of the success rate of that demand, whether the demand this year is higher or lower or the same as in previous years? So I accept entirely the explanation about the fact that what has been processed today is no indication at this stage of what the final figure is going to be but certainly the applicants would be an indication if we are able to compare not how many have been processed so far but how many have asked so far?

HON DR B A LINARES:

Yes, we have definite figures for that obviously because the application dates are closed. I have not got that figure with me but also I have the feeling that the numbers there will be as high perhaps in terms of mandatory scholarships perhaps higher than other years because of the excellent results that have been obtained by both schools with an 89 per cent pass rate at 'A' level. So if anything that should indicate that the demand for scholarships to follow up the 'A' level results into University would be if anything higher than last year. But, I am sorry I have not got that figure which would have been a good indicator I accept.

NO 723 OF 1999

THE HON J C PEREZ

**GOVERNMENT COMPUTERS – YEAR 2000 COMPLIANT**

Can Government state whether all Government computers are Year 2000 compliant?

ANSWER

THE HON MINISTER FOR GOVERNMENT SERVICES AND SPORT

Not all Government computers are yet fully compliant. All non-compliant hardware has been identified and up-dates and/or replacements have or are currently being obtained. Of the remaining non-compliant computers, the vast majority are stand alone computers. We envisage all computers being fully compliant by the end of November.

SUPPLEMENTARY TO QUESTION NO 723 OF 1999

HON J C PEREZ:

Of those that are non compliant is there an area of particular unease?

HON LT COL E M BRITTO:

No, the vast majority are stand alone and as I have said we expect them all to be compliant by the end of November then there is no unease.

HON J C PEREZ:

Is the Minister satisfied that the target will be ready?

HON LT COL E M BRITTO:

I am as satisfied as the assurances given to me by my officials. Yes. If any targets are not met the equipment will be replaced.

NO 724 OF 1999

THE HON J C PEREZ

**GOVERNMENT COMPUTERS – YEAR 2000 COMPLIANT**

Can Government state whether the computers of companies in which Government have an interest and of agencies working for Government in fulfilment of a contract, are Year 2000 compliant?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

All the companies in which Government have an interest or act as Agents for the Government have confirmed that their computers are already Y2K compliant except one company working for Government in fulfilment of a contract which expects to be compliant before the end of the year.



NO 725 OF 1999

THE HON J C PEREZ

**GIBRALTAR GOVERNMENT WEBSITE**

What is the cost, to date, of the Gibraltar Government Website?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

The total expenditure, to date, on the Gibraltar Government Website is £18,342.49. The populating of the Website has now been completed and the site is now fully functional. Final editing is currently being undertaken prior to its imminent release.

SUPPLEMENTARY TO QUESTION NO 725 OF 1999

HON J C PEREZ:

Can the Minister say whether the cost is in line with that expected, or whether there was any deviation in cost as a result of a change of contractor or a change of responsibilities in preparing the website?

HON LT COL E M BRITTO:

No, the early indications that we had from local sources where of this same order, initial quotes were in the order of, if I remember rightly of £12,000 - £14,000 for the initial proposals that we had. When subsequently it was decided to go down a different route and contract, actually when I say local sources that is using outside expertise, subcontracted to outside expertise. When the local company involved, Gibraltar Nynex, decided not to proceed we went to CCT for the contract the initial figures were of the same order and then subsequently we changed the specifications. We enlarged them, we made various changes, we brought them in for consultation on security as well so the initial cost was surpassed, there was additional expenditure.

HON DR J J GARCIA:

Was there a tender process whereby all local companies were consulted and bid and Nynex won that tender and then they dropped it and it was given to somebody else. Could the Minister clarify the history of the situation?

HON LT COL E M BRITTO:

Yes, when the hon Member says all local companies were consulted really we are talking about two local companies, GibNet and Gibraltar Nynex. Both of these companies were approached and asked to quote and asked to show their interest in the website. GibNet dropped out at an early stage indicating that they did not have an interest in doing it. Gibraltar Nynex said that they would. We went forward with Gibraltar Nynex in partnership with UUNET. At some stage I am hazy on the dates, but at some stage Gibraltar Nynex felt that they could leave out UUNET of the equation and that they could do it themselves. Consequently the cost would come down considerably. We went down that route for a while

but it soon became clear that it would just not be possible to fulfil the size of the project that the Government wanted and Gibraltar Nynex then withdrew and at that stage we asked CC TA who had been doing work for the Government in other areas and who are connected to the UK Government anyway and therefore quote lower than commercial rates. We asked them for a quote, it was in line with the original quote for a new net as I indicated previously and that is why we went down that route.

HON DR J J GARCIA:

What steps have been taken in relation to the security of the website itself?

HON LT COL E M BRITTO:

Mr Speaker, all the necessary steps have been taken.

NO 726 OF 1999

THE HON J C PEREZ

**GIBTEL – INTERNATIONAL TELECOMMUNICATIONS CHARGES**

Can Government state whether it continues to be the policy of Gibtel to introduce further cuts in international telecommunication charges?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Yes, it is the policy of Gibtel to continue to reduce its charges for international telecommunication services.

SUPPLEMENTARY TO QUESTION NO 726 OF 1999

HON J C PEREZ:

When can the public expect the next cut in telecommunication charges? There has not been one for some time.

HON LT COL E M BRITTO:

The hon Member is not correct. On the 1<sup>st</sup> October, charges for international private circuits were reduced by 10 per cent. On the 1<sup>st</sup> December of this year, standard rates, there seems to be some confusion, let me repeat what I said for the sake of clarity. On the 1<sup>st</sup> October just passed, in other words six days ago, from the smiles from the faces of the Opposition Members let me assure them that before any reduction in charges takes place it has to go to Board Meetings and approved by the Board. The last Board Meeting was about three months ago well before the hon Member put the question, that is when it was offered. On the 1<sup>st</sup> December, also authorised at that last Board Meeting, charges for standard rate IDD calls will be reduced by 7p per minute and charges for cheap rate by 5p per minute.

HON J C PEREZ:

Is that across the board or to certain destinations only?

HON LT COL E M BRITTO:

It is across the board. There is one band in which there is still a little bit of debate on but there is a Board Meeting coming up in November where I expect it to be clarified that it is across all bands.

NO 727 OF 1999

THE HON J C PEREZ

**GNC – LOCAL TELECOMMUNICATION CHARGES**

Do Government expect Gibraltar Nynex to introduce reductions in local telecommunication charges during the current Financial Year?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

The Government do not expect Gibraltar Nynex to introduce reductions in local telecommunication charges during the current financial year.

NO 728 OF 1999

THE HON J C PEREZ

**GNC – TELEPHONE BILLS**

Are Government aware that there is general public discontent at the new format of the telephone bills issued by Gibraltar Nynex and produced by the new computer which cost £1.5 million?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

The Government are not aware of any public discontent at the new format of the telephone bills issued by Gibraltar Nynex.

SUPPLEMENTARY TO QUESTION NO 728 OF 1999

HON J C PEREZ:

Will the Minister accept that there is discontent if I tell him so and will this not make him aware that there is. Could he check and see whether the complaints that have been aired in the press could be changed in some way to accommodate? One of the complaints is how the data is expressed in the new bills particularly to business customers.

HON LT COL E M BRITTO:

I always say the same thing to the hon Member and I will say it again. If he is aware of any specific complaints in writing from anybody and passes them over to me I shall make certain that the company investigates them. In respect of the broader thrust of this question let me tell him that in the Info News that was distributed prior to the new format being brought in..... [*HON J C PEREZ: The one with your photograph?*] I do not know, I do not particularly attach any importance to those that have my photograph in it. The bill of the new format was explained in three issues. In May, in June and in July, Mr Speaker, and from this Info News the company receives about an average 80 comments a month in feed back. Since the format of the new bill was introduced in June a number of customers have commented positively and some have commented with queries and obviously adversely and let me assure the hon Member that any comments which are received are investigated by Gibraltar Nynex, the customer contacted directly and explanations given and if the comment is warranted then taken on board and changes made. So I urge him once again if he is aware of any comments in writing to pass them over to me or directly to the company.

NO 729 OF 1999

THE HON J C PEREZ

**GNC – MOBILE TELEPHONE CHARGES**

Can Government explain why there is a need for Nynex to charge £1.80 for a nine minute call to a mobile telephone for calls taking place between 3.00 pm and midnight, Mondays to Fridays, when the comparable cheap rate to a fixed telephone is 5p?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Calls on mobile telephones are more expensive because of the payments which have to be made to the mobile operator to terminate the call on their GSM network. This is normal practice worldwide in the inter connect relationship between fixed and mobile operators.

SUPPLEMENTARY TO QUESTION NO 729 OF 1999

HON J C PEREZ:

The Minister has said calls from a mobile my question refers calls to a mobile from a fixed network.

HON LT COL E M BRITTO:

The answer applies the wording of the question and the answer is confusing but the answer applies to phone calls to a mobile.

HON J C PEREZ:

Does the Minister not think that the difference is exorbitant from one system to the other?

HON LT COL E M BRITTO:

At the time the hon Member was Chairman the cost of calls was of the same order but done in a different way because incoming calls were charged through the person receiving the call even if it was not originating a call on the mobile. The present system was changed during my term of office but it was changed at the initiative or through the initiative of the telephone companies themselves. This is not a political initiative. This is a commercial decision arrived to between the two companies, and as such it is the subject of constant review. I must admit that the difference appears to be at first glance to be high but I am told that it is in line with what is the practice in other countries.

HON J C PEREZ:

There was a long debate and there still is in the European Union about whether the fixed network should bear any of the cost of the mobile system. That is to say that if one calls a mobile number prior to this change the burden was on the owner of the mobile to incur the extra cost and not on the person that had the fixed network. What I am saying is that when the change took place surely the placing part of the burden of the fixed network is something

that was a policy decision as the Minister says and that was taken. What I am saying is that I put this example particularly so that the difference between one and the other is noticeable because a lot of people are not aware that this is the case and when one gets a fixed telephone bill and one gets bills of that nature there are in evident phone complaints. This is a local call to a mobile and it has cost £1.80 for five minutes. Could the Minister not get the telephone company to look at the share of the burden on the fixed network given the exorbitant difference that there is?

HON LT COL E M BRITTO:

I am not sure what the hon Member means by share of the burden but let us say that the share of the benefit is predominantly on balance in favour of the mobile operator.

HON J C PEREZ:

Yes, and I am trying to protect the fixed network operator not the mobile operator. The Minister is saying that the benefit is on the mobile holder. Yes, but this is the person who from a fixed network calls a mobile number and is not totally aware that the charge, that the fixed network is going to get for calling a mobile is far higher than if the fixed network was calling another fixed network.

HON LT COL E M BRITTO:

No, Mr Speaker, I think the hon Member is wrong. It might apply to the person who buys a mobile phone and gets his bill in the first month but as soon as he gets the bill in the first month he soon realises that costs from mobile phones are higher than costs from fixed network.

HON J C PEREZ:

We are not talking about the owner of the mobile phone or the bill of the mobile phone. We are talking about the bill of the normal fixed telephone at home where if the person calls from a telephone at home to a mobile operator or user because he is calling a mobile user that charge is exorbitantly higher than a normal charge from a fixed network to another fixed network. That is not realised by the majority of people until they get their bills.

HON LT COL E M BRITTO:

Yes, I accept that I misunderstood the question, the first question. I do not agree that it is exorbitantly higher. I agree that it is higher and of course I suppose that as a result of this debate then people will be more aware of this.

HON J J BOSSANO:

The Minister said that the size of the discrepancy is normal in other places between calls for fixed and calls to mobile telephones, has he been told by the company that this is the case?

HON LT COL E M BRITTO:

I do not have details here with me of what the size of the discrepancy is in other territories. What I said was that the practice of having a discrepancy is common practice throughout the world in any inter connect relationship between fixed and mobile operators.

HON J J BOSSANO:

But what is being questioned is not the fact that there should be some discrepancy but in fact whether the magnitude of the discrepancy is exorbitant or not?

HON LT COL E M BRITTO:

Mr Speaker, like the whole aspect of telecommunications it is difficult to make direct comparison to bigger markets because of the question of economies of scale. But essentially I do not want to get drawn into a discussion on what is purely a commercial matter and the subject of a commercial agreement, not an imposition but a commercial agreement between the two companies and the hon Member, or his Colleague I should say, spoke earlier about protecting one of the operators. I am sure that both companies are perfectly capable of protecting themselves and if they have reached disagreement then it is a commercial matter and I do not wish to go into the commercial aspects.

HON J J BOSSANO:

The Minister has missed the thrust of the point that is being made. If I call him on his mobile, I think until we actually looked at it almost by accident most people would not have been aware that calling him on his mobile would be considerably more expensive than calling him on his normal number. I think if people were aware of the magnitude of the cost in doing it one way or doing it another then they would use the fixed numbers all the time as far as possible and avoid using mobile numbers. Now this is nothing to do with the share. We do not know what the share of that cost is that goes to Nynex or goes to Gibtel. What is clear is that the cost is to the consumer, to the user of the Nynex telephone calling a Gibtel telephone and it is, the difference is enormous. This is, if one calls a Nynex telephone to a Nynex telephone is the normal 5p for nine minutes after peak hours, whereas the other one is £1 something for the same length of time to another number in Gibraltar. It does not seem to be normal, it does not seem to have to do anything with the size of the market, it seems to be something that may have been overlooked and therefore we are drawing attention to it so that it can be looked at.

HON LT COL E M BRITTO:

The other side of that coin, Mr Speaker, is that if the mobile owner happens to be in London or in China then the cost of the call is still £1.80 whereas if he calls from a fixed line to another fixed line it is the cost of an international call.

HON J J BOSSANO:

No, there are international charges on top if he is somewhere else because of the roaming agreement. Well I think the Minister will find he is wrong.

HON J C PEREZ:

I think the Minister will find that he is wrong. It will be same charge whilst the telephone fees within the airwave of the antennas in Gibraltar wherever that may be, right, and if that happens to be Spain or Morocco and the same signal is the one that is producing the call, fine. But if the mobile telephone is abroad then on top of that there is a charge for the actual international aspect of the call.



HON J J BOSSANO:

Which is payable by the mobile owner.

HON J C PEREZ:

No by the fixed network.

HON LT COL E M BRITTO:

I beg to differ but I shall investigate to see whether it is the case.

HON CHIEF MINISTER:

I think the hon Member will find that when somebody from a fixed line in Gibraltar telephones a mobile number and that mobile phone owner happens to have travelled abroad with his telephone so that the local call in effect becomes an international call because the mobile owner has gone abroad with his mobile phone, the international element is picked up by the receiver not by the caller and that is complete fact. The mobile owner can block that. When one goes abroad one can function some keys on ones phone that says "do not follow me abroad" because people could be calling thinking that one is at the other end of Main Street and one is actually in Sidney, Australia with ones mobile phone and as the receiver of the call are in effect paying international rates for what the caller thinks is a local call. So the holder of the mobile can block that but if he does not block it he pays the bill and not the caller in respect of the international proportion of being hunted abroad, I think it is called.

NO 730 OF 1999

THE HON J C PEREZ

**GIBTEL/NYNEX – MERGER**

Can Government state whether talks have resumed between the shareholders of Gibtel and Gibraltar Nynex over the possible merger of the two companies?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Yes, talks are continuing between the shareholders of Gibtel and Gibraltar Nynex over the future of the two companies.

SUPPLEMENTARY TO QUESTION 730 OF 1999

HON J C PEREZ:

So after they were broken because of the reasons given by the Minister to this House they have not resumed and the impediments that were there before, I presume, are no longer there to allow the parties to discuss the matter.

HON LT COL E M BRITTO:

The hon Member should note the wording of the answer. Talks are continuing over the future of the companies.

HON J C PEREZ:

Yes and what I am saying is that since the talks were stopped because the Minister said that a certain party had an impediment to talks and my question is whether they have resumed what I am asking the Minister to confirm is that indeed the situation as he expressed in the House is true they stopped and now they have resumed. It is not that they have continued all the time and the Minister was wrong in the answers that he gave me at previous meetings.

HON LT COL E M BRITTO:

The outline that I gave to the House in answer to previous questions remains the same. The hon Member should not assume that the nature of the current talks are of the same nature of the previous talks. In other words the agenda has been broadened.

HON J C PEREZ:

The talks have resumed on the future of the companies but possibly the measures might not be the issue in discussions but other aspects of corporation. Is that what the Minister is trying to express?

HON CHIEF MINISTER:

The hon Member knows that what the Government are concerned to do is to protect the economic basis and the employment prospects of the employees of both companies in the context of a deregulated market place at sometime in the future and the Government is content to participate in discussions provided that they have that effect and that objective to protect employment and to protect the economic interest of Gibraltar. But that is not only achievable through merger there are other options. The other options are only under discussion because of the problems that arose with the merger option which were not problems which were born in Gibraltar but problems that were born in mid Atlantic somewhere between BT and our American partners. So, certainly the discussions have broadened. Merger of the two companies are not the only way of achieving the objectives that the Government want to achieve and the other two shareholders appear to think it is not the only way to achieve their objectives either. So at the moment the conversation is broader than simple merger. Other options have been considered as well.

HON J J BOSSANO:

I think we were told the last time that both companies were optimistic that they would develop independently anyway. Is that not the case?

HON CHIEF MINISTER:

The companies may each have their own commercial views. I would not wish to say anything that might be used legalistically against the Government in the future, bearing in mind that the Government are both the shareholder and the Government in its regulating capacity but certainly the Government have objectives which are wider than the objectives of the other shareholders. The other shareholders have deeper pockets, they may be willing to sustain certain processes which we the Government, may not believe it is in the interest of Gibraltar and therefore each of the shareholders had different objectives, commercial interests which they wish to protect in these discussions. The company see the option that the hon Member has described in his question as a last resort. They would much rather do something sensible that it puts them both better in the liberalised market. I am choosing my words very carefully because of the sensitivities of this situation given that discussions may break down. Any of the parties may wish to have recourse to other ways of solving the problems.

HON J J BOSSANO:

The reason for my question is that I think that the impression that was given the last time was that there had been a reassessment of the potential in the sense that I think that in the very early stage before in fact the liberalisation came in, in anticipation of it, the view was that it would be very difficult for one to survive in competition with the other and the last time the matter was raised in the House the impression that was given was that both were very confident of their ability to survive.

HON CHIEF MINISTER:

Yes, the second is the case. I remember the discussion that the hon Member refers to and I remember that at the first time, statements were made by Government which were capable of being misinterpreted to mean that one company could survive and the other could not. We were asked by the other company to clarify the statement and which we did after I think the lunch recess. The position of both companies is that they can survive full blown competition between them.

HON J J BOSSANO:

What is the actual state of play in terms of the degree to which our market is now capable of being challenged from a competition point of view. Have we got to the stage where we have put in the regulatory thing and anybody can apply now or is something similar going to happen?

HON CHIEF MINISTER:

No, we are in the same position as we are with all the directives that have not yet been transposed. The deregulation directives have not yet been transposed into the law of Gibraltar. They are almost ready and we hope to bring them to the House during the course of this year. In the meantime we believe that this is not the sort of directive that gives an individual citizen the right to sue for damages as a result of the losses that he has suffered due to the Government not having transposed the directive. So that is the answer to the hon Member's question. There is not a licensing regime. As we speak the Government are still bound by the contractual terms of the licence agreement to operators which as the hon Member knows have exclusivity clauses. Those will be superseded by the law when it arrives and in the meantime the status quo prevails.

NO 731 OF 1999

THE HON J C PEREZ

**GNC – PAYMENT OF BILLS**

Can Government state whether Gibraltar Nynex are prepared to reconsider alternative arrangements for the payment of bills somewhere in the city centre?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Gibraltar Nynex is not putting into place any alternative arrangements for the payment of telephone bills in the City Centre. Since payment facilities were transferred from Main Street to Suite 801 Europort, the Company has not received any significant number of complaints over the issue. The Company is looking into the possibility of facilitating the payment of telephone bills by old age pensioners, by looking at various suitable locations from where Gibraltar Nynex staff would be able to collect payments at regular intervals.

SUPPLEMENTARY TO QUESTION NO 731 OF 1999

HON J C PEREZ:

So the answer is yes and no because the complainants which he says are very few and far between are mainly old age pensioners who in many circumstances cannot pay by cheque and by post for the mere reason that they do not have bank accounts. They find it very difficult to get to the Europort Building to pay their bills. Would it not be more convenient instead of having say what is being looked at a couple of days a month for people in different areas, for example, make an arrangement with Gibtel to use the Main Street Office so that the payment is done there like GBC do for the payment of the annual TV Licences?

HON LT COL E M BRITTO:

Yes, once again I will say what I said in answer to a previous question. If the hon Member is aware of any specific cases I would be grateful if he made it known either to me or directly to the company. But that is exactly what Gibraltar Nynex are doing. The answer is yes and no. The answer is no to setting up a full blown collecting office somewhere in town and the answer is yes that they are looking for ways of collecting money from people who have difficulty in making their way to Europort and finding their way back. Various options have been considered some of which are the ones mentioned by him, but at the moment nothing definite is yet decided.

NO 732 OF 1999

THE HON J C PEREZ

**IMPORTATION OF MOBILE TELEPHONES FROM SPAIN**

Have Government given consideration to the restrictions on the importation of mobile telephones from Spain?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Government have no plans to introduce restrictions on the importation of mobile telephones from Spain.

SUPPLEMENTARY TO QUESTION NO 732 OF 1999

HON J C PEREZ:

The Minister should recollect that the issue was raised in the House and that it was a Customs issue and that the Chief Minister and the Minister agreed to go back and look at the matter where a telephone kit without the chip was being allowed to be imported but if it had the chip Customs used to stop it. The Minister said that they would go back and consider it and that is why the question is there.

HON LT COL E M BRITTO:

The hon Member is partly right. The discussion was on the chip and not on the telephone.

HON J C PEREZ:

The telephone with the chip.

HON LT COL E M BRITTO:

One can buy a telephone anywhere in the world, bring it into Gibraltar, pay duty on it and that is a legal import. There is nothing wrong with the telephones. What was under scrutiny and still is, is whether a card bought in Spain, a SIM card bought in Spain as opposed to a scratch card, can be construed to be providing a telephone service and as such whether it is a legal import or whether it is not.

HON J C PEREZ:

So, what the Minister is saying is that the question is still being looked at and the Government have not yet taken a decision on it. That the matter raised here on the question of what was or what still is an illegal importation which Government agreed to go back to Customs and have a look at, that is still being looked into?

HON LT COL E M BRITTO:

The question was on the importation of mobile phones and the answer to that was no.

HON. J J BOSSANO:

At the time the matter was raised I think Government Members were rather surprised to learn that this was happening. That is to say that somebody could come in with a phone and chip and then when it run out or needed a replacement he could not go back and get another chip to put it in. Now, I think they were being stopped. Is the position that they are still being stopped because I think what they were going to do was, in the light of the apparent illogical situation that had been generated, perhaps inadvertently, I think the Government agreed to go back and take a decision on whether the chip would not be or were still going to be retained at the frontier. Is it that the chips are still out there and have been out there since last May. What has happened to them?

HON. LT COL. E. M. BRITTO:

The hon. Member will remember that there were two different kinds of chips that we were talking about. Here we are talking about the SIM card not the scratch card. The scratch card there was never any problem with. The position with the SIM card is that they are no longer being stopped if they are imported.

NO 733 OF 1999

THE HON J C PEREZ

**POST OFFICE**

Will Government state whether it has been convinced by the arguments put to it by the staff side that there is a need to employ more postal workers on delivery duties?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

No.

SUPPLEMENTARY TO QUESTION NO 733 OF 1999

HON J C PEREZ:

Is the Minister satisfied that with the huge amounts of overtime which he has given or the Government have given to enable workers to be up to date with the backlog that that is the best methodology to use in order to avoid a repetition of the great delays in the postal service and if not can the Minister state what is the alternative plan that he might have to avoid a repetition?

HON LT COL E M BRITTO:

The Minister is not satisfied that this is the best way but let me tell the hon Member that the Post Office is working within its budget and that the system that has been used is the same one that has been used historically in the past when there has been a backlog. So we have not introduced anything new.

HON J C PEREZ:

The Minister will accept that the situation is one that needs reviewing in terms of staff. If the yardstick that has always been used in the employment of postal workers which is the weight that each can carry has increased enormously and with the position that the postal workers cover the leave of absences of the sorters as well as of their own one has a situation where on many occasions as a result of that cover the 20 odd postal workers that should be available for deliveries in the majority of cases are not available to cover the 12 or 13 walks that there are because they are doing something else or they are covering for absences for other people.

HON LT COL E M BRITTO:

The hon Member is making a number of assumptions that are incorrect. That the system needs reviewing is indeed one statement that I would agree with.

HON J C PEREZ:

I have not suggested it needs reviewing.



HON LT COL E M BRITTO:

The hon Member said the system needs reviewing but if he did not mean it in that way let me tell him that the system is being reviewed. The question that the backlog is caused by extra weight for extra mail is not correct. The backlog is caused for other reasons and it is not caused because there has been any increase in the number of postmen that are deployed differently. The postmen are being deployed in the same way that they were deployed in the past.

HON J C PEREZ:

What I am saying is, that if there has been historically a yardstick used in engaging the employment and in deciding the employment and that yardstick today brings up a different result, surely the Minister must admit that there must be some value to the argument put that merits looking into. I remember that we employed an extra two or three postmen when we were there and that there was a promise to review the situation at a later stage. That was the situation as we left it and I think that the arguments now being put of the cover for absences and leave that they do not only for themselves but for the sorters and the amount of weight that has been used as a yardstick is something that the Minister should consider in looking at the numbers on delivery duties.

HON LT COL E M BRITTO:

The weight is not and as far as I am aware has not been used as a yardstick. I would dispute the fact that the hon Members left with a promise to increase the number of postmen or indeed that they did. I am not certain that this is so. What I am certain is that the agreement, the last written agreement that was reached with the postmen that I have seen which I think was in the hon Members time reduced postmen from 21 to 20. That is fact. What may be no is that it did not happen in their time. That I am not certain of but that agreement reduced the complement in exchange for other benefits that were given to the postmen, reduced the complement from 21 to 20 it was in 1993 I am told. I am not aware of any promise to increase that. I have never seen anything in writing and neither has the Union.

HON J C PEREZ:

And I have not suggested it either.

HON LT COL E M BRITTO:

The hon Member said three minutes ago that there was a need to review that and to increase the complement.

HON J C PEREZ:

To review that. That there was a promise to review that, that is what I said.

HON LT COL E M BRITTO:

Hansard will show, Mr Speaker.

HON J C PEREZ:

So the Government Members are satisfied then that they have got the situation in hand and that a repetition of what happened is now not going to happen?

HON CHIEF MINISTER:

No, the Government Members are very far from satisfied about that. What the Government Members do not agree with is his assessment of the source of the problem. The problems that the Post Office suffers from and let me say that it is a completely unacceptable level of service that is being offered to the users of the Post Office but the problems in the Post Office are deep rooted, are historical in origin and are various. For the hon Member to glibly suggest that the problems in the Post Office can be resolved just by employing more postmen because the post bags are now heavier than they used to be, he must know given his ministerial responsibility for the Post Office during the last eight years, that that is not the case. There are many reasons why the Post Office does not work as it should. We are determined to get to the bottom of the problem and in co-operation with the trade union who have the same objective to restructure the Post Office so that it works properly. The hon Member is aware that amongst several other reasons, I am not suggesting that this is not the only one, one of the reasons is that there is an enormously high take-up of the sick leave of both certified and uncertified variety in that particular department and that that is in the first instance what gives rise to the backlog. But Government acknowledge that that is not the only source of historical problem of the Post Office and what we are going to do now is not tinker and simply make the existing problem bigger by employing more people into a department that really needs a fundamental review and needs to be re-organised, re-structured in a way with which both management and the trade union is happy and above all, and this is the absolute overriding criteria, that it gives a level of postal service which is reasonable to expect that the users of the Post Office can be reasonably expected and that is the objective. We do not achieve it by tinkering with one or two more postmen. The problems in the Post Office are much more deeper than that. The Government are very far from satisfied with the situation. We do not share over simplistic analysis and we believe that the way to correct the problem is to start again with the Post Office rather than to tinker round the edges with what he thinks is the source of the problem.

HON J C PEREZ:

Well, we have to wait and see whether my analysis or not is simplistic or their solution is when the solution is available.

NO 734 OF 1999

THE HON J C PEREZ

**POST OFFICE**

Now that a decision has been taken not to move the General Post Office from its present location in Main Street, will Government state whether refurbishment works to the building will now take place?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Yes refurbishment works will take place. There has already been initial contact with the relevant Government departments and a further meeting will take place at the end of September where it is envisaged that firm decisions will be taken in the commencement of refurbishment works at the Post Office. Let me add that obviously this answer was drafted prior to the end of September and let me add that those meetings have taken place and that decisions have been taken and the target date for the start is in January 2000.

SUPPLEMENTARY TO QUESTION NO. 734 OF 1999

HON J C PEREZ:

Will that entail moving any sections of the Post Office whilst that takes place or will it be done with the people working on site?

HON LT COL E M BRITTO:

I am advised that we will need a combination of both. That some, mainly the clerical people will be moved around within the building but that the counters will need to be relocated on a temporary basis and we are looking at the possibility of doing that in the DLSS building in the Haven when the DLSS move out from there into the new premises.

NO 735 OF 1999

THE HON J C PEREZ

### GBC – NEW POSTS

Can Government state how many new posts have been created at GBC as a result of the re-launch of television, and can it give a list of the posts with the salary for each and the total costs involved including pension contributions and social insurance?

### ANSWER

#### THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

As a result of the re-launch of the services provided by the GBC, six new full time posts have been created. Additionally, a number of part-time posts have been converted to full time employment but the post holders are not new employees. As a result of the changes the Corporation is also offering a number of freelance employment opportunities. The cost per annum provided excludes the cost of the pension contribution, this expense is not incurred during the first year of employment. Additionally, the final cost of the pension contribution is still to be confirmed as the arrangements for these employees to join the new Gibraltar Provident Fund are still to be finalised. Of the six new full-time posts four posts have already been recruited. The posts, salary details, social insurance costs and the total cost for each of these posts are as follows:-

<u>Post</u>	<u>Salary Min</u>	<u>Max</u>	<u>Social Insurance</u>
Audio/Visual Assistant (A)	£14,074	£21,802	£1,220
Audio/Vision Assistant (B)	£14,074	£21,802	£1,220
Technician (A)	£11,926	£16,779	£1,220
Technician (B)	£11,926	£16,779	£1,220

The Reporter post, is currently being recruited. The details for this post are:-

Reporter	£14,074	£19,924	£1,220
----------	---------	---------	--------

One post has been recruited on a one-year contract basis.

<u>Post</u>	<u>Salary</u>	<u>Social Insurance</u>
Sales & Marketing Executive	£18,000	£1,220

The part-time posts that existed prior to the re-launch have been converted to full-time employment are three secretarial/clerical posts. The additional cost is:

<u>Post</u>	<u>Additional Cost</u>	<u>Max</u>
	<u>Min</u>	
General Assistant (A)	£5,694	£6,361
General Assistant (B)	£5,895	£6,361
General Assistant (C)	£6,820	£8,157
Presenter/Announcer	£7,073	£7,073

The financial provision made for the employment of freelance staff during the course of the year is £40,000. The total additional estimated cost in the current Financial Year is £156,876.

SUPPLEMENTARY TO QUESTION NO 735 OF 1999

HON J C PEREZ:

Is the Minister certain that no new part-timers have been recruited in GBC because he said that the existing part-timers were made full-time, some of them, and one would sort of consider freelance people being people involved in gathering news or people involved in reading news and things like that. My information is that there are certain clerical posts which have been recruited part-time as well. Could the Minister say whether the figure that he has given me for the salary of the part-time is the increased cost of converting that part-timer to full-timer?

HON LT COL E M BRITTO:

To answer the last supplementary question first, the figures that I have given for the conversions are indeed the increased costs. I am not aware that there have any new part-timers employed. What I am not certain of is, and this may be what the hon Member is talking about, is whether all the part-time posts that existed were all converted to full-time posts or it is only three that were converted and there may remain some. By freelance, I understand that GBC does not just mean employing people to read the news but it is also looking at, or already doing as far as I know, employing people for a specific programme and running or organising or filming or contracted for a specific period of time to do a specific job and again that might be what is causing some confusion. But the difference obviously between a part-timer is that a part-timer is there indefinitely and a freelance is there only for a specific job or may be for a specific length of time. I am not aware of the details.

HON J C PEREZ:

It is quite clear that the new people recruited are not being included or will not be included in the year in the GBC pension scheme. I presume that the intention of the Corporation is to put them in the provident fund and that the existing GBC pension scheme will die by natural wastage.

HON LT COL E M BRITTO:

I do not have the details of the conversion of the existing scheme into the new scheme so I cannot answer that quite particular question without notice. But the first part of the question asked whether the new members will go into the provident fund and the answer is yes as I indicated in the main answer to the question. The details still need to be finalised and that is why I have not been able to give the hon Member at this stage what the cost will be.

NO 736 OF 1999

THE HON J C PEREZ

**SEA WALL – CATALAN BAY**

Have Government reconsidered whether to carry out works to the sea wall along Catalan Bay in order to re-enforce it?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

The condition of the sea wall at Catalan Bay continues to be monitored. In parallel with this, the Government are currently preparing an overall scheme for Catalan Bay Village and included in such plans will be any repair works which may be considered necessary to this wall.

NO 737 OF 1999

THE HON J C PEREZ

**CAMP BAY**

Can Government state whether the works on the stabilisation of the cliff face at Camp Bay, scheduled to have been completed on the 8<sup>th</sup> August, have now been completed?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

The stabilisation works to the cliff face at Camp Bay achieved practical completion on the 17 September 1999.

SUPPLEMENTARY TO QUESTION NO 737 OF 1999

HON J C PEREZ:

Can the Minister explain what practical completion means as opposed to full completion. Is it that there are some works pending to be completed or is it that they are on a trial basis and are waiting to see whether the work is effective. Can the Minister expand on that?

HON LT COL E M BRITTO:

I must confess that I am not certain what the definition practical completion is. So I am not in a position to answer that. What I do know is that at the moment the road is not opened to through traffic because the section of the road leading to the Southern town is being reconstructed and this was not part of the stabilisation works contract and that is why traffic is not flowing. My understanding is that in practical terms all work to the cliff has been completed and all that may need to be finished is the redeployment of the contractor or planting the area, that sort of thing. No more work is envisaged for the cliff face itself.

NO 738 OF 1999

THE HON J C PEREZ

**SIR HERBERT MILES ROAD**

Have the works at Sir Herbert Miles Road, already 10 weeks behind schedule, kept to the revised contract completion date?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

The last phase of the current road widening at Sir Herbert Miles Road are presently on programme for completion by the revised completion date. However, there is a possibility that further major outcrops of rock may be encountered when works to lay new infrastructure in the road commence which may lead to an extension of the revised contract period.

SUPPLEMENTARY TO QUESTION NO 738 OF 1999

HON J C PEREZ:

So when is it expected that the road will be opened to the public?

HON LT COL E M BRITTO:

The work is still expected to finish by the revised completion date, which is the week of the 6<sup>th</sup> December. At the moment the works to the new infrastructure of the road which I referred to have commenced this week. So if any unexpected problems are apparent they will be found in the days to come. Nothing has happened yet to delay the completion date.



NO 739 OF 1999

THE HON J C PEREZ

**COACH PARK TERMINAL**

Will Government state what proportion of the contract awarded to Whatley & Fosdike for the building of the new Coach park Terminal and allied works has been sub-contracted?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Approximately 20 per cent of the work has been sub-contracted out on a labour and materials basis. This includes the structural steel and plumbing to Pipework Limited and the electrical work to Electrical Contracting Services Limited. With regard to the remainder of the works, TopGem have been used as a labour only sub-contractor for general construction work and have actually carried out the vast majority of the work on site – approximately 80 per cent. Whatley and Fosdike supplying the materials and providing the site set up.

SUPPLEMENTARY TO QUESTION NO 739 OF 1999

HON J C PEREZ:

So TopGem are not being considered in that 20 per cent of the work that the Minister is talking about, I presume, because if Whatley have not got a lot of employees directly and they are using a labour only firm, that labour only firm could be construed as being a sub-contract as well.

HON LT COL E M BRITTO:

Well, Mr Speaker, the answer is as it is. Twenty per cent has been sub-contracted and TopGem has been used as a labour only sub-contractor for general construction work and has done the vast majority of the work on site.

HON J C PEREZ:

Is the Minister aware that certain sub-contractors have had huge delays in the payments to them by the main contractor and that as a result some days of work have been lost in the project because they have actually had to stop work because the payments were not coming in, in time?

HON LT COL E M BRITTO:

Yes, I am aware that there have been problems of the nature mentioned by the hon Member. The matter is under constant review by officials within my department, the Support Services, and it has been continuously monitored.

HON J C PEREZ:

Can the Minister state whether it is satisfied that that company is still in a sound financial position to be able to complete the project?

HON LT COL E M BRITTO:

The Government are continuously monitoring the situation and if at any stage it were to decide that the situation envisaged in the supplementary were to arise then it will take steps which are open to the Government to take in those circumstances.

HON J C PEREZ:

Is the Minister aware what delays the project has suffered as a result of these problems?

HON LT COL E M BRITTO:

If the hon Member is asking me to give a number of days or weeks, then the answer is no, I am not in a position to do that without notice. I know that the project has been delayed for a number of reasons including those mentioned by the hon Member.

HON J C PEREZ:

Did Government receive representations from the sub-contractors as a result of non-payment?

HON LT COL E M BRITTO:

I believe so, not at political level but at official level. Not directly to me as Minister but I believe that there have been representations by sub-contractors to Government at officials level.

NO. 740 OF 1999

THE HON MISS M I MONTEGRIFFO

**SPORTS LEISURE COMPLEX**

Can Government confirm if they now have plans for the new Sports Leisure Complex they have announced will be built in the Bayside area?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Outline plans for the proposed extension to the Victoria Stadium's sports facilities have been prepared. However, a final decision on all the facilities to be provided has not yet been taken. The advice of the Gibraltar Sports Advisory Council is being sought in this respect. It has been decided that priority be given to the construction of a water-based synthetic turf hockey pitch and a training area to full F.I.H. specifications. This will not only enable GHA to host top international events but also release a large number of allocations from the Stadium's Main Pitch and Pitch No 2 for use, mostly for football. Site surveys et cetera have already been completed and infrastructural works are due to commence shortly as some tenders have already been awarded. Reclamation is programmed to start early in November. It is expected that the area will be ready for actual construction work by April/May in the year 2000, as a period of settlement and consolidation of in the in-fill is required.

SUPPLEMENTARY TO QUESTION NO 740 OF 1999

HON MISS M I MONTEGRIFFO:

I take it from the answer that the Minister has given it that he is still not 100 per cent sure of all the sports that will be able to take advantage of that complex. Am I right?

HON LT COL E M BRITTO:

Yes, essentially the answer is yes. The decision has not yet been made at Government level whether there is going to be a "tablita" playing area or a marbles playing area. Both have been evaluated and the advice of the Sports Advisory Council is being sought on where the priorities lie or which sports should be given priority. Representations will probably be asked from the Sports Associations themselves before we finally decide what to put on the area that will be created.

HON MISS M I MONTEGRIFFO:

Can the Minister confirm at this stage whether the Government intend to run the new Sports Leisure Complex in conjunction with the Victoria Stadium facilities?

HON LT COL E M BRITTO:

In conjunction with what?

HON MISS M I MONTEGRIFFO:

Victoria Stadium facilities?

HON LT COL E M BRITTO:

No, I cannot confirm that because that matter has not yet been discussed in any way. In the initial plans I presume the answer will be yes. No detailed planning for the long term has been made or even considered or even discussed but in the initial stages the Hockey pitch, for example, will come directly under the Victoria Stadium.

HON MISS M I MONTEGRIFFO:

Are the Government intending to charge the users of the new Sports Leisure Complex?

HON LT COL E M BRITTO:

Nothing of that nature has been discussed in Government or is being considered by Government.

NO 741 OF 1999

THE HON J C PEREZ

**ELECTRICITY CHARGES**

Can Government state how much has been collected in electricity charges in the current Financial Year up to 31<sup>st</sup> August?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

The total amount collected in electricity charges in the current Financial Year to 31 August 1999 was £3.56 million.

NO 742 OF 1999

THE HON J C PEREZ

**KING'S AND ORANGE BASTION DEPOTS**

When do Government envisage that it will be able to vacate the depots of the Electricity Department at King's Bastion and Orange Bastion?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

It is the intention to vacate these premises as soon as the works on the construction of the new depot at Rosia Road is completed. The building work at Rosia Road is scheduled for completion in December. External works at that site will follow early in the New Year.

SUPPLEMENTARY TO QUESTION NO 742 OF 1999

HON J C PEREZ:

So the total completion date is estimated to be what?

HON LT COL E M BRITTO:

I must admit that I do not have that information available here but what I can say is that the precise date for the move out which is the original question, cannot be given for a number of reasons. Firstly, because the new building will be taken over in phases and therefore certain sections of the department may move out earlier than others. It is also probable that individual sections may have to transfer their facilities on a staggered basis as well, so that staff will report to the new depot once their offices and workshops and work facilities are taken over. Transfer of bulky materials may take longer. Essentially the underlined policy is to carry out the move in a manner that minimally prejudices the services being offered to the consumer.

HON J C PEREZ:

No I was talking about the, not the actual move, but the Minister said that the internal of the new place would be ready by December and then he said that there were certain external works that needed to be done. What I was asking the Minister is when that part of it is expected to be complete not when the move is totally complete. Could I also raise with the Minister something which ought to be looked at before the move takes place and that is that King's Bastion is quite in the Centre of town and even that had certain problems in people going for connection or disconnection of Electricity. Could he check whether the system could not be altered so that the connection and disconnection, at least the form that is filled, could be done together with another public service like water, or something like that rather than have to go to the new place to do that. I mean in looking at the move could he commit himself to look at that?

HON LT COL E M BRITTO:

I will certainly look into that situation, but let me tell the hon Member that the facilities which he mentions at King's Bastion to my knowledge have not been there for quite some time. They have been deployed to Waterport Power Station now for some time because of dissatisfaction with the state of the offices in King's Bastion. So these facilities are no longer in the centre of town and have not been there now for, certainly since before the summer and probably since early in the year.

HON J C PEREZ:

So people need now to go to Waterport for connections and disconnections, is that the case?

HON LT COL E M BRITTO:

I think that that is correct, Mr Speaker. I am uncertain at this particular moment whether all offices have been moved from King's Bastion and have closed completely but certainly the majority has been transferred to Waterport.

NO 743 OF 1999

THE HON J C PEREZ

**ROAD TO THE LINES**

Has the project to replace sea water mains supply fire hydrants at Road to the Lines already commenced?

ANSWER

THE HON THE MINISTER FOR GOVERNMENT SERVICES AND SPORT

Works on this project commenced on the 12 July 1999. The works were completed by the end of September.

SUPPLEMENTARY TO QUESTION NO 743 OF 1999

HON J C PEREZ:

Are Government therefore now satisfied that in the event of a fire there would not be a repetition to the problems that existed in Road to the Lines the last time there was a fire prior to the works commencing?

HON LT COL E M BRITTO:

The whole objective of this work was to ensure that water pressure was at an adequate level in the area and I am informed that this is now so.



NO 744 OF 1999

THE HON DR J J GARCIA

### CONFERENCES HELD IN GIBRALTAR

Can Government say how many conferences were attracted to Gibraltar in chronological order in the current financial year giving the number of participants, the venue and the subject matter of each Conference?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Two conferences have been attracted to Gibraltar. Firstly the Pan European Pensions Workshop between the 2<sup>nd</sup> to 4<sup>th</sup> June 1999. The conference was held at the Elliott's Hotel and 33 delegates attended, 18 of whom came from overseas. The workshop was organised to explore the possibility of developing international pensions as a new sector in the finance centre. Secondly, the second Gibraltar Offshore Financial Services Conference to be held between the 22<sup>nd</sup> to 24<sup>th</sup> September 1999. This conference will be held at the Elliott's Hotel and has attracted 30 delegates. The conference will be covering issues on trusts and tax planning.

SUPPLEMENTARY TO QUESTION NO 744 OF 1999

HON DR J J GARCIA:

Of the 18 who came from abroad to the first conference how many of those were actually speakers in the event.

HON P C MONTEGRIFFO:

I would not be able to say but I would have thought not more than three or four. It was a conference jointly organised with a UK city firm called Erosheds and a gentleman by the name of Robin Eddison who was one of the foremost experts in pensions came out and primarily led the discussions. Most of the delegates that came from overseas were in fact not professional advisers but potential clients in the pension scheme world. So, for example, people working as Finance Directors for PLC's, others that had Captive Insurance Companies and therefore might be looking also to have some captive pension arrangements. They were largely business people rather than professional people but the majority would have been in that category rather than speakers.

HON DR J J GARCIA:

With regards to the second conference can the Minister say how many of the 30 delegates were actually from Gibraltar and how many were from abroad?

HON P C MONTEGRIFFO:

No, I have not got those details, I have got details of the conference generally which is taking place starting on Thursday and by looking at that I can say as far as speakers are concerned the majority of the speakers are from outside Gibraltar. There are some from Gibraltar but we have speakers from Cyprus, from Singapore, from Jersey, from Geneva among other places. I suspect that in view of that sort of speaking panel that there is a large number of people that have come in from outside Gibraltar.

HON DR J J GARCIA:

Can the Minister confirm whether these are privately organised and funded initiatives or whether the tax payer contributes in any way?

HON P C MONTEGRIFFO:

They are basically private sector run conferences but the Government do contribute in certain ways. For example, in the Pan European Pensions Workshop we certainly assisted in one of the entertainment slots, I think it was, one of the receptions and I cannot confirm to the hon Member whether anything has been done in respect of the second conference. I certainly will be opening the conference myself on the Thursday. The Government's participation in these things, is purely by way of support in a minor sense, we are not in any fashion the promoters of these initiatives. We are properly more involved in the first of the conferences because the Government have identified pensions as an area that we are interested in and therefore we had more of a role in bringing that about, not so much in financing it but in bringing it about, than the case of the second one which is much more of a private sector arrangement.

HON DR J J GARCIA:

When the question was tabled it was not specifically the Finance Centre Conferences which we had in mind. Can the Minister, or the Government confirm these are in fact all the conferences that will take place or that have taken place?

HON P C MONTEGRIFFO:

That thought occurred to us when we saw the question. I took the liberty of liaising with the Ministry of Tourism which might otherwise have been involved in promotion of conferences and the information we had was that they had nothing further to add to this list. So, we believe this constitutes the entire list of conferences attracted in answer to your question.

HON A J ISOLA:

Do the Government intend to support the Insurance Conference, the Annual Insurance Conference that is happening this year as well?

HON P C MONTEGRIFFO:

The Government would certainly support such a Conference if it were to take place again. The Government are always prepared to support conferences of that type, in the same way as it is supporting these. The precise details of how far Government's support would go has not been the subject of any final decisions.

HON A J ISOLA:

There is this Annual Insurance Conference which started, I think two years ago, is that conference envisaged to take place this year?

HON P C MONTEGRIFFO:

I am not aware that it is, no arrangements have been made. When the first conference was started there were discussions whether it should be annual or biennial and I think, frankly, bearing in mind the continuing delays we are having on post boxing, I would suspect although I am purely speculating, that it is thought prudent by the insurance industry not particularly to trumpet Gibraltar's capabilities in this area and to make it a little more comfortable but post boxing is a reality. I can tell the hon Members that the issue of passporting /post boxing has been a matter that has dominated the first and second conference and I think I have sensed therefore simple prudence in making the case that the industry prefers to defer any further conferences until that matter is resolved.

NO 745 OF 1999

THE HON DR J J GARCIA

**CONFERENCES HELD IN GIBRALTAR**

Can Government say how many Conferences were attracted to Gibraltar in chronological order in the financial year 1998 to 1999, giving the dates, the number of participants, the venue and the subject matter of each Conference?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Two conferences were attracted to Gibraltar in the financial year 1998 to 1999. These were as follows:-

The Offshore Institute First Regional Conference between the 16<sup>th</sup> to 18<sup>th</sup> September 1998. This conference was held at the Elliott's Hotel and was attended by approximately 25 delegates, the conference covered issues on trust and tax planning. The second was the Gibraltar Offshore Insurance Conference between 25<sup>th</sup> to 26<sup>th</sup> September 1998, this conference was held at the John Mackintosh Hall and was attended by 91 delegates including speakers.

NO 746 OF 1999THE HON DR J J GARCIA**IMPORTS – MOTOR VEHICLES**

What was the value and the number of private motor vehicles imported by individuals in the period January to August 1999, on a monthly basis, and the comparable figures for the same period in 1998?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

A total of 131 private motor vehicles with a value of £471,219 were imported by individuals in the period January to August 1999, as compared with 145 motor vehicles with a value of £620,739 for the same period in 1998. The breakdown of these figures on a monthly basis are as follows:-

	<b>Qty</b>	<b>Customs Value</b>
January 1999	11	£48,089
February	7	£18,356
March	22	£91,273
April	11	£24,687
May	17	£91,584
June	23	£77,481
July	21	£54,495
August	<u>19</u>	<u>£65,300</u>
Totals	<u>131</u>	<u>£471,219</u>

In respect of the year 1998:

January	19	£67,589
February	17	£88,769
March	12	£39,184
April	13	£51,366
May	19	£86,904
June	26	£98,267
July	19	£92,909
August	<u>20</u>	<u>£97,551</u>
Totals	<u>145</u>	<u>£620,739</u>

NO 747 OF 1999THE HON DR J J GARCIA**IMPORTS – MOTOR VEHICLES**

What was the value and the number of private motor vehicles imported by licensed dealers in the period January to August 1999, on a monthly basis, and the comparable figures for the same period in 1998?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

A total of 2,689 private motor vehicles with a value of £22.26 million were imported by licensed motor dealers in the period January to June 1999. This compares with 2,133 private motor vehicles with a value of £17.84 million imported over the same period in 1998. The monthly breakdown is as follows:-

	<u>Quantity</u>	<u>£ (Million)</u>
January 1999	614	5.02
February	237	1.81
March	403	3.26
April	423	4.01
May	453	3.71
June	559	4.45

Total for 1999, therefore, 2,689 vehicles, value £22.26 million.

1998

	<u>Quantity</u>	<u>£ (Million)</u>
January 1998	181	1.82
February	357	2.91
March	374	3.06
April	414	3.70
May	361	3.17
June	446	3.18

Total quantity, therefore for 1998, 2,133. Total value for that year £17.84 million

SUPPLEMENTARY TO QUESTION NO 747 OF 1999

HON DR J J GARCIA:

Do I take it that the figures for July and August are not available, we have only had January to June.

HON P C MONTEGRIFFO:

Yes, that must be the case. I have just been given the figures upto June. I suspect that the figures for the further two months requested are not yet available. I can certainly make an enquiry, Mr Speaker, about the extra two months and if I have that information by next Friday I will deliver it to the hon Member then, within, therefore, this meeting of the House.

HON J J BOSSANO:

Is the total figure for six months as well, the total figure given at the beginning?

HON P C MONTEGRIFFO:

The total figure, is for the six months, yes. Period January to June of 1999. So the total figure for both 1998 and 1999 which I have quoted is the figure in respect of those six months, in respect of each of those two years.

NO 748 OF 1999

THE HON DR J J GARICA

## EU FUNDING

Can Government list the companies that obtained EU funding in the financial year 1998/1999 indicating the amount of funding and the purposes for which it was intended?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

A total of 11 companies secured EU funding in the financial year 1998 to 1999. These are as follows:

In respect of the Objective II programme I am quoting here project number, total EU grant, the company and the purpose of grant. There are four columns to this table.

<u>Project number:</u>	<u>EU Grant:</u>	<u>Sponsor Company:</u>
16	£12,165	Skyline Technologies Ltd

Purpose of the grant was the purchase of a metal separation module and rent assistance. This particular application has not proceeded due to the fact that the project has been aborted.

<u>Project number:</u>	<u>EU Grant</u>	<u>Sponsor Company:</u>
18	£ 1,079	Jalex Angling and Sports Specialists

Purpose of Grant: Assistance with international marketing.

23	£3,861	M H Bland Stevedores Ltd
----	--------	--------------------------

Purpose of Grant: To fit out the stevedores workshop.

The remaining projects are under the Gibraltar and Europe Business Development Scheme, in other words, a scheme under the Objective II programme.

The same columns, Mr Speaker.

<u>Project Number</u>	<u>Total EU Grant</u>	<u>Sponsor Company</u>	<u>Purpose of Grant</u>
1	£675	Henry Services	Investment in machinery and equipment.
2	£1,425	Light Industrial Activities	Investment in new machinery
3	£1,293	Finishing Touches	Fitting out premises, the purchase of new equipment and marketing assistance



4	£645	New World Interiors Ltd	The purchase of materials is to set up a showroom for an interior design business.
6	£960	Dash Distributors	Fitting out premises, the purchase of new equipment and rent assistance.
7	£1,350	Luis Edwards (self employed)	Refurbishment works.
8	£972	Crossroads Sandwich Bar	Fitting out and refurbishment of premises, the purchase of new equipment and rent assistance
9	£306	Corporate Events	Attracting international conference organisations to Gibraltar.

SUPPLEMENTARY TO QUESTION NO 748 OF 1999

HON DR J J GARICA:

There are a couple of companies which requested funds for marketing, what exactly does that entail?

HON P C MONTEGRIFFO:

It is a fairly well understood term. Marketing means promotion, promotion of ones products or services, and we have had a number of applications from companies in that area. In other words, the promotion of services and facilities offered by companies generally. Looking at the list, for example, finishing touches says here, marketing assistance that was one of them. Jalex Angling and Sports assistance with international marketing and that was in respect of a brochure to actually promote angling from Gibraltar in terms of tourism as a tourism project. So it is generally as one would expect, assistance with promoting the services and facilities of any particular company.

HON DR J J GARCIA:

Does that include advertising, if companies want to advertise abroad does the Government or in this case the funding cover adverts and things of that nature?

HON P C MONTEGRIFFO:

It would include production of brochures et cetera. I do not think it includes, I am pretty sure of this any expenditure abroad because the rules as I mentioned earlier of these funds require expenditure in Gibraltar. But they do include brochure preparation and distribution et cetera.

HON A J ISOLA:

When I asked a similar question No 476 of 1998 there was another one. I do not think the Minister has mentioned Paul Autos Respray of £13,638. Has that one not happened?

HON P C MONTEGRIFFO:

I cannot really answer without looking at it more closely but the two things I have mentioned, one is the time scale and one would have to ensure that it is in reference to the same period and this is in regard to EU funding. There are separate questions in regard to Government funding and I cannot recall that that one had Government funding.

NO 749 OF 1999

THE HON DR J J GARCIA

### GIBRALTAR GOVERNMENT FUNDING

Can Government list the companies that obtained Gibraltar Government funding, either from the Gibraltar Enterprise Scheme or from any other source, in the financial year 1998-1999 indicating the amount of funding and the purposes for which it was intended?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Three companies obtained Gibraltar Government funding, either from the Gibraltar Enterprise Scheme or from any other source, in the financial year 1998-1999 as follows:-

- |    |                                   |   |   |
|----|-----------------------------------|---|---|
| 1. | Carlton Design £3,000 loan        | - | purchase of computer parts for cross-stitch business. |
| 2. | Prescott Limited £4,308 grant     | - | marketing insurance products in Europe and Morocco.   |
| 3. | Straits Overseas £15,608.84 grant | - | purchase of equipment and refurbishment of premises.  |

SUPPLEMENTARY TO QUESTION NO 749 OF 1999

HON J J BOSSANO:

I take it that the constraint on spending money advertising, which was mentioned in response to the previous question, does not apply here because this is Gibraltar Government money, is that correct?

HON P C MONTEGRIFFO:

That must be the case, yes. In terms of the Morocco element that the hon Members will be focusing on there is no criteria in our own fund that it should be limited necessarily to expenditure here.

HON J C PEREZ:

Is Prescott Ltd the same company that already was awarded a grant of around £12,000 for a similar function for marketing abroad?

HON P C MONTEGRIFFO:

I believe so, yes, there was an earlier grant for that amount. I think that has been made public in the House already. In respect of, if memory serves, broadly the same area, marketing, insurance products on European basis. I am reminded to point out, of course, that just for the record the question and the answer I have given relates to funding which the DTI is responsible for, really under the umbrella of the Gibraltar Enterprise Scheme. It does not

relate of course, nor do I think the questioner was looking for this sort of response, to other forms of assistance, like for example, the Hotel Assistance Scheme in respect of which funding may certainly become available in the financial year in question but not under the particular package that the answer is focusing on, or the Airline Assistance Scheme for example.

HON DR J J GARICA:

So, can the Minister confirm also that, in fact, three companies which were mentioned already obtained the EU funding last year or the previous financial year, Carlton Design another £3,000, Prescott £12,000 and Straits Overseas a further £10,000, are they all the same ones.

HON P C MONTEGRIFFO:

It is quite common, and indeed it is something which we do not put any impediment on for a funding package to include both EU funds and Gibraltar Government funds quite separately and indeed a number of applications both those that highlighted by John Robertson and others that benefited sometimes from a combination of both. Obviously only when that is considered necessary but it is not uncommon where the criteria for a particular funding package cannot be met entirely from the EU because it falls outside the eligibility rules or whatever. It would not normally be the case that one would fund from a Gibraltar Government fund expenditure which is eligible from the EU. If it is not eligible it is where one would have an element of assistance from the Government. So, for example, it is quite common to have a Gibraltar Government loan which supplements any EU grant.

HON A J ISOLA:

In respect of Straits Overseas last year there was a loan of £10,000 which was a loan for 30 per cent of the plant equipment on hire. In the answer that the hon Member has given now its £16,000, is that an addition to the £10,000 from last year and if it is, is it another 40 per cent of the plant and equipment?

HON P C MONTEGRIFFO:

I would not want to commit myself without looking at the case specifically but it would not be unusual for that to be the case as I was mentioning earlier. Funding proposals are contemplated with a situation where one has both an element of EU funding and separately Government funding from its own source. So it is possible in answer to the question, if an indication were given that there was an EU funding for that particular company this grant from a Government source would be entirely consistent with that.

HON A J ISOLA:

The question was No. 477 of 1998. That answer was also in relation to the Gibraltar Government not EU funding, Gibraltar Enterprise Scheme. So what I am saying is that there was an application for the Enterprise Scheme last year and there is an exactly identical application, it seems, this year from the same fund. Does the Enterprise Scheme have a system whereby it has a three-year system of payment, for example, to assist the business over a period of time for it to sustain both.

HON P C MONTEGRIFFO:

What is the question? That the company has benefited from two occasions on two separate applications?

HON J J BOSSANO:

Or that it is the same?

HON P C MONTEGRIFFO:

The hon Members can rest assured that it is not the same application that has been processed twice and the company has received the money twice, and that certainly is not the case. What is possible is that the company has made a further application and that that further application has been favourably considered but I can not really clarify that until I look at that matter.

HON J J BOSSANO:

In September 1998 the application was from Straits Overseas Limited for a grant of £10,000 which was 30 per cent of the investment in plant and equipment and now the figure that has been given of £16,000 and therefore the question is, is it £16,000 instead of £10,000 or £16,000 in addition to £10,000?

HON P C MONTEGRIFFO:

I can not confirm that to hon Members. I can undertake to try to have that by Friday.

HON J J BOSSANO:

I accept that, Mr Speaker, it is just that it is strange that if there are only four people getting money from the Government Enterprise Scheme, one would have thought that one would know that they are giving somebody £16,000. Given the concerns that this Government have of accountability and where the money goes and who gets it and all that kind of thing, the impression that was given the last time was that there was going to be an investment of which £10,000 was 30 per cent and that implies, in fact, that the Government were putting 30 per cent and the company was putting the other 70 per cent. Now, given that the figure is now £16,000 it is relevant to ask how that changes what was approved in September last year?

HON P C MONTEGRIFFO:

We are talking about private sector applications and many are public sector applications as well but I will certainly check those figures and be able to come back to the House on Friday with clarification.

HON J C PEREZ:

In respect of Prescott Ltd which I believe is granted this money for the purposes of marketing insurance is it that the competition has not found out that these monies are available or is it that they are the ones that apply only or do other insurance companies in competition with Prescott apply and are not awarded it because it might not meet the criteria?

HON P C MONTEGRIFFO:

People know that the funds are given because we account for them in answers to questions in this House and there are various forms of assistance that are given to different parties the Government believes fall within the eligibility rules. In this particular area, it was an expansion of insurance services within Europe, which we were keen to promote as part of our general Pan European Insurance ambitions and the Government thought that this degree of grant was legitimate. As hon Members know we are sensitive to the fact that in certain areas where assistance could be made available we do not make it available if it is clearly to promote one particular sector, one particular operator within a sector. For example, in the retail trade we could certainly be benefiting the retail traders in our non-EU funds, we have not got those eligibility constraints but we do have a very careful policy of not promoting a particular single entity within the sector. But, of course, one has got to benefit some people. I mean the whole purpose of EU funds and Government funds is to try and kick start certain operations and therefore businesses that are innovative, or might be trying something else, or because of the background of the applicants deserve assistance, the Government take a view that they require and deserve support and take a decision accordingly. I think it is inevitable when one has a system of assistance of this type that careful balances have to be struck and we do our best to strike them in all the decisions that are taken. The alternative is not to make funds available at all and have a situation where monies of this type, in particular, the EU monies are just used for public projects. As we will have it at the end of this programme, ending in 1999 the majority of expenditure will still have been public sector because there are a whole reasons, a whole series of reasons which members are generally aware of which make it difficult for the private sector to access and qualify for some of these funds and the idea of having a Government Scheme was to some extent to mitigate those strict constraints in the knowledge, however, that it is difficult and challenging to apply those funds in a way that is even-handed and seem to be even handed.

HON J J BOSSANO:

But in fact, only four people qualified? Would not the Minister agree that there seems to be a relatively low take-up for the Enterprise Scheme?

HON P C MONTEGRIFFO:

Yes, I do think and we have been disappointed by the relatively low take-up and there are many reasons that explain that. One of the reasons, frankly, is as I have indicated before many of the requests that we would get are request for assistance for a particular operator within a very well established sector. For example, the retail sector or the wholesale sector and we would be very loathe to benefit one particular in that situation. Another, it must be said is that some businesses in Gibraltar, in particular the small business that might be subject to the assistance are not terribly well structured when it comes to business plans and to financial projections. They are small family run businesses and therefore to actually get the degree of information we need from them and to ensure that we can then be vigilant in how they use the money is often quite difficult. There is a fairly steep learning curve for some of these applicants when they come to see the Department, or the Business Advisory Unit.

-----

HON P C MONTEGRIFFO:

Mr Speaker with your leave if I could clarify an issue that arose from Question No. 749 put by the hon Member in respect of funding which I promised the House some clarification if possible by today. The hon Member might recall the issue in question here was the dichotomy that appeared to exist between the figure given that I gave for the Straits Overseas Grant which was quoted in the figure I gave of £15,608.84 and the figure appearing in response to Question No. 477 of 1998 in respect of the same company. Mr Speaker, I have to say that the figure of £15,608.84 given on Tuesday is the correct figure. The figure given in answer to Question No. 477 of 1998 is actually incorrect. I can give no explanation for it other than a typographical error, we have not been able to determine within DTI how that figure was put in, but it is the same application not a further application. Similarly, another issue that arose that I would like to clarify is that hon Members will recall that the answer to Question No. 749 also included a reference to a grant to Prescott Ltd in the sum of £4,308 and the hon Member wished to know whether this was a sum in addition to the sum of £12,000 referred to in Question No. 477 of 1998 and I was not really in a position to clarify that. Mr Speaker, it is indeed the same amount of money which comes from the same pot. The answer £4,308 arises from the fact that we have interpreted the question, the officials have interpreted this question as being the money actually obtained, the money actually being disbursed to companies in the period of time referred to in the question. So, in other words out of the £12,000 grant given to Prescott Ltd and referred to in Question No. 477 of 1998 in the financial year 1998/99 which was what Question No. 749 relates to the sum of £4,308 have been disbursed.

HON J J BOSSANO:

But the figure of £12,000 is the amount of the grant and the balance has come in the subsequent financial year, is that the position?

HON P C MONTEGRIFFO:

The total amount of the grant is £12,000 and it will be spread over a period of time. The only amount that has been claimed disbursed at this stage or rather within the financial year 1998/99 is the £4,308.

NO 750 OF 1999

THE HON DR J J GARCIA

## EU FUNDING

Can Government list the companies that have applied for EU funding since 1 April 1999, and of these how many have been successful indicating the amount of funding and the purposes for which the funding is intended?

### ANSWER

#### THE HON THE MINISTER FOR TRADE AND INDUSTRY

A total of 11 companies have applied for EU funding since April 1999. Nine of these companies have been successful in securing funding and two are under consideration.

Under the Objective II programme a grant of £32,100 given to M H Bland Stevedores for the purchase of a lube oil vessel.

Under the Gibraltar in Europe Business Development Scheme:-

EU Grant: £2,991	Le Rock Chef, to equip an industrial kitchen.
£1,500	Window World Ltd, investment in machinery and equipment.
£1,500	Holy Land Travel Ltd, assistance towards international marketing and promotions.
£1,500	Oaks Garage Ltd, investment in machinery and equipment.
£2,337	Hansol Plumbing, refurbishment works.
£641	In-tune Co Ltd, investment in machinery.
£669	Welding and Fabrication Services Ltd, the purchase of a painting and drying cabinet.
£2,467	Straits Image Library, the purchase of equipment, computer software and promotional material – that particular application is still pending endorsement.
£3,000	Stylos Dance Academy, refurbishment works.
£330	Hand made Local Crafts, the purchase of manufacturing equipment, furniture and fittings, that last one is also pending endorsement.



SUPPLEMENTARY TO QUESTION NO. 750 OF 1999

HON DR J J GARCIA:

The figures that have been given now relates to after the 1<sup>st</sup> April. That is, therefore, the total amount of the grants and not the money that has been paid out?

HON P C MONTEGRIFFO:

That is true, these are the total amounts of grants approved in respect of companies that have applied for funding over this period of time. I should highlight to Opposition Members that there is a gap in the questions that have been asked by the hon Members. A gap that our answers are not fully filling, hon Members have asked questions relating to the financial year 1998/99 phrased using the words "what money has been obtained by companies in that financial year" and there is a second set of questions, Mr Speaker, saying "what companies have applied for both EU funding and Gibraltar Government monies post 1<sup>st</sup> April 1999". It is the case that there are some companies, and I would not be able to give all the details now, but if the hon Member wishes I could write to him on this, that applied for funding in the year 1998/99 but did not obtain it, but have obtained it since 1<sup>st</sup> April 1999. It is not a large number of companies but I thought it fair to raise that matter with Opposition Members in case they felt that they might have come to have knowledge of applicants funding that were not reflected in the information I had given.

HON J J BOSSANO:

The information in relation to Question No. 748, the nine applicants that have obtained funding, the position is that they have not necessarily received those amounts in that financial year, is that correct?

HON P C MONTEGRIFFO:

Yes, I think that is the case, even though the use of the word 'obtained' there has been interpreted by the officials as meaning have had applications approved because I think that is the way the question tends to read. But, yes a distinction must be drawn between disbursement and the actual grant when it was approved. What I am saying is that particular for a period of 1998/99 on the one hand and post 1<sup>st</sup> April 1999 there is certainly a gap but I can confirm the number of companies and I will write to the hon Member.

HON J J BOSSANO:

The amounts that were approved in 1998/99, is there a matching amount that the company that is obtaining the funding has to put, an amount that matches the EU funding and is this a standard or does it change according to the nature of the proposal?

HON P C MONTEGRIFFO:

There is a broad guideline of 30 per cent which is a maximum which the EU fund can be used to supplement a funding package, it is the norm. It is not inflexible but the norm is that no more than 30 per cent of an EU grant should be half the total package. It is sometimes the case as I explained I think on Tuesday, Mr Speaker, that the Government Scheme is used as a further additional contributor to funding package in addition to the 30 per cent EU part of the contribution. Usually in that sort of situation the Government funding will be in a form of a soft loan since the EU funding is by way of a grant.

HON J J BOSSANO:

In terms of the figures that have been provided in answer to Question No. 748, the information that has been given in the original answer. What I am asking is, in respect of the different amounts there is it a standard thing that those amounts are 30 per cent of the total investment being made in each case?

HON P C MONTEGRIFFO;

Yes, it would be 30 per cent exactly in each of them but a standard thing is 30 per cent for applications of that type and other than a margin that could be 33 per cent or could be 28 per cent but the guideline is that one would have matching funds of a value of around 70 per cent from another source including possibly in situations Government funding from the Enterprise Scheme but more usually straight from the private sector company especially, I might add when the applications are quite small. When the figures are quite small hon Members will see that many are quite modest in those circumstances it tends to be just the one third of the EU fund and the rest is the private sector company.

NO 751 OF 1999

THE HON DR J J GARCIA

### GIBRALTAR GOVERNMENT FUNDING

Can Government list the companies that have applied for Gibraltar Government funding either from the Gibraltar Enterprise Scheme or from any other source since 1 April 1999, and of these how many have been successful, indicating the amount of funding and the purposes for which the funding is intended?

### ANSWER

### THE HON THE MINISTER FOR TRADE AND INDUSTRY

The following companies have applied for Gibraltar Government funding either under the Gibraltar Enterprise Scheme or from other sources since 1 April 1999.

Successful applications:

- |                                 |  |
|---------------------------------|--|
| 1. Zenith Printers £34,767      | purchase of printing equipment.  |
| 2. Sun Coast Line Ltd £300,000  | to assist with the purchase of a catamaran to operate between Gibraltar and Morocco. |
| 3. Handmade Local Crafts £2,900 | for the purchase of manufacturing equipment, furniture and fittings.                 |
| 4. Gibral-Flora Ltd £3,550      | to patent a design, develop and promote it internationally.                          |

Unsuccessful applications:

- |   |   |
|---|---|
| 5. New Age Electronics £40,000                | re-finance an existing loan with a Government soft loan.            |
| 6. M H Bland Ltd £42,800                      | a project which would assist with the purchase of a lub-oil vessel. |
| 7. Straits Image Library<br>World-Wide £4,528 | for the purchase of equipment. (under consideration)                |

### SUPPLEMENTARY TO QUESTION NO 751 OF 1999

HON DR J J GARCIA:

So, Mr Speaker, the last one is under consideration and the other two immediately before that have not been successful, is that the case?

HON P C MONTEGRIFFO:

That is correct.

NO 752 OF 1999

THE HON DR J J GARCIA

**TRADE LICENSING ORDINANCE**

Are Government still studying possible changes to the Trade Licensing Ordinance announced in April 1998?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The Government are still considering possible changes to the Trade Licensing Ordinance.

SUPPLEMENTARY TO QUESTION NO 752 OF 1999

HON DR J J GARCIA:

Are those changes in line with what was announced in April 1998 or will they be more comprehensive than that?

HON P C MONTEGRIFFO:

They are in line with what I think we have said in the past on such possible changes and broadly they fall into two categories. Firstly, the possible registration of cross frontier business and, secondly, the modernisation of certain aspects of trade licensing as it applies to domestic businesses in view of the experience over the last years in how the Ordinance works.

HON DR J J GARCIA:

Could the Minister clarify whether there is any problem or any hitch in the delays, why is it taking such a long time to come to a conclusion?

HON P C MONTEGRIFFO:

Quite frankly we are having some difficulty in ensuring that everybody is satisfied with what might eventually emerge, and the difficulty is not just because people disagree about the substance. The difficulty is as I have eluded in the House before that this is a highly complex area. It is an area that we run the risk of drawing attention to if we get it wrong and therefore one part of ones inclination is to leave things as they are unless there is good advantage to change. Now, there are clearly things that could usefully change, in particular with the way the Ordinance works internally, and there is certainly a pressure for some registration of cross frontier business in view of the perceived competitive disadvantage suffered by local traders. But, I ask the hon Members to take from me and I am sure they themselves have enough knowledge on this matter to make the assessment for themselves. That we would have to be very sure about ending up in a better position than we are today if we are to tinker with aspects of the Ordinance in those areas because it is an ordinance that is part of our legislation and has been unchallenged because it has been there for a long time. But in the context of common market competitive rules we would be loathe to introduce changes that would challenge its analysis under those criteria unless we thought it was a great advantage in so doing.

HON DR J J GARCIA:

The Minister referred to certain difficulty in coming to an agreement in certain groups or organisations. What groups or organisations are in fact being consulted in this process?

HON P C MONTEGRIFFO:

Primarily at this stage the Economic Advisory Council has discussed this as part of the Government's consultation with that body and also the Chamber of Commerce. I think the Federation of Small Businesses is aware of the changes in broad terms but we have not consulted them in the same detail. But needless to say they could certainly have to be brought in, in this process once we had a further draft which we felt comfortable with. It has to be said that there are many traders that take completely different views about this issue of trade license. Ranging from one extreme of those who want to do away with trade licensing completely, especially those who are trying to make their way in business relatively as new entrants into the business world and those at the other extreme that think it should get much tougher and there are good reasons for making it difficult for the new business to establish themselves in view of the circumstances which are special in Gibraltar.

NO 753 OF 1999

THE HON DR J J GARCIA

**BUSINESS DEVELOPMENT IN ACTION SEMINAR**

What was the cost of staging the Seminar "Business Development in Action"?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The Government do not have information relating to the total cost of staging the seminar "Business Development in Action". As part of the overall package for delivering the programme, the training provider allowed for marketing and promoting the "Business Development in Action" programme within the contract sum, that is what the seminar was about. The overall costs of the training programme is estimated to be £38,000. This figure involves a 45 per cent contribution from the ESF and a 40.6 per cent contribution from the Gibraltar Government. The costs relate to the delivery and promotion of the entire programme spanning the period between the launch during the Seminar to November 1999.

SUPPLEMENTARY TO QUESTION NO 753 OF 1999

HON DR J J GARCIA:

I remember when we asked this question last the seminar was actually taking place the day the House was meeting or the day after. So it was not clear how many companies actually participated or were benefiting from this initiative. Do we know now?

HON P C MONTEGRIFFO:

Mr Speaker, I have not got that information with me. It is certainly easily obtainable because the total figure I have quoted is the figure which now depends on the number of participants multiplied by the amount that the provider of the training charges. I can give certainly, the hon Member details of the different modules; in fact three different modules. Mr Speaker, I do have this information here, yes. There 10 companies involved in the project.

HON DR J J GARCIA:

All these 10 companies attended the initial presentation and will be participating in the three modules which make up this project?

HON P C MONTEGRIFFO:

I assume they attended the seminar. They certainly will be participating in the various modules, in the three modules that will commence this month going right through to November.

HON DR J J GARICA:

Could the Minister clarify, whether this is the same seminar as the business management programme, BMP, referred in Government Press Release 137 of 1999 and or whether it is something different, or are they two separate things?

HON P C MONTEGRIFFO:

I assume the date of that press release is contemporaneous with the Seminar, that is why the hon Member is asking? Mr Speaker, I am not aware of any other Seminar that is in the DTI's undertaking which falls in that category but I would not like to commit myself to whether this is the same initiative. This initiative did get extensive promotion at the time but it was clearly an initiative in conjunction with the Durham University Business School. I am just informed that Durham University is possibly running another course as well in Gibraltar and therefore I could not recommit myself as to whether the press release refers to one or the other.

HON DR J J GARCIA:

One other question which was asked last time but obviously the seminar was just taking place or was going to take place so the information was not available. In the literature sent out companies were asked to pay a participating fee and that the actual level of the fee had not been set and was not mentioned. Is that now known?

HON P C MONTEGRIFFO:

Yes, Mr Speaker, well again by deduction as I mentioned, the percentages that were ESF and the Gibraltar Government, the balance which is for the private companies is 14.4 per cent which is £5,000. Obviously since there are 10 companies it is a figure of £500 each.

HON DR J J GARCIA:

And that goes to Durham University Business School?

HON P C MONTEGRIFFO:

Yes, Mr Speaker.

HON J J BOSSANO:

Are the 10 companies from any particular industry?

HON P C MONTEGRIFFO:

No, my understanding is that there are across the board. There are companies that all feel they have something to gain from this business analysis and skills led of a series of modules. I think they are of course, a spectrum of business activity here. If hon Members are happy to receive details in writing from me I am happy to give the name of the 10 companies. I think there is no sensitivity to it whatsoever. But from memory I think it is a spread of companies.

HON J J BOSSANO:

Is this intended to be for the benefit of whom. Who are the attendants on behalf of those companies?

HON P C MONTEGRIFFO:

The owners and the managers, people who run the companies.



NO 754 OF 1999

THE HON DR J J GARCIA

**EUROPA POINT – NUNS WELL**

Can Government confirm whether they have received proposals for the development of Europa Point separate to the Nun's Well area?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

No formal proposals have been received by Government for the development of Europa Point separate to the Nun's Well area. However, broad interest has been indicated by one development group. This has not yet materialised into any concrete proposals.

SUPPLEMENTARY TO QUESTION NO 754 OF 1999

HON DR J J GARCIA:

Could the Government provide an indication of what sort of a development or idea is being looked at?

HON P C MONTEGRIFFO:

The only approach that Government have had is really as I said in my initial answer, broad interest. The use to which that area could be put very easily is for a touristic or entertainment type use. But really in the touristic sense in an attempt to maximise the potential of both Europa Point and Nun's Well, the matter has not developed beyond an embryonic expression of interest and the Government are not taking a formal view on what it wishes to proceed on the development in that area. Bearing in mind that it is complicated by a number of factors not least the fact that the MOD still have retained an area within that zone which will have to be taken into account in the development. And secondly, as hon Members know there are long leases in respect of the Restaurant that obviously will have to be tackled before development could be contemplated.

NO. 755 OF 1999

THE HON A J ISOLA

**DTI – FINANCE INDUSTRY**

Can Government state who is currently responsible for preparing articles and press releases within the Department of Trade and Industry in relation to the finance industry?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The Finance Centre Director is responsible for preparing articles and press releases on matters relating to the finance industry. First Financial provide assistance in preparing and distributing press releases and placing articles in journals. All press releases are co-ordinated to the Media Director of the Government.

SUPPLEMENTARY TO QUESTION NO 755 OF 1999

HON A J ISOLA:

Is it the intention of Government to have the new Finance Centre Director also handling press articles and press releases as in the past.

HON P C MONTEGRIFFO:

We do not see any change in the arrangements that are coming into place with the new appointment. The only matter which is outstanding is, as the Council is aware, we renewed the First Financial contract only for a six month period, up to the end of December, I think it was, either December or January, and we want to review that contract in terms of the possible extension beyond that in the light of the view that the new Director might take about marketing and the priorities to be put to the budget that we have for that.

NO 756 OF 1999

THE HON A J ISOLA

**INSURANCE COMPANIES – LICENSES**

What direct employment has been created to date by the six insurance companies and the six insurance company managers that have been licensed by the Financial Services Commission since 31<sup>st</sup> January 1998?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

No accurate figure is available for this particular information. However, industry sources indicate that approximately 15 people have been directly employed as a result of these new licences. Additionally, indirect employment and activity have obviously been created by these new operations.

SUPPLEMENTARY TO QUESTION NO 756 OF 1999

HON A J ISOLA:

Directly employed, Mr Speaker, I assume means by the new licensees?

HON P C MONTEGRIFFO:

I think it means by the new licensees, or in respect of activity created by them, directly attributable to the licensees. As the hon Member will know some of these licensees have a managed presence in Gibraltar, and therefore, they will be a case that some entities other than the licensees have employed, specifically in respect of work and directly in respect of work, generated by those new licenced activities.

NO 757 OF 1999

THE HON A J ISOLA

**DEPOSITS IN GIBRALTAR BANKS**

What action has Government taken to obtain information on the statistics giving the level of deposits in Gibraltar banks by residents and non residents?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The Government have not taken any action to obtain information on the breakdown of deposits between residents and non residents. As the House is aware the collection of this information was discontinued by the Financial Services Commission several years ago in view of the fact that there was no regulatory reason to compile the information.

SUPPLEMENTARY TO QUESTION 757 OF 1999

HON A J ISOLA:

When I asked the question previously, or rather, when I asked for the information previously, the Minister informed the House that although the information was no longer available because there is no need to collect that information by the Financial Services Commission that he accepted that the information was a valuable statistic to have available to him and consequently he would enquire as to the possibility of finding a way of obtaining this information through the Financial Services Commission. Is it that in fact the Government do not intend to seek or require, or request the information from the Commission?

HON P C MONTEGRIFFO:

I have given consideration to this issue, although it is not a big one, one would have thought. It does weigh in my mind that banks have over the last few months and years been subject to much more extensive compliance requirements than has been the case historically, particularly, as a result of a whole series of new legislation affecting banks. And therefore, I am somewhat loathe to impose on them, not that we have the power to do so, but to ask the FSC to impose on them, yet a further requirement to report matters that are not necessary from a regulatory point of view. And it has been that general anxiety not to load further responsibilities to the banks, sort of kept the issue from being pursued by the FSC. I mean, I recognise it is a useful statistic. I am not sure how relevant it is really as a great barometer as we move forward. The distinction between resident and non resident deposits often is blurred by, for example, many non resident deposits that are booked purely through Gibraltar without real evidence in great activity in Gibraltar. So, the distinction whilst useful may not be critically useful and it has only been this desire not to impose on banks greater compliance requirements that has prevented us from pushing the matter further.

HON J J BOSSANO:

Has in fact the Minister got any indication that this is not something that banks have readily available anyway?

HON P C MONTEGRIFFO:

I could not answer that. I assume the banks, if asked, would be able to obtain the information but whether it is readily available I cannot say. I can certainly undertake to enquire if that would satisfy the hon Members. I suspect, however, that since they are not required to comply for regulatory purposes they would not keep different records unless, the same bank does on-shore and off-shore work and one would have thought that in that context they have the accounts segregated conceptually and therefore could provide the information.

HON J J BOSSANO:

But in fact it is the case that there are some banks in that category and also some banks that are already in one or the other category. I mean all the banks that were the old 'B' banks are all dealing with non residents, no?

HON P C MONTEGRIFFO:

Mr Speaker, I think there are three categories of banks that fall to be considered. One the pure off-shore bank that can not have resident accounts. Secondly, the bank, if it exists, and I am stretching my head to think whether they do, but the bank that would only have a tax status for resident business but is doing non resident business as well and thirdly, banks that have been in that second category but have now moved into a high rate tax regime. In other words, banks that have both types of business but one kind of business is taxed domestically and one is taxed on a non resident basis. It is not something that we have any difficulty in pursuing further although we have not felt strongly enough about it to pursue with the FSC in view of all the other obligations that the banks are being asked to comply with as a result of the new legislation. But I can undertake to formally raise it with the FSC and ask them to determine to what extent this information would constitute a real burden on the banks, the compilation of that information.

HON A J ISOLA:

I would ask that that in fact be the case because I imagine that the information will be readily available with the push of a button. I do not think it is something that in the past in reporting to the Commission banks have had to calculate adding up the figures. I assume this information is readily available to them and consequently if it is that easily readily available to them I think it is a useful piece of information and should be obtained.

NO 758 OF 1999

THE HON A J ISOLA

**QUALIFYING (CATEGORY 2) INDIVIDUAL RULES 1999**

How many High Net Worth Individuals were on the register at the time the new provisions introducing the Category 2 Qualifying individuals were introduced?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The Qualifying (Category 2) Individual Rules 1999 were published in the Gazette on 15<sup>th</sup> July 1999, at which time there were 155 Qualifying High Net Worth Individuals.

SUPPLEMENTARY TO QUESTION NO 758 OF 1999

HON A J ISOLA:

I do not know if the Minister would have the information available to him but out of those 155 does he have any idea as to how many are renting and how many have purchased property?

HON P C MONTEGRIFFO:

No, Mr Speaker, I have not got that information.

NO 759 OF 1999

THE HON A J ISOLA

**QUALIFYING (CATEGORY 2) INDIVIDUAL RULES 1999**

Can Government confirm that in accordance with the statement made in the House in respect of Category 2 Qualifying Individual status, all applicants have been required to purchase residential property in order to have their applications approved?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Under the new Category 2 Rules applicants are required to have a residence in Gibraltar for their exclusive use. This property may in fact be either purchased or rented. I apologise for having indicated that only purchased residential property would be acceptable under the new rules.

NO 760 OF 1999

THE HON A J ISOLA

**QUALIFYING (CATEGORY 4) INDIVIDUAL RULES 1999**

How many applications have Government received and approved or rejected for Category 4 Qualifying Individuals since the introduction of the status and in respect of which occupations have these applications been made?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

No applications for Category 4 have been received since the introduction of Qualifying Category 4 Individuals Rules 1999. I could add by way of supplementary we are in discussion with a number of parties in particular one in respect of possible applications of these rules to a number of employees. But no applications formally have been made.

SUPPLEMENTARY TO QUESTION NO 760 OF 1999

HON A J ISOLA:

To a number of employees? Would the Minister say in respect of what occupations are these expected to be?

HON P C MONTEGRIFFO:

The one that is particularly highlighted is, indeed, in the area of letting.



NO 761 OF 1999

THE HON A J ISOLA

**KONVER II – 1995/1999 PROGRAMME**

Can Government state what is the balance of unused Konver 1995 to 1999 Programme Funds as at the 31<sup>st</sup> August 1999.

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The amount of uncommitted EU funds under the Konver II 1995 – 1999 Programme as at the 31<sup>st</sup> August 1999 was £873,000.

SUPPLEMENTARY TO QUESTION NO 761 OF 1999

HON A J ISOLA:

May I just ask, uncommitted does that mean, in respect of those monies, there are no projects as yet in respect of which these will be utilised before the end of this year?

HON P C MONTEGRIFFO:

It means that these are funds in respect of which no projects have yet been identified in terms of funds that have been allocated to any particular fund, any particular part of this money, but it is not monies that has to be spent before this year. As the House has been informed monies have to be allocated before the end of this year. They have to be spent within a period of two years thereafter.

HON A J ISOLA:

So if they remain uncommitted by the end of the year then they would not be available thereafter?

HON P C MONTEGRIFFO:

That is the case, but that is not going to happen Mr Speaker. The Government have a number of projects both in respect of Konver II and Objective II Funding which will ensure that they are, that the appropriate funds are allocated before the end of the year. Expenditures are undertaken within a period of two years thereafter.

HON J J BOSSANO:

The original question was drafted asking for the unused. Is there a sum of money that has not yet been used but is committed which is over and above the £873,000?

HON P C MONTEGRIFFO:

I cannot give the hon Member details in reply to that question but the answer to that must be yes, because the committed projects include, for example, Casemates and an element of expenditure on Lathbury Barracks and certainly as far as Casemates is concerned it is an on-going project where payments are outstanding. For Lathbury Barracks I would have to check whether the majority of expenditures, in fact, are going to be under Objective II, but yes, in broad terms he is right. The used funds so to speak include unspent money that will have to be spent within the period ending December 2001.

NO 762 OF 1999

THE HON A J ISOLA

**GIBRALTAR ENTERPRISE SCHEME**

Can Government confirm whether the £39,457 loan to the Health and Fitness Centre Clinic under the Gibraltar Enterprise Scheme has now been taken up?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

No Sir, it has not yet been taken up.

SUPPLEMENTARY TO QUESTION NO 762 OF 1999

HON A J ISOLA:

Is there any time scale during which this offer of the loan requires to be taken up?

HON P C MONTEGRIFFO:

There is no formal limit placed on the offer. The offer is still open, indeed, the applicant has recently written to DTI indicating that he wishes to commence the project. He is looking at setting the business up in Europort rather than in Queensway Quay as initially envisaged and we are awaiting details from the applicant as to the global financial package that he would bring to this new restructured venture. So we are in a sense reconsidering the applicant's financial organisation, financial provision, before deciding whether these funds should be made available.

HON A J ISOLA:

Sorry, I did not quite understand the answer, Mr Speaker, the impression we had last time was in fact that the offer would be made and subject to the individual applicant producing evidence of his ability to finance the remainder of the package the monies were available. From what the Minister has just said now it seems slightly different in the sense that we would await his proposal before deciding whether to confirm this offer?

HON P C MONTEGRIFFO:

Well, Mr Speaker, since the applicant is now intending to locate this business in a different part, in a different premises, it is obviously different financial considerations that apply and we are awaiting details of the whole financial package as it applies now to the proposal in Europort before deciding whether the funds approved for expenditure in respect of a project that was in Queensway Quay should actually be transferred to the one in Europort.

ORAL

NO 763 OF 1999

THE HON A J ISOLA

**DTI – TRAINING AND LIAISON OFFICER**

Can Government say whether the new post of Training and Liaison Officer within the Department of Trade and Industry forms part of the Public Service?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Answered together with Question Nos 764 to 767 of 1999.

ORAL

NO 764 OF 1999

THE HON A J ISOLA

**DTI – TRAINING AND LIAISON OFFICER**

How many applications have been received for the post of Training and Liaison Officer as at the closing date for applications?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Answered together with Question Nos 763, and 765 to 767 of 1999.

NO 765 OF 1999

THE HON A J ISOLA

**DTI – TRAINING AND LIAISON OFFICER**

Can Government say what level of post graduate experience in international financial services and ideally in training and education is expected for the post of Training and Liaison Officer in the Department of Trade and Industry?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Answered together with Question Nos 763, 764, 766 and 767 of 1999.

ORAL

NO 766 OF 1999

THE HON A J ISOLA

**DTI – TRAINING AND LIAISON OFFICER**

Can Government say what is the grade to which the new post of Training and Liaison Officer is analogued?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Answered together with Question Nos 763 to 765 and 767 of 1999.

NO 767 OF 1999

THE HON A J ISOLA

**DTI – TRAINING AND LIAISON OFFICER**

Can Government say whether the three year term for the new post of Training and Liaison Officer carries with it entitlement to a terminal gratuity on completion?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The new Training and Liaison Officer at the Gibraltar Finance Centre will be employed by the Gibraltar Development Corporation for an initial period of three years. The post was extensively advertised locally and there have been a number of enquires. There has been four applications received to date. It is hoped to complete the selection process shortly. The Government are looking for a candidate that has some practical exposure working in the finance industry. Ideally, some experience in education or training programmes would also be useful. The grade of the new post will be analogued to that of an Executive Officer. The remuneration package is circa £15,000 as indicated in the advert and carries no gratuity package.

SUPPLEMENTARY TO QUESTION NOS 763 TO 767 OF 1999

HON A J ISOLA:

May I just ask what exactly the role of this new position will be within the DTI?

HON P C MONTEGRIFFO:

The role is set out in the advert but essentially its a role that recommends itself to the Government in view of the way that the Division has been expanding over the last few years. As the label of the role indicates it is primarily a training officer. In other words, we have identified recruitment as one of the major issues facing the Finance Centre and what we are trying to do here is to provide a facility within the Trade and Industry Department with the Finance Centre Division where the Financial Service Operators can go, will identify training needs and recruitment needs and actually have courses regulated and structured by the Gibraltar Finance Centre on behalf of the Finance Industry and also to help the recruitment process in all its respects, not just in identifying people that could fit jobs but, indeed, in, for example, identifying people outside Gibraltar. There is a wealth of people outside Gibraltar that would be attracted back and we think the Finance Centre is the unit best dedicated towards trying to identify those people and fit them with particular job opportunities. There is also a reference there to the Liaison Officer, a lot of the time currently spent by the staff is in liaison with the industry to the detriment of the answering of enquiries and promotional work which is another priority. Currently, as hon Members will know, the Finance Centre really consists of the Finance Centre Director, his assistant who is a graduate EO and two AA's and an AO, and really we have found there is a need at this sort of EO level for additional support in the work of the Centre. We have tried to divide that work and identify training and liaison and also an element of assistance with press articles et cetera as part of the job that this new individual would primarily deal with.



HON J J BOSSANO:

Is it not the case that in fact, the advertisement talks about the person being responsible for preparing articles and press releases which we were told in answer to Question No.755 is now the job of the Finance Centre Director and will continue to be the job of the new one?

HON P C MONTEGRIFFO:

Maybe there is a confusion here. It is one thing about who has the responsibility and who issues the stuff and who is formally charged with it, who is the Director. The Director's job description has the marketing and promotion of Gibraltar but there is a capacity within the Department for the preparation of certain types of articles and indeed we have within the Department, as hon Members know from previous questions, an individual who is paid for on an ad hoc basis, who indeed will be one of the applicants for this job, preparing some of those articles. It has been that, one of those functions which we will subsume into this particular function. So it does not mean that the responsibility for press releases and articles is not the Director's but it is true that there is some assistance within the unit for the preparation of certain articles, in particular, for example, the Chronicle's Thursday Finance Page. That is the best example of the work undertaken by the current person, that is, within the DTI undertaking the functions relating to press releases and promotions.

HON J J BOSSANO:

But the person who is doing it at the moment is not an employee, he gets paid. What the Government are saying is that he is an applicant and that if he is not successful the successful applicant will in fact take the work that he is doing now?

HON P C MONTEGRIFFO:

Absolutely correct, Mr Speaker.

HON J J BOSSANO:

I see. We will see what his chances of success are. Obviously, he must be better equipped than other people as to what needs to be done if he is already doing it?

HON P C MONTEGRIFFO:

Except, Mr Speaker, he is only doing part of the job. He is not doing any of the training or liaison aspect of it, he is actually doing just the press release preparation and Thursday page. The training of the industry is a new aspect of it. Clearly he is going to have a good case to quote to the selection board but as I have indicated we have had a number of applicants and the process will be an open one.

HON J J BOSSANO:

Is it the intention to allow all four applicants to attend for interview or are the Government planning to have a short list?

HON P C MONTEGRIFFO:

That has not been decided, yet, Mr Speaker, but the way we would normally deal with these things, if the numbers were relatively containable they would all be interviewed. Certainly my

approach is that we would only short list if the numbers were unworkable, but, certainly if there were no more than four, five or six I would have thought that they would all be interviewed and they would all be given the same opportunity to present their credentials.

HON J J BOSSANO:

I welcome that, Mr Speaker. Can the Minister say, given that he has identified that there is a need, how come that the job is for three years? Is he expecting that the need should disappear in three years time?

HON P C MONTEGRIFFO:

Mr Speaker, just sort of, natural caution at not burdening the public purse with expenditure implicit in permanent and pensionable status when a unit is evolving. This is a new initiative, rather like the Finance Centre Director was a new initiative two years ago. Financial Services is moving, all sorts of different structures might emerge in the future. I was just reading recently that the Bahamas, for example, has set up a promotional board jointly funded by the Government in Bahamas and by the private sector. I think that we would not want to saddle ourselves with more than a necessary permanent and pensionable infrastructure in a unit that might develop in a particular direction in the future.

HON J J BOSSANO:

In answer to one of the original questions the Minister said that the job was analogued to the grade of EO, but it is advertised at a £15,000 salary. Is it that it is not on a scale?

HON P C MONTEGRIFFO:

It is not on a scale as far as I am aware, Mr Speaker. No, it is analogued in terms of seniority, in terms of accountability where such a person would fit into the overall hierarchy of the unit. That is what I meant by analogued to the EO status.

HON J J BOSSANO:

In terms of that structure, are the AO and AA grades Development Corporation employees or Civil Servants?

HON P C MONTEGRIFFO:

They are Civil Servants. One Civil Servant who is a graduate and one who is not a graduate but a Civil Servant.

HON J J BOSSANO:

So would the new person be sort of functioning as their EO in terms of Civil Service structures?

HON P C MONTEGRIFFO:

He would be in terms of hierarchy structures. Yes, that is the point. He would be with the EO, the current EO, basically the two senior people underneath the Director.

NO 768 OF 1999THE HON A J ISOLA**HEAD 7 – SUBHEAD 14**

Can Government state how much of the £215,000 provided in the approved estimates in head 7, sub-head 14 have been spent and in respect of what matters?

ANSWERTHE HON THE MINISTER FOR TRADE AND INDUSTRY

The following is the breakdown of expenditure of the Gibraltar Finance Centre marketing budget:

Under the heading "Marketing, Promotions and Conferences"

Brochures:	£11,775.00
Adverts:	£18,640.00
Product Development:	
Protective Cell Co Work	£4,061.60
Pan European Pensions Initiatives	£17,558.10
RIRG Marketing Plan/professional	
Fees for the Insurance Sector	£7,683.65
Publications	£960.00
Conferences and Road Shows	£41,076.89
Public Relations	£19,232.65
Other (Exhibition stand, CD	
Rom presentation, and	
Miscellaneous expenditure	£16,744.89

Therefore, total expenses including pending invoices:- £137,732.78

Subtracted from the total marketing budget, Mr Speaker, that leaves a balance as at 31<sup>st</sup> July 1999 of:- £77,267.22.

SUPPLEMENTARY TO QUESTION NO 768 OF 1999

HON A J ISOLA:

Is it the 31<sup>st</sup> of July?

HON P C MONTEGRIFFO:

Yes, 31<sup>st</sup> July 1999 is the figure that we have accurate responses from when the question was asked.

HON A J ISOLA:

So in fact, in the first four months of this financial year more than 50 per cent has been spent?

HON P C MONTEGRIFFO:

That is true, Mr Speaker, the reason for that is that some of the expenditure, indeed more than some, a good chunk of the expenditure was consumed in respect of matters that related to the previous financial year. So that we found that we came in to this financial year a good bite was taken into the £215,000. It is simply expenditure carried over effectively from the previous year.

HON A J ISOLA:

May I just ask, Mr Speaker, in respect of the public relations work I assume that is the First Financial fees and in respect of the PCC – Protective Cell Work what is that to marketing group?

HON P C MONTEGRIFFO:

No, Mr Speaker, the hon Member is right, as far as the first one is concerned it is the First Financial contract. As far as the second is concerned the Government have been asked by the industry, the insurance industry to consider the introduction of, what they call Protected Cell Legislation. In other words, legislation to have one company have different cells which will all have ring fenced operations like Guernsey has done and we have been taking advice including counsel advice in London as to whether such a structure, is indeed, safe, whether such structures have worked. The Guernsey legislation has run to some difficulty and indeed has amended in Guernsey and therefore in considering whether we should adopt it here we have taken advice as to whether it operates successfully, whether it would stand legal challenge, and it is likely, Mr Speaker, in the light of the advice we have received that although the issues are not entirely certain that Gibraltar will proceed with Protected Cell Company legislation we think there is value to adding that further facility to our legislation.

HON A J ISOLA:

So, this is basically professional fees then.?

HON P C MONTEGRIFFO:

Yes.

ORAL

NO 769 OF 1999

THE HON A J ISOLA

**QUALIFYING COMPANIES**

How many qualifying companies have been registered since the 31<sup>st</sup> January 1999.

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Since 31<sup>st</sup> January 1999 eight qualifying companies have been registered.

NO 770 OF 1999

THE HON A J ISOLA

**QUALIFYING (CATEGORY 2) INDIVIDUAL RULES 1999**

How many new applications have been received for the status of Category 2 Qualifying Individuals and how many of these have been approved or rejected?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

No applications for Category 2 Qualifying Individual status have been received.

SUPPLEMENTARY TO QUESTION NO 770 OF 1999

HON J J BOSSANO:

Are there any in the pipe line as was the case with the qualifying category 4 that the Minister mentioned that there might be some from the betting industry?

HON P C MONTEGRIFFO:

There are on-going applications. This is the new HINWI category, in other words, this is the high net worth individuals. There are no formal applications pending as far as we can tell at this stage. There is no hiccup in the system that should be of concern to us.

HON A J ISOLA:

I understand from members in the profession, there is a delay in dealing with the old HINWI category 2 individuals whereas before it used to be processed quite rapidly it now seems to be taking somewhat longer. Is there any reason for that delay? Is there any change in the processing of these applications?

HON P C MONTEGRIFFO:

No, Mr Speaker, there is no special reasons why they should have been delayed. Obviously there is a vigilance procedure which is undertaken when they do apply. There are various checks to be undertaken with regard to background, and bearing in mind the work of the relevant department sometimes backlogs can occur, but there is no reason other than the normal administrative diligence work to explain any delay that might have occurred.

HON A J ISOLA:

Does the Member expect at the time of the transfer to the Department of Trade and Industry that they will be properly resourced to be able to deal with the applications in an efficient and speedy manner?

HON P C MONTEGRIFFO:

Well, Mr Speaker, as hon Members know what we are proposing to do is transfer lock stock and barrel effectively that part of the office of the F & D S that deals with applications, dealing with exempt qualifying companies HINWI and REPS status. So, there should be no negative effect on the service. Indeed, we are hoping it will be a positive effect for the simple reason that those people currently undertaking these functions also do other things within the F & D S's office and those will be stripped away from their duties. So we do expect that the procedure will be improved, although much of the delay is due diligence, much of the delay is just part of the necessary screening process and I cannot promise that that is going to necessarily become any quicker.

NO. 771 OF 1999

THE HON A J ISOLA

**OBJECTIVE II – 1997/1999 PROGRAMME**

Can Government state what is the balance of unused Objective II 1997/1999 Programme funds as at 31<sup>st</sup> August 1999?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The amount of uncommitted EU funds under the Objective II 1997 – 1999 programme as at 31<sup>st</sup> August 1999 was £1,216,358.

SUPPLEMENTARY TO QUESTION NO 771 OF 1999

HON A J ISOLA:

I did not quite hear the first part, is this uncommitted?

HON P C MONTEGRIFFO:

This is exactly the same as the previous situation with Konver mainly money that has to be allocated, committed before the end of the year and spent before the end of December 2001.

HON A J ISOLA:

Do Government have any idea of what projects it envisages will take this money up or have it allocated before the end of this year?

HON P C MONTEGRIFFO:

Yes, the Government have earmarked a number of projects that would soak up this money. I am not in a position now to indicate what those projects will be. There has been a number of competing projects that would merit funding and the Government will shortly be in a position to give greater details of how both the Konver and Objective II monies will be utilised.

HON J J BOSSANO:

The deadline of the end of the year? How does that operate in relation to the project being put up by the Government? Presumably, if the Government have not decided which projects to put forward, at this moment, what is the procedure once they decide? In what time of time scale are we talking about given that we are talking about three months?



HON P C MONTEGRIFFO:

Mr Speaker, fairly tight. The Government have taken broad decisions about which projects will benefit from the remaining Konver II and Objective II funds. Like any other project which is going to benefit from EU Funds, it requires an application to be submitted. It will initially go to JLAG, in other words, the local body that will formally recommend to the Government that the fund is to be used for that particular project and then they are submitted to Brussels for endorsement and all that process must be completed before the end of this year. And since we certainly would not want to be in a position of getting very close to the wire we certainly expect in the next couple of weeks to have all those decisions finalised and indeed, as we speak, applications are being put together, draft applications are being put together in respect of the projects that are the front runners so they can be put through the process within the time scale which is quite tight.

NO 772 OF 1999

THE HON A J ISOLA

**INTERREG GIBRALTAR/MOROCCO 1994/99 PROGRAMME**

Can Government state what is the balance of unused Interreg Gibraltar/Morocco 1994/99 Programme funds as at 31<sup>st</sup> August 1999?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The amount of uncommitted EU funds under the Gibraltar/Morocco Interreg 1994-1999 programme as at the 31<sup>st</sup> August 1999 was £415,000.

SUPPLEMENTARY TO QUESTION NO 772 OF 1999

HON J J BOSSANO:

Is this also subject to projects being approved by the end of the year?

HON P C MONTEGRIFFO:

Yes, Mr Speaker, it is also.

HON J J BOSSANO:

Can the Minister say then whether the same position exists in relation to this that there are things that are already being prepared to be put in?

HON P C MONTEGRIFFO:

Yes, there are a number of projects under consideration. The amount of money, here obviously is more modest and we are quite confident that the money.....

HON J J BOSSANO:

You are used to that kind of money?

HON P C MONTEGRIFFO:

No, but more modest in the context of the balances due in the other programmes and very confident the money will be used uncommitted within the necessary time scale. I should add, just in case hon Members check back on previous figures given, is that in this figure and certainly in other figures I have given, hon Members might note that the figure might be higher than the figure given in previous questions and the reason for that is pure indexation; that the EU automatically indexes up unused monies so that, indeed for example, in reply to the same question in May 1999 the figure given was £408, 750. The figure of £415,000 is

not that a project in respect of which money was committed has fallen by the way side but rather the fact that the money has just simply been indexed linked upwards in the intervening period.

HON J J BOSSANO:

Can Government say what is currently being done out of this particular vote? Is there some training for Moroccans, I think, that is taking place?

HON P C MONTEGRIFFO:

There are two main projects, Mr Speaker, one is the ferry terminal in respect of which £110,000 has been committed and something called the WMEF which is the West Mediterranean Economic Forum which is a forum that is looking at West Mediterranean Corporation which Gibraltar is part of and we have agreed to subsidise the participation of a number of local companies in that forum to the tune of £20,000.

HON A J ISOLA:

Does the recent advert in the 16<sup>th</sup> December Gazette relating to training of Moroccan Executives has anything to do with this particular fund?

HON P C MONTEGRIFFO:

I am advised it is one of the projects being put for further expenditure.

HON A J ISOLA:

May I just ask, Mr Speaker, in respect of that project, what is the purpose, what Moroccan Executives are there in Gibraltar to require this training or is it intended to bring them in to train them in Gibraltar?

HON P C MONTEGRIFFO:

One of the projects that has been identified generally to benefit from the scheme is courses in English language and Business studies for Moroccan Executives in Morocco that desire to access those skills in Gibraltar and indeed, there have been various contacts with a number of service providers, training providers to see whether that sort of facility could be delivered. In our contact with Morocco it has been clear that there is a large demand for that, there is a large demand for business in English language skills, the delivery of such courses and Gibraltar is well placed to provide for that sort of facility. One of the features of Interreg is that all the money has to be spent in Gibraltar. You cannot fund expenditure outside Gibraltar. So, what we are talking about here is the delivery in Gibraltar to Moroccan students and executives that come to Gibraltar for the purpose of accessing these courses.

HON A J ISOLA:

Do I take it from that that the traditional problem with visas for Moroccans is being speeded-up to enable students and tourists to come to Gibraltar from Morocco?

HON P C MONTEGRIFFO:

There is a traditional delay with visas, I am not sure whether I would say it is a problem which impedes people coming to Gibraltar if they want to in the right circumstances. I think the Government share the view that we would like the visa process to be speedier and more fluid and thereby more attractive to visitors from Morocco but in the contents of properly structured visits in respect of which proper notice is possible as will be the case with courses we do not envisage there will be any difficulty in obtaining visas in question. We are talking about Moroccan business men visiting here. They would in all respects meet the criteria that we would have to be satisfied to make sure that visas could be issued and we do not think therefore that that would be a problem of courses being a success in Gibraltar.

NO 773 OF 1999

THE HON A J ISOLA

**COMMERCIAL BANKS – TOTAL ASSETS**

What was the level of total assets of Commercial Banks as at 30<sup>th</sup> June 1999 giving a break down of cash, balances due by other banks, loans and advances, investments and other assets?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The total level of assets of commercial banks as at 30<sup>th</sup> June 1999 are as follows:-

Total Assets:	£6,722,974,000
Cash:	£6,504,000
Balances due by other banks:	£2,784,431,000
Loans and advances:	£1,169,032,000
Investments:	£2,664,041,000
Other Assets:	£116,930,000

NO 774 OF 1999

THE HON A J ISOLA

**COMMERCIAL BANKS – TOTAL LIABILITIES**

What was the level of total liability of Commercial Banks as at the 30<sup>th</sup> June 1999 giving a break down of total deposits, balances due to other banks and other liabilities?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The total level of liability of Commercial Banks as at 30<sup>th</sup> June 1999 are as follows:-

Total liabilities:	£6,722,974,000
Total deposits:	£2,856,990,000
Balances due to other banks:	£2,014,084,000
Other liabilities:	£1,851,900,000

NO 775 OF 1999

THE HON A J ISOLA

**QUALIFYING (CATEGORY 2) INDIVIDUAL RULES**

How many High Net Worth Individuals have to date transferred under the new rules to now become Category 2 Qualifying Individuals?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

As at 16<sup>th</sup> September 1999 no High Net Worth Individuals have transferred to Category 2 status.

NO 776 OF 1999

THE HON A J ISOLA

**QUALIFYING (CATEGORY 3) INDIVIDUAL RULES**

How many applications have Government received for Category 3 Qualifying Individual status since 1<sup>st</sup> September 1998?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The Government have received nine applications for Qualifying (Category 3) Individual Status since 1<sup>st</sup> September 1998.

SUPPLEMENTARY TO QUESTION NO 776 OF 1999

HON A J ISOLA:

Is the Minister able to give an indication of what occupations these positions are related to?

HON P C MONTEGRIFFO:

All I can tell the hon Members is that they are all private sector applications. In other words, they are not applications from any of the two statutory bodies that are able to access these rules mainly the Gibraltar Development Corporation and the Financial Services Commission.

HON A J ISOLA:

Can I assume these nine applications have been approved?

HON P C MONTEGRIFFO:

In September 1999, there had been five applications from statutory bodies bringing the overall total of applications since the new rules were introduced to 20. So there has been 20 applications in total since the new rules were introduced. What I can tell the hon Member is that of those 20, 17 have resulted in certificates. So in other words, from the introduction of the new rules through to the current date there have been 20 applications.



NO. 777 OF 1999

THE HON A J ISOLA

**QUALIFYING COMPANIES**

What was the number of Qualifying Companies registered as at 31<sup>st</sup> August 1999?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The number of Qualifying Companies registered as at 31<sup>st</sup> August 1999 was 129.

SUPPLEMENTARY TO QUESTION NO 777 OF 1999

HON A J ISOLA:

Does the Minister have any way of knowing whether these companies are active or dormant?

HON P C MONTEGRIFFO:

Mr Speaker, the concept of dormant or active is not a term of art, it is not a concept which is readily applicable to any corporate situation. I am not aware that of the very many number of companies who do not file annual returns that any of those are qualifying companies. So as far as I am aware these are active companies but I will not be able to confirm the position. The difficulty of qualifying companies, is that unless I am corrected by the Financial and Development Secretary contrary to the position of exempt companies which of course pay their annual fee every year, usually £225 per year, I do not believe that qualifying companies pay any fee other than their liability to tax at the prescribed rates and therefore there would be no way of the F & D S's office checking mere compliance with a fee payment to it that the company is active, to use the terminology that the hon Member has adopted. I am reminded, Mr Speaker, that one must assume that it is likely if a company were to become dormant, in the sense of being possibly wound up, that the £1000 deposit that is actually placed with the authorities as in theory a payment towards tax would be reclaimed. But of course, that would only happen in the case of winding up. Its quite frequently the case that the company simply become defunct through their use not being necessary and therefore matters simply, sort of, become rudderless without any decision being taken either to reactivate the company or to formally wind it up.

HON J J BOSSANO:

If the condition of obtaining the status is that they have to pay an agreed amount of tax, do they not have to produce evidence every year that they are paying the tax that is required?

HON P C MONTEGRIFFO:

No, most qualifying companies do not have an arrangement of that type. There are some qualifying companies were not withstanding the prescribed rate of tax, say for example 2 per cent, a minimum level of tax may be prescribed, that is the exception to the rule. The normal arrangement is that a level of tax, in terms of the percentage level of tax is concluded and

then the liability arises if there are profits. Exactly, if there are profits then the rate of tax bites on those profits and that depends on the submission of accounts to the Commissioner of Income Tax and an assessment raised accordingly. If no profits are made and if no accounts are filed then no liability to tax arises.

HON J J BOSSANO

So, in fact no annual check is carried out on the 129 companies to see whether they are making returns and declaring profits and paying their agreed percentage. Presumably the Commissioner of Income Tax would do it simply with any company irrespective of whether it is a qualifying company or not. There is a lot of arrears in that area. Does the status need to be re-issued every year or anything like that, is there a system?

HON P C MONTEGRIFFO:

The qualifying companies account to the Commissioner of Income Tax in respect of their tax liabilities, other than the case of a couple of companies where there is a minimum rate of tax actually prescribed as part of the arrangements, but in respect of the bulk of qualifying companies the treatment they receive is the same treatment as any other company. They are tax payers, ordinary tax payers, albeit at a lower rate of tax following agreement arrived at with the Authorities.

HON A J ISOLA:

Have any qualifying companies applied to have their certificates removed in any way?

HON P C MONTEGRIFFO:

I understand that some have, a small number have.

HON A J ISOLA:

In the answer of August 1998 there were 124 companies registered. The answer now is 129 and since the 31<sup>st</sup> January there have been eight new applications so the minimum would have to be 124 plus eight. So I imagine, four or five?

HON P C MONTEGRIFFO:

I think it is three. It is 124 plus nine minus three.

HON A J ISOLA:

That is assuming that there was no applications between August 1998 and 31<sup>st</sup> January 1999 which I do not think is the case?

HON P C MONTEGRIFFO:

I would not want to get involved in the actual numbers but implicit in the hon Member's analysis is the fact that some have been taken out from the pile so whilst there has been an increase in the number of qualifying companies a number, a small number, have de-registered and lost their status.

NO 778 OF 1999

THE HON A J ISOLA

**COMPANIES REGISTERED IN GIBRALTAR**

What was the total number of companies registered in Gibraltar as at 31<sup>st</sup> August 1999?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

As at 31<sup>st</sup> August 1999 there were 70,391 companies registered in Gibraltar. This number includes liquidated, struck off and dormant companies. The estimated number of active companies is 28,000.

NO 779 OF 1999

THE HON A J ISOLA

**EXEMPT COMPANIES**

What was the number of Exempt Companies as at 31<sup>st</sup> August 1999 and what was the actual amount received in respect of exempt company tax in the year 1998/99?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

It is estimated that there are over 8,000 exempt companies. It has not been possible in the short time available to determine the exact number of exempt companies registered as at 31<sup>st</sup> August 1999. I will write to the hon Member as soon as that information is available. The amount collected in respect of exempt company tax for the year 1998/99 was £2,092,139.16.

SUPPLEMENTARY TO QUESTION NO 779 OF 1999

HON A J ISOLA:

Is the money collected an actual figure?

HON P C MONTEGRIFFO:

Yes, that is my understanding, in other words it is a figure which does not include liability for tax which will have arisen or for fees that will have arisen and in some cases not have been discharged in respect of some companies.

HON A J ISOLA:

So, the position, in fact, is a reduction in revenue on exempt company tax from 1997/98?

HON P C MONTEGRIFFO:

Well, I have not got the 1997/98 figure but if the hon Member is correct then that seems to be the case. I will simply say that the situation could easily be explained by the fact that some companies might not have paid their tax on the due date. It is not uncommon for company managers to sometimes file large cheques for bulk exempt payments in respect of companies, even though the legislation is quite strict about the fact that they should be paying before the due date.

HON J J BOSSANO:

Are company managers told that if they do not pay by a certain time they will lose the tax exempt status or is that not the case? Was there something like an exercise done, I think, at one time?

HON P C MONTEGRIFFO:

Mr Speaker, the legislation provides that if one does not pay on the due date the exempt status falls away, but there is a degree of latitude I understand exercised in the delivery of that provision, in the way that provision is enforced, for good reason, I think we are talking about a large number of companies that have to return cheques, I think a reasonable amount of latitude is fair and I think that we will remain vigilant to ensure that that position is not abused. Let me add just by way of further explanation in case hon Members are concerned whether the reduction in exempt tax might signal any reduction in activity which might be of concern to the House. Company incorporations, of course, have steadily been increasing over the last few years. The figures published by Company's House show a strong increase in company incorporations and therefore it is possible, notwithstanding the high increase in corporations that less companies, however, are applying for exempt status on the basis that there are other ways in which tax benefits can be structured other than through the delivery of exempt status certification and that might be as much an explanation for the lower figure as the fact that there might be arrears in the system that will correct themselves as one moves forward. For example, Mr Speaker, it is quite possible for a company to be deemed non resident of Gibraltar and thereby not be liable to tax in Gibraltar at all and not require the exempt certification and I am certainly aware of many Company Manager's, of some Company Manager's that use that mechanism in certain types of structures. So, in other words, the company business is still in Gibraltar, the company incorporation is taking place here but actually the exempt tax is not being paid because its just simply not applying for exempt status.

HON J J BOSSANO:

So, it does not follow then that if there are 28,000 active companies of which 8,000 are exempt that the other 20,000 have got to make a tax return?

HON P C MONTEGRIFFO:

Absolutely right, it does not follow. I mean, there are quite a number of situations where if the company is not producing income, for example, if a company owns a property outside Gibraltar but the property is never rented, it never has an income, but it might want a Gibraltar company for testamentary estate planning purposes. Such a company might not apply for exempt status, because, as the House knows, there is simply no need to do so in the context of the particular tax which is the reason for the structure.

HON A J ISOLA:

Is the Minister aware of a drop in applications, or is it in fact more historical, companies that are ceasing to pay?

HON P C MONTEGRIFFO:

I am not aware of any drop in applications. On the contrary, the demand for exempt company services seems to be on the increase, that corresponds with the greater number of incorporations which is taking place.

NO. 780 OF 1999

THE HON A J ISOLA

**FINANCE CENTRE DEVELOPMENT DIRECTOR**

What arrangements are in place for the appointment of the new Finance Centre Development Director and on what terms and conditions has the post been advertised?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

As was made public last week James Tipping has been appointed as the new Finance Centre Director. The appointment is for a three year term under the Gibraltar Development Corporation. The appointment follows an extensive international recruitment process. The terms and conditions in respect of Mr Tippings's employment are broadly in line with those of his predecessor.

SUPPLEMENTARY TO QUESTION NO 780 OF 1999

HON A J ISOLA:

Does he propose to be a qualifying individual in the same way as his predecessor?

HON P C MONTEGRIFFO:

It is envisaged that he would be, yes, Mr Speaker.

HON J J BOSSANO:

Are the terms of conditions the same as the previous one, the same level of salary?

HON P C MONTEGRIFFO:

Similar, yes, same level of salary and there is a slight adjustment on the fringes of the package but in global terms it is broadly similar to that enjoyed by his predecessor. In terms of salary, the same salary.

HON J J BOSSANO:

The international search, does that mean that the Government went out approaching the individuals or engaged somebody to look for somebody rather than inviting applications?

HON P C MONTEGRIFFO:

We did both, Mr Speaker, we recruited the services of a firm called Mico Page, that is a head hunting firm in London. They did two things, they obviously advertised for the Government in the international press and they head hunted certain individuals. That gave rise to about 12 short listed applicants. Interviews were undertaken mostly in London, and some in Gibraltar and that process actually threw up two applicants with a Gibraltar connection. One, Mr

Tipping, another, a lawyer who does not practice in Gibraltar but has an established family connection with Gibraltar and both those people actually were short listed with the final group. It was eventually decided that Mr Tipping fitted the bill. The head hunting process included identifying various people in places like Ireland, for example, that have worked for various promotional agencies and all those names went into the process of evaluation, assessment and subsequent selection.

NO 781 OF 1999

THE HON J J GABAY

### **DECOMMISSIONING OF THE WATER CATCHMENTS**

In the decommissioning of the Water Catchments what conditions have been agreed upon between the Minister for the Environment and the MOD in order to restore adequately the natural character of the area?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

No conditions have been agreed between the Government and the MOD on the decommissioning of the MOD part of the Water Catchments. Discussions are taking place with the MOD in respect of certain works which they wish to undertake to decommission their section of the Water Catchments. No final decisions have yet been made on how the decommissioning work will be undertaken.

SUPPLEMENTARY TO QUESTION NO 781 OF 1999

HON J J GABAY:

May I say that perhaps, in the actual arrangements or the conditions to be established it might be considered as part of the agreement that the area should obviously be restored as soon as possible to its natural character. Otherwise there could be a decommissioning where things have cleared and at the same time the ugly patch is left along the slopes.

HON P C MONTEGRIFFO:

I hear the hon Member's views and they are part of the considerations that will have to be taken into account but the whole issue of the slopes is not uncomplex and therefore it would not be prudent at this stage when we are in discussions with the MOD to say anything more.

HON J C PEREZ:

I presume that the discussions have been progressed from the position that we left behind which was that the Ministry of Defence wanted to pass on the Catchments to the Gibraltar Government as they were and when we were in office we rejected them and said that we would not. If that is the case and considering the works that have been carried out already in the area is not the position of the Gibraltar Government that when they decommissioned their own catchments they should keep to the same type of work and the same pattern as the Gibraltar Government itself has done on the rest of the catchments. Are the discussions based on that or could we have something different?



HON P C MONTEGRIFFO:

There are many considerations and I think it would be a mistake just to equate the MOD's side of the slopes to the Gibraltar side of the slopes, each part of the slopes have their own character and the requirements that may be appropriate to one part may not necessarily be appropriate to the other. But, the hon Member can rest assured that the Government continue with the policy that it will not take over the responsibility for the slopes until we are entirely satisfied that they are in condition, that renders them satisfactory. Indeed there are a number of considerations there. One is the work that would have to be taken to decommission. Similar work that we had undertaken in the slopes might be appropriate and also the fact that we have spent a great deal of money in refurbishing the road in that area and therefore any work to the slopes would have to be consistent with our natural desire to see traffic flow through that area again and to make sure that that is not impeded. So, it is a number of factors. In general terms the Government are not prepared to entertain transfers, which means liability rather than assets and the slopes are not in an area that is immediately of interest to the Government. So therefore the MOD would have to satisfy the Government that they were in a condition that it made it plausible for us to consider their transfer and that is not on the horizon in the immediate future, anyway.

HON J C PEREZ:

Is there a possibility that the Ministry of Defence will continue with the catchments as they are without doing any work to them and when the Minister talks about character, what is he talking about different kinds of aluminium sheeting from one side to the other?

HON P C MONTEGRIFFO:

As I indicated earlier, discussions are taking place with the MOD on the question of the slopes. The discussions taking place are not just in the context of the fact that the MOD for many many years have wanted to syphon them off these slopes to the Gibraltar Government and they also take place in view of the fact that the MOD is conscious of the fact that they have left sheetings on the slopes they no longer have any use for them, they do not collect water anymore, they therefore have to spend money maintaining that arrangement, which is money that is not productive. Therefore rational common sense dictates that they should look for an arrangement in the future which makes more economic sense. So there are a bundle of issues that are under discussions and it would be prudent at this stage not to delve into much more detail than that, other than I think reiterate the Government's basic position which is that the slopes are the MOD's. We have certain interests in the area like for example our road which people have patiently waited for a long time to access. And therefore, any movement in that area must attend to two basic important principles of use of the transportation in the area and also the fact that the Government are not going to accept anything which we do not believe people would think is in a condition which is satisfactory.

HON J J BOSSANO:

Presumably it would make sense if the MOD could be persuaded to do something with the MOD slopes as a continuation of what is being done on the Gibraltar Government side. Is the work of the Gibraltar Government's side finished?

HON P C MONTEGRIFFO:

Our side as far as I am aware of is significantly finished. The only thing that happens in our side is, the actual process of vegetation takes time. So as time moves forward the slopes will become more natural and will regain their previous character. It is a matter of public record already that the MOD have tendered for work to decommission the slopes which means stripping the sheets off the sand. That appeared both on the UK press and it was reflected in some local press. So it is a process which is on-going and which is real and in respect of which there is momentum and they attach urgency to that for the reason that I speculated earlier or I indicated the fact that there is no sense in spending money in a facility which they do not use and also because we all feel that assets that are not maintained can potentially become hazardous and obviously the MOD is keen that they do not find themselves in that position.

NO 782 OF 1999

THE HON J J GABAY

**FLEET PAVILION/NAAFI STORES**

Have Government made any progress in discussions with the MOD over the possible handover of the Fleet Pavilion/NAAFI stores to the Government of Gibraltar?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The NAAFI stores were declared surplus to defence requirements on the 7<sup>th</sup> September 1998 and the transfer of the area was effected on the 2<sup>nd</sup> October 1998. Fleet Pavilion has to date not been declared surplus to defence requirements and there has therefore been no progress with its transfer.

SUPPLEMENTARY TO QUESTION NO 782 OF 1999

HON J J GABAY:

May I simply ask, Mr Speaker, if the position is encouraging in terms of the handover?

HON P C MONTEGRIFFO:

We were informed that the current gym facility which we understand that the MOD house in the Fleet Pavilion is to be relocated some time next year. It has certainly not been the MOD's indication to us over the last few years that the transfer of Fleet Pavilion is on the cards and is just part of their process of relocating facilities that is delaying the transfer.

NO 783 OF 1999

THE HON J C PEREZ

**TELECOMMUNICATIONS ORDINANCE**

What are the costs to date of the drafting of the Telecommunications Ordinance?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The total costs of the drafting of the Telecommunications Ordinance is £333,812.56. This covers three years work. There will be no further expenditure on the drafting of the Telecommunications Ordinance as the Chief Minister has agreed with the law firm drafting the Ordinance that expenditure was being capped.

NO 784 OF 1999

THE HON J C PEREZ

**TELECOMMUNICATIONS ORDINANCE**

Given that the Minister for Trade and Industry was hoping to be in a position of bringing to this House the new Telecommunications Ordinance in April this year, when can we expect the Bill to be published?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

A final draft of the Telecommunications Ordinance is being circulated this week to the Legislation Support Unit and to the DTI in London to confirm the effectiveness of the transposition of the directives. Once that confirmation is received, the Government will decide when to publish the Bill. I expect to bring the Bill to the House before the end of the year.

SUPPLEMENTARY TO QUESTION NO 784 OF 1999

HON J C PEREZ:

Would the Minister consider that it is quite a complicated Ordinance and that sufficient time should be given for us to be able to look at it before we can deal with it effectively in the House?

HON P C MONTEGRIFFO:

Yes, Mr Speaker, it is an exceedingly complicated Ordinance. It transposes a very large number of EU directives and I am sure that the hon Member will have enough time to look at its contents and to prepare himself for debate before the matter is passed in this House.

NO 785 OF 1999

THE HON J C PEREZ

**ACTEL SATELLITE PROJECT**

When do Government expect the ACTEL Satellite Project to commence operations in Gibraltar?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

ACTEL is now expected to commence operations in Gibraltar during the early part of next year.

ACTEL had executed a lease with AMSC in the United States for a satellite, which was already in operation over the US. The plan was to drift the satellite to a new orbital location and commence operations early next year. However, ACTEL came to realise that the AMSC satellite was not very reliable and due to some technical problems the satellite was experiencing would probably not be able to provide the service which ACTEL required over Africa. The company therefore opted out of the lease, but are still pursuing their goal of providing low-cost telecommunications over the African continent.

ACTEL have always planned for a second satellite and this part of the project is continuing. The second satellite is expected to be in operation in three years time.

However, in order to have an early presence in Africa, ACTEL have obtained a telecommunications licence in Zambia and have operating agreements in Zimbabwe and Botswana. They will be providing a service using VSATs and leasing time on an existing satellite. The first phase of the operation will use Gibraltar as its network control centre and billing centre.

A representative from ACTEL has been here this week, is currently visiting Gibraltar, and to finalise the real estate documents and the company's licensing requirements. At his meetings with officials, he will be informed of the Government's concerns on the lack of progress of the project as far as the entering into a form of Building Licence is concerned and as far as the Government cannot continue to reserve land anywhere in Gibraltar without receiving a consideration. I could add that this morning ACTEL have paid and they have taken their TFL Licence which was one of the other matters that we had raised with them. The TFL licence carries a fee of £90,000 per annum. A cheque for that amount has been handed this morning by ACTEL and we are working on revised heads of agreement and the building of a licence. So there has been very positive developments in the course of the last 24 hours in this project.

HON J C PEREZ:

Have I understood the Minister correctly in saying that he expects them to start operations early next year? Is the second satellite scheduled to have a Gibraltar orbital slot?

HON P C MONTEGRIFFO:

The first part of the operation, if I have understood ACTEL's intentions correctly is to use Gibraltar simply to download data but without any, through leased lines arrangements, without any antenna provisions and that will probably mean that they will take commercial premises in Gibraltar rather than use the facility which I think is going to be built in Lathbury Barracks. The second stage will be the construction of facilities at Lathbury Barracks for antennas which will actually bring information down not from leased lines but indeed from satellites orbiting the earth.

HON J C PEREZ:

From the orbital slot?

HON P C MONTEGRIFFO:

Yes.

HON J C PEREZ:

For Gibraltar?

HON P C MONTEGRIFFO:

Absolutely.

NO 786 OF 1999

THE HON J C PEREZ

### **AFRO-ASIAN SATELLITES COMMUNICATIONS**

Have Government had indications from Afro-Asian Satellites Communications Ltd on when, this year, they intend to proceed with their project in Gibraltar?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

As the House is aware, the ASC project has suffered several setbacks and has been delayed as a result. The Government have no indications from the company on a firm date for commencement; however, its operations are not expected to start this year. ASC have informed the Government that the bank financing is complete and that the relevant procedures are expected to be completed within a couple of months. ASC's venture has been accorded the status of "National Infrastructure Project" in India. ASC have been evaluating their real estate needs in Gibraltar and meetings were held last month with the company's legal advisers aimed at bringing the Building Licence and Lease for the Retrenchment Block at Lathbury Barracks closer to completion. Some aspects are still pending but the Government are pressing to have these concluded within a few weeks. I have expressed my concerns to ASC on the lack of progress of the project and especially as to the entering of form into a Building Licence and Lease is concerned. I have also taken the view here that the Government cannot continue to justify ear-marking an area of land in Gibraltar without receiving a consideration. The Government are therefore seeking to obtain rent and a premium for the areas to be let to ASC as soon as the Building Licence and Lease are agreed. ASC have informed the Government that they do not require the whole of the Retrenchment Block at Lathbury Barracks as we had originally been seeking them to obtain. The Government have agreed to letting half of the Block to ASC on condition that ASC refurbish the whole Block which the Government may then use in conjunction with the industrial park being established at Lathbury Barracks. I again remind the House that in the case of ASC they have already acquired the TFL Licence for which they paid the sum of money I indicated in answer to the previous question and indeed they have renewed it. They are now into their second TFL Licence which means payment of the second amount for consideration index linked by 4 per cent which is the arrangement that we arrived at in respect of such TFL Licences.



NO 787 OF 1999

THE HON J C PEREZ

**LEASING OF MEDIUM WAVE FREQUENCY**

Can Government state whether the British Broadcasting Corporation continue to be interested in leasing the medium wave frequency of 1296 kilo hertz with a power of 50 kilowatts to broadcast into North Africa?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The British Broadcasting Corporation (BBC) informed the Government on 12<sup>th</sup> March 1997 that they were no longer interested in using the Medium Wave frequency of 1296 KiloHertz. In their letter, the BBC said that after internal discussion in BBC World Service they had reached the conclusion that they would not be in a position to finance or contribute to the financing of a project for bringing this frequency on air. Another company, HCJB World Radio, had also expressed an interest in using this frequency. However, because of major technical difficulties in bringing this frequency into operation, for example, the potential risk of interference to existing services from this high-power transmitter and the unavailability of a suitable large site close to sea level to install the vast antenna system, it is unlikely that this frequency will be a viable proposition.

NO 788 OF 1999

THE HON J L BALDACHINO

**NO 5 PRINCE EDWARD'S ROAD**

Can Government state if Government property at 5 Prince Edward's Road has been sold to the sitting tenant and if so at what price?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The property at 5 Prince Edward's Road was sold to the sitting tenant on a 99 year full insuring and repairing lease for £50,000 and at a ground rent of £152 per annum.

SUPPLEMENTARY TO QUESTION NO 788 OF 1999

HON J L BALDACHINO

Has the property or the lease got a restriction provision on resale.

HON P C MONTEGRIFFO:

No, Mr Speaker, it has not, at least not beyond the normal restriction of resale which is a clause which has been standard in the leases to sale to sitting tenants, which is to the effect that a consent of the lessor is required to assign to the lease such consent not to be unreasonably repelled. Let me say that that is the position that we inherited when we came into office. That standard leases to sitting tenants only had that clause and no more restrictive clause. At around the time of this particular transaction it did occur to the Government that it might be useful to introduce some restriction for future sales and it is now the case in leases that are being given to sitting tenants that a two year restriction against sale is being introduced. But that was not a restriction that came in time for inclusion in this particular sale.

HON J L BALDACHINO:

Can the Minister state how the property was valued at £50,000?

HON P C MONTEGRIFFO:

In accordance with the usual practice undertaken by the Government's land agents the property was valued on a market value basis and then there was a reduction down to 60 per cent which is the standard reduction applicable to sale to sitting tenants. In this particular case there were further considerations that were relevant. The property in question was sold to a family with a particular circumstances involving difficulties of one particular child and there was also a long history of difficulties in re-accommodation that actually go back to the previous administration's time when this family lived in Line Wall Road, had to be re-housed and there was an extensive and complicated historical background. Because of that, the value which was assessed at £61,000, 60 per cent of the value was reduced to £50,000

following extensive representations made by the family in question and after extensive consideration by the Government as to the special circumstances that appeared to be relevant in that particular case.

HON J L BALDACHINO:

That is why I am asking the question. I know the circumstances and why their location was given in the first place, something which never materialised. Now, if something that never materialised, when the house was first allocated it was allocated on special circumstances of the family on a particular child, like the Minister said. But that never materialised.

HON CHIEF MINISTER:

The hon Member is absolutely right. Let us be absolutely candid with one another about this. I consider this case to raise serious questions of abuse of what is supposed to be a home ownership, a sale to sitting tenants policy. This is a situation in which the sale went through more or less on the basis of the policy which is common to both administrations, on the basis of property valuations by the Government's agency. Then subjected to the sitting tenant discount which is also part of that policy and as if that had not produced a low enough valuation the Government were then subjected to a degree of emotional pressure on the basis of the personal circumstances of the family. When we have yielded to that pressure in recognition of the personal circumstances of the family we then read in the newspapers that the house is up for sale at an enormous sum of money and it raises very serious issues. The Government have not yet determined how it will deal with the matter. But the Government do not consider this to be an ordinary case of somebody making a reasonable profit, because the policy of sale has that. If one sells and then if they sell they sell for more, that is implicit in the concept of transferring homes but this falls nowhere near those parameters and the Government consider that it has been the subject, frankly, of an abuse by the persons in this case.

HON J J BOSSANO:

I can well appreciate the sensitivity of the case because indeed it was concern for the child that led to the allocation of the property in the first place. The property was considered to be desirable precisely because of the garden area and the seclusion and all the rest which the family needed in order to be able to have the child in Gibraltar with them which the Government can sympathise with entirely and which I am sure the present one does. Of course if they get rid of the place and the child is costing £100,000 to live in England then....

HON P C MONTEGRIFFO:

I think, Mr Speaker, that the sentiments of anybody who looks rationally at this issue can only fall in one area. But I do have to stress that we are now moving in a situation of a lease that is subject to certain terms. There is the right of the landlord to refuse consent if that consent is reasonably withheld and I think that it is best now to leave that matter to the determination of the view of the landlord in discussions with the particular lessee.

NO 789 OF 1999

THE HON J J BOSSANO

**ZENITH PRINTERS LTD**

What are the terms and conditions of the Government loan to Zenith Printers Ltd?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

The terms and conditions of the Government loan to Zenith Printers Limited are the following:-

1. Loan to be repaid by the Company by 48 equal monthly instalments, the first payment being due 24 months after the release of the facility.
2. Interest on the loan will be at the rate per annum equivalent to the base rate applied by Barclays Bank PLC.
3. The loan has been secured by a floating charge over all the Company's assets.

SUPPLEMENTARY TO QUESTION NO 789 OF 1999

HON J J BOSSANO:

I understand the loan to the printers is for them to buy printing equipment. Can the Government say whether they have or at the time that they granted the loan they had some idea of the value of the company in terms of, were they provided with balance sheets and profitability and so on in order to be able to service that loan and to make the guarantee meaningful other than whatever they buy with the loan?

HON CHIEF MINISTER:

I believe it was more or less a start-up situation and as the money was all going to be used for the purchase of the equipment the value is there on the same basis as it is in any other of this start-up situations. So the security is the security that the Government would normally take in such circumstances and there was not an awful lot of value in the existing assets or the value of the on-going undertaking of the company. So that is what the situation is.

HON J J BOSSANO:

So, the company in fact was not already functioning as a printer prior to getting the money from the Government in order to set up shop. He set up a start-up situation?

HON CHIEF MINISTER:

Yes, I believe that to be the case.

NO 790 OF 1999

THE HON J J BOSSANO

**ZENITH PRINTERS LTD**

Can Government state who are the beneficial owners of Zenith Printers Limited which recently received a loan from the Government?

ANSWER

THE HON THE MINISTER FOR TRADE AND INDUSTRY

Even though the Government have doubts about the appropriateness of giving details on beneficial ownership across the floor of the House, we confirm that the beneficial ownership of the shares of Zenith Printers Ltd is held by family members of Mr Eddie Campello.

SUPPLEMENTARY TO QUESTION NO. 790 OF 1999

HON J J BOSSANO:

So the trust that is shown in the company registry as being the owners of Zenith Printers, they are the beneficial owners, they are not holding this property for somebody else?

HON CHIEF MINISTER:

No, the hon Member has got to be careful how he uses legalistic concepts. Trusts are established for the benefit of beneficiaries of the trusts. So the trustees of the trust are not the beneficial owners in the sense that they cannot personally benefit from it and therefore the real ultimate beneficiaries are the beneficiaries of the trust and therefore what we are saying is that the beneficiaries of that trust are family members of Mr Campello.

HON J J BOSSANO:

Is it that these family members of Mr Campello are going into the printing industry as a start-up operation and that therefore the Government are.....

HON CHIEF MINISTER:

Yes, I believe that that is the situation. I believe that the main working person here is Mr Campello's daughter, who is embarking on printing business.

HON J J BOSSANO:

Then I take it that in the light of what the Government have said in answer to a previous question about not wanting to provide finance to people who would be in competition with others in a particular sector of the industry the Government believe that this is an area where we want to encourage people to set up printing businesses?

HON CHIEF MINISTER:

Absolutely, only yesterday I was approached by somebody lamenting the fact that so much of Gibraltar's printing works, and indeed so many of the Government's contracts of printing works were actually satisfied by printing works in Spain, because the extend of printing capacity in Gibraltar is held by some. There are one or two well known. I think it would be ambiguous to mention names. One can think of at least two such organisations, but certainly there is a need to accommodate in Gibraltar a greater capacity for quality printing that Gibraltar generates demand for, rather than see it all flow out into Spain as it is now doing. That was not the suggestion of the person that came to see me, he was not therefore a finance competitor but basically what he was saying was that there was a need for the Government to modify its procurement practices in printing to ensure that the work in so far as possible went to printers with real printing works in Gibraltar and not to representative agents. Spanish printing works really only had a telephone here and frankly, I was struck by the logic of that argument and the Government would certainly look into that but that is a completely different issue to this. The hon Member is right this is further printing capacity with modern equipment of the sort that we would encourage other printing works to obtain.

HON J J BOSSANO:

But is this in substitution of, in the original answer, it was pointed out that it was Mr Campello's family, is it that they are going into competition with the old man or in support of him?

HON CHIEF MINISTER:

Let us be clear, the old man as he affectionately refers to is a newspaper publisher and this is not the company that publishes the newspaper. So, in going into printing works it is not competition with the newspaper which is Mr Campello's occupation. So I do not think they are going to be in competition. Indeed, I believe that this company prints the newspaper apart from being in the market as a general printing works.

NO 791 OF 1999

THE HON DR J J GARCIA

### **STREET MARKET TRADERS**

What is the nature of the agreement entered into with the street market traders for their re-allocation to Casemates?

ANSWER

THE HON THE CHIEF MINISTER

There has been an agreement in principle to relocate the Street Market Traders in a vault at Casemates but the terms of any allocation have not been concluded.

SUPPLEMENTARY TO QUESTION NO 791 OF 1999

HON DR J J GARCIA:

Both the Chamber of Commerce and the Federation of Small Businesses complained in June that they had written to the Minister for Trade and Industry on the 27<sup>th</sup> May 1999 and had not received an acknowledgement one month later to their letter, precisely on this issue. Has that letter now been answered and the concerns been met?

HON CHIEF MINISTER:

I do not know whether the letter has been replied to but Parliament is not the place where Ministers come to give account of why they may have chosen to reply or not chosen to reply to correspondence. I think the hon Member is perfectly entitled to question the Government about our policy in relation to the relocation of the street market in a vault but not to demand from us an account of why we have not replied to a letter that has been sent to us. That is more appropriate for the Ombudsman to the extent that it is a matter of administrative defect. The Government have come under quite a lot of pressure from the very same organisation which the hon Member has just mentioned to remove the Street Market from the Piazza. They would not go to the places that were acceptable and available, basically along Fish Market Road and Waterport Road. They have also dwindled in numbers. The Government are in principle committed to placing them in a vault in Casemates but on terms and conditions not just as to rent and things like that. As to that we would want to bring them as close as possible to the commercial reality so that they would not have a competitive advantage over other traders. Secondly, we would want their activities to be compatible with the concept of Casemates and therefore there can be no question of installing themselves in a vault at Casemates to sell plastic buckets and tissue paper and cheap bottles of detergents so they would have to transform their retail concept and they would have to go to a proper shop format. They would have to become legitimate properly established businessmen and the only element of preference would be the element of direct allocation. In other words, the element of earmarking one vault for them rather than having to compete with others to acquire access to the vault. So there is no agreement in terms of rent and lease and things like that. There is no agreement on the nature of the businesses that they have to run there, but I am telling the hon Members that the Government would want it to be consistent with the Casemates concept and the other activities that there will be in Casemates and all these issues will have to be resolved with them. The Government are satisfied that when the deal with them is actually done and finally done and dusted neither the Chamber of Commerce

nor the Federation of Small Businesses nor any of the members that they represent will have legitimate grounds to complain unless they want to complain about the preferential access to a vault in the first place. There will be no on-going business.

HON DR J J GARCIA:

The arrangement which the Chief Minister has described essentially seems to entail the disappearance of the Street Market as such and they will become shops, is that the case?

HON CHIEF MINISTER:

They could do it on a collective basis but it would not be on the basis of a trolley with a plastic sheet tarpauling, it would have to be on the context of proper shop furniture. But within that concept there is scope for some sort of collective arrangement whereby they have a counter each or something like that. The Government are flexible on that so long as presentationally, aesthetically and in terms of the quality of the retail outlet as well as the products sold, is consistent with the concept that Casemates has?

HON J C PEREZ:

The Chief Minister says that some have disappeared, they have obviously disappeared from the Piazza but they are still licensed traders. Are the Government considering providing it only for the people that continue in the Piazza and if so if there is more space would that extra space be allocated on the basis of competitive tendering?

HON CHIEF MINISTER:

I think there are five or six left and my understanding of the matter, although I would ask the hon Member not to hold me to the exact detail, is that this is not a question of being licensed, this is not like having a taxi licence. I think they are licenced on a daily basis, I think their licence is when they turn up on a particular Saturday one gets a licence for that Saturday and the question is whether the Government fixed them. I think Government have dealt with them as a matter of consideration as a group of individuals not because they have any vested legal rights that they could assert against the Government or anybody else.

HON J C PEREZ:

My other question was if there is more space available than the one for those operating at the moment will the extra space available be open to competitive tendering for other people that might want to put something similar within the vault?

HON CHIEF MINISTER:

I would ask the hon Member not to draw me on the detail of the Casemates project because a public statement will be made we are just refining one or two concepts. But the intention is that it would be arts and crafts intensive and not just retail. It is not just a sort of arcade of conventional shops. But certainly, Mr Speaker, to the extent that one vault is ear marked for this sort of activity it seems to me from the size of them that they would certainly be space for other people to seek to participate in the concept and have mini shops within the one arcade. It would be a mini arcade, in effect, within that and certainly they would not have exclusivity in this four or five individuals would not have any extra facility to the vault just as they do not have today exclusivity to the Piazza on which they park their trolleys.



NO 792 OF 1999

THE HON DR J J GARCIA

**CASEMATES DEVELOPMENT**

What criteria will be used to allocate the new commercial units at the Casemates development?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question No 793 of 1999.

NO 793 OF 1999

THE HON DR J J GARCIA

**CASEMATES DEVELOPMENT**

How many commercial units will be made available at the old Health Centre building in Casemates?

ANSWER

THE HON THE CHIEF MINISTER

Government will be publishing full details of the number of commercial units in Casemates (including the Health Centre) and the criteria for their allocation in the very near future and as soon as the tender documents, which are currently being drawn up, are ready. The ground floor of the Health Centre will comprise five commercial units of which the most northerly is reserved for the Gibraltar Tourist Board Information Office. The upper floors of the Health Centre Building are not considered part of the Casemates Project and no decision as to their use has yet been made.

SUPPLEMENTARY TO QUESTION NOS 792 AND 793 OF 1999

HON DR J J GARCIA:

There was initially a sort of sounding out of traders and of opinion and that resulted in, I think, 130 firms or individuals expressing an interest in setting up in that development. I remember reading that 70 of those applications were for bars or restaurants or things of that nature and only four units have been provided for these purposes. Is that still the case or will that be reassessed in the light of that sounding?

HON CHIEF MINISTER:

That precisely is one of the issues that is now being reassessed. In other words, whether not because there were 70 applications but for a combination of reasons which includes that one. The Government are reassessing whether we should perhaps allow for more restaurants and catering type businesses bars, wine bars, cafeteria, tea-rooms, restaurants, bistros that sort of thing. There would be three along the Casemates block. One in the corner of the Health Centre building, behind the kiosks, so to speak and then there are already two businesses in Casemates House, the Burger King and I think there is a bar, I do not know what it is called, next to it, California Bar or something like that. So, that would be already six restaurants, all with the right to place tables and chairs in an orderly fashion on the square. The Government are reconsidering the possibility of allowing more than that number.

HON DR J J GARCIA:

As to the actual procedure, will the units be put out to the highest bidder or is it going to be something different?

HON CHIEF MINISTER:

No, I would rather not answer the hon Member's question at this stage. It is precisely one of the issues that we are still considering. We are at a very advanced stage I think we think we know what we want to do but we are sleeping on it, so to speak, and this has literally been at hand over the last few days. Certainly there will be a tender procedure. Whether the tender procedure invites bids, or whether the tender procedure is on the basis of specified rents is a decision which is not finally been made. Although it is almost been made in terms of where our thinking is going.

NO 794 OF 1999

THE HON DR J J GARCIA

**COMMERCIAL RATES**

How do Government propose to implement the reduction in the poundage of commercial rates from 1<sup>st</sup> July this year?

ANSWER

THE HON THE CHIEF MINISTER

Following the commitment given in the House, arrangements are in hand with our contracting agents Land Property Services Ltd to implement the reduction when the next quarter's bills are issued on the 1<sup>st</sup> October 1999. I think there is a Bill on the Order Paper dealing with that.

SUPPLEMENTARY TO QUESTION NO 794 OF 1999

HON J J BOSSANO:

The Bill makes the poundage applicable from the 1<sup>st</sup> July, but people have already paid more than that.

HON CHIEF MINISTER:

I would have to look at the Bill to remind myself of that but certainly the October, November, December quarter is being held back, in other words it is not going out at the very beginning of October to allow the legislation to go through before that quarter's bills are sent out. I would have to look at the Bill to see what position was finally made in relation to the previous quarter or whether it has been abandoned in terms of discounting.

HON J J BOSSANO:

The original question does say, "how do they propose to implement it from the 1<sup>st</sup> July of this year?". Now surely they can answer whether they intend to implement it before the 1<sup>st</sup> July.

HON CHIEF MINISTER:

The Bill does not specify a date. This is the importance of holding back the October bills. The Bill just introduces into the Public Health Ordinance an amendment section which allows the fixing of a special poundage for what are called qualifying activities. In other words the Bill itself does not specify from what date that discount can be given and therefore I believe the decision that we made was that although we had announced it in the budget for reasons of the need to change the legislation and other delays that had crept in, it will impact with effect from the 1<sup>st</sup> October.

NO 795 OF 1999

THE HON DR J J GARCIA

**INCOME TAX – TAXABLE PROFITS**

Can Government say how many businesses have:

- (a) declared a taxable profit of above £35,000
- (b) declared a taxable profit of below £35,000
- (c) declared no profit or made a loss

in the financial year ending 31 March 1999?

ANSWER

THE HON THE CHIEF MINISTER

Assuming that the question seeks information regarding the profits returned by companies and I say that because the hon Member uses the word business which of course could be run by an individual and of course the concession is for companies, and further assuming that the information is required in respect of the profits made in the year ended 31 March 1999, I can confirm to the House that as at the 15 September 1999 a total of 29 companies whose accounts year end is the 31 March 1999 have returned profits/losses as follows:

Over £35,000	4 companies
Under £35,000	13 companies
Losses	12 companies

I would urge the hon Member to take note that it is a literal answer to his question. He has asked in respect of the financial year ending 31<sup>st</sup> March 1999 that is the companies financial year ending 31<sup>st</sup> March. The tax year is June, so the answer relates to companies who have submitted their accounts to the 31<sup>st</sup> March 1999. 31<sup>st</sup> March being their financial year end others might have a 30<sup>th</sup> June year end others might have 31<sup>st</sup> December year end and therefore I just do not want the hon Member to be misled. It is a very literal answer to the question as formulated. Quite apart from the fact that it is very recent. Companies normally take quite a long time to submit accounts and that this relates to a period only just ended.

SUPPLEMENTARY TO QUESTION NO 795 OF 1999]

HON J J BOSSANO:

Are these the companies that are affected then by the measure on a lower rate of tax or is there some other cut of date within which the relevant profit is the one that triggers a lower rate?

HON CHIEF MINISTER:

No, it is not a relevant cut off date. Many companies have not yet reached the first accounting dates since the measures were announced. Quite apart from the fact that it is very unusual for companies, I am surprised, pleasantly surprised that companies with their financial year end 31<sup>st</sup> March in September have already put in to the Commissioner of

Income Tax their accounts for the year ended. It is most unusual and not enough time has passed for companies really to have reported on this to see the extent for the answer really to be meaningful.

HON J J BOSSANO:

My supplementary was for the companies that want to claim the lower rate of tax in respect of what year going back do they have to produce a figure. Is it earlier than this or later than this?

HON CHIEF MINISTER:

I cannot remember but I think from memory that it was the financial year, whatever the financial year was that ended before the date I made the announcement. So in other words, the financial year then current. I cannot remember exactly what it was but I will have the information communicated to him.

NO 796 OF 1999

THE HON MISS M I MONTEGRIFFO

**WORLD ATHLETIC GAMES**

Have Government now received a reply from the British Government from whom they have requested to protest to the Spanish Government in respect of their intervention against the Gibraltar flag being flown in the ceremony of the World Athletic Games in Seville?

ANSWER

THE HON THE CHIEF MINISTER

No, Sir.

SUPPLEMENTARY TO QUESTION NO 796 OF 1999

HON MISS M I MONTEGRIFFO:

In view of the time that has elapsed will the Government be chasing a reply from the British Government?

HON CHIEF MINISTER:

We did not ask a question, the Spanish Government did as they pleased. We asked the British Government to put in a protest and I do not think that protests necessarily obtain a reply although they sometimes do.

HON MISS M I MONTEGRIFFO:

I am talking about chasing a reply from the British Government.

HON CHIEF MINISTER:

Oh I see. The reply from the British Government is that the Ambassador had gone in and that they had made a protest but we have not had any feed back about whether the Spaniards said "go away or yes they are right" or whatever. We have had no feed back of how the Spaniards may have reacted to the British complaint.

HON MISS M I MONTEGRIFFO:

But the Government are not exactly aware of the nature of the British complaint?

HON CHIEF MINISTER:

No, Mr Speaker.

ORAL

NO 797 OF 1999

THE HON J J GABAY

**GARRISON LIBRARY**

Will Government explain, under the present conditions of the Garrison Library, who is entitled to have access to its facilities?

ANSWER

THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE AND YOUTH

Answered together with Question 798 of 1999.



NO 798 OF 1999

THE HON J J GABAY

### GARRISON LIBRARY

Is it the intention of the Government to pursue the transfer of the Garrison Library to its jurisdiction?

ANSWER

THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE AND YOUTH

I am informed that all residents of Gibraltar and all visitors to Gibraltar have access to the Garrison Library both to view the buildings and gardens and to conduct research. It is Government's intention to formally seek the transfer of the Garrison Library and its contents to the Gibraltar Government. This has already been informally requested and is presently the subject matter of discussions with the officers of the Garrison.

SUPPLEMENTARY TO QUESTION NOS. 797 AND 798 OF 1999

HON J J GABAY:

The attempt to bring the Garrison Library into the sphere of the community at large has a long distance. Could I put the question in a fairly long way if only to avoid a series of supplementaries and in the hope that the Government will share the views expressed. Will the Chief Minister or the Minister not agree that there are very sound reasons for the hand-over of the Garrison Library and would he not share our view on a range of arguments - (a) that the Garrison Library is under-utilised and cliquishly controlled; (b) that it has no meaningful or democratic membership; (c) that the days when local membership was restricted to people considered officer status and branded class B with no voting rights are no longer possible even in spirit; (d) there is a line excess to the premises in competition to other licensed premises is incongruous and ill conceived; (e) that students and ordinary people have no easy access with the exception of the limited number of approved researches; (f) that since the Garrison Library contains a fine collection of rare books on Gibraltar and the only complete collection of Gibraltar Chronicles which we should consider part of our own patrimony, it should be under the permanent protective custody of our Government; (g) finally in the hope that we share these views, these arguments, so that we can pursue it vehemently that the status quo of probably the finest historic building in the heart of the town is an archaic relic of the past, however glorious we may think it was?

HON CHIEF MINISTER:

I recognise in much of what the hon Member has said and the words in which he has said it the thoughts of somebody who has also written to me. I agree wholeheartedly with everything that the hon Member has said subject to three qualifications on three matters. As to whether it is cliquishly controlled well, Mr Speaker, all entities which are not publicly-owned are controlled by those who own it or run it. It does not become cliquish because the controllers are Anglo Saxons as opposed to Latin in origin. So if the hon Member means do I not think it is time that the control passed from the Officers of the Garrison who would tend to run it in the way that Officers of Garrisons would tend to run things and that the time is long overdue and that it should be passed to the control of the Government of Gibraltar on behalf

of the people of Gibraltar to be run in a much more civically friendly fashion, the answer to that is yes. I see no virtue in gratuitously offending the persons with whom we now have to have hopefully meaningful and productive discussions. As to the lack of democratic membership well it is not a parliament, I am not sure that there is any democratic membership of our own life. The John Mackintosh Hall library that is not normally run pursuant to democratic principles and I do not see why we should demand more democracy from the Garrison Library than we demand from those who run our own library in the John Mackintosh Hall. But I know the underlying sentiment regardless of the detailed manifestation on it. I understand and appreciate the sentiment which moves the hon Member and I share and agree with that sentiment completely.

As to access, I think Mr Speaker, of all the reasons that are proffered that is probably the least meritorious without suggesting that it has no merit at all. I do not think that the Garrison Library goes out looking for business. They do not advertise. I think people approach them because they think it is a nice place to hold receptions. A lot of them are now using the Mount which I would welcome. So, the question of subsidised premises competing with licensed premises is a vexed one as the hon Member knows in relation to premises other than the Garrison Library. So I hope that subject to those few qualifications the hon Member on the basis that he agrees to modify his statement accordingly that we can all agree across the floor of the House that we should make a determined effort to retrieve not just the library, I am glad the hon Member picks it up in a supplementary as well, because it is not just the building that is important to Gibraltar, any notion that the contents of the building can be removed from Gibraltar by anybody, is a notion which the Government will not entertain and the content is as much part of Gibraltar's Heritage as the building itself.

HON J J GABAY:

First of all, I am delighted that we agree on the principle of pursuing this matter strongly. However, I do not think I will make a concession in diluting my expressions in those points that were singled out by the Chief Minister. There was no question of thinking about the Latin race and the Anglo Saxon race. I am talking about the realities of certain institutions which have an exclusive membership and style of governance that we have all been through. We need only refer to the Rosia Club as it existed which was extremely exclusive and run, then it was run, on the basis that if one was considered a university graduate or a person of officer status then one was allowed to become a member. So institutions like this, even when they have changed the rules, if they are in the hands of people brought up in that tradition, this is why I said in spirit, so I hope he takes it not as thinking there is anything offensive in my statement but merely a statement of fact in this. Secondly, the word democratic, I use the word democratic because there was nothing less democratic than institutions like the Garrison Library and when I chose the word democratic I meant that I envisaged the Garrison Library as a sort of national library, perhaps even with our parliament and also combined with the National Library and there I would like the democracy that I had in mind and no other form.

HON CHIEF MINISTER:

Yes, Mr Speaker, I appreciate that. There are several issues that arise. The fact of the matter is that in a free and democratic society, privately held assets are privately held assets and whereas we have a right as a community to consider the Garrison Library and its contents as part of Gibraltar's Heritage not to be removed, as a matter of law, even if necessary within Gibraltar, things could be privately owned. And the fact that the hon Member and I are of one mind that this asset should belong to the people of Gibraltar and not just be regarded as part of our heritage asset but in the ownership of somebody else, in a

free and democratic society with a rule of law and the ownership of properties respected, we have to accept the fact that this is actually owned by a particular group of individuals. And that the obtainment of the transfer of it in manner that he and I would both want is a matter of persuasion rather than a matter of pretending that we have rights that we pretend to exercise. All I am saying is that it seems to the Government much more sensible in terms of arriving at the happy conclusion that we both want not to confuse emotional issues of colonialism with the attempt to secure the transfer of the property which has got to be done by persuasion. Because certainly the Government cannot confiscate it and would not confiscate it and that is really all that I was saying that it was not necessary to go to strain into some of these other areas. I think we agree.

HON DR B A LINARES:

I want to say that I also share broadly in the sentiments expressed by the hon Member and additional to the qualifications that the Chief Minister has pointed out I would like to put on record really as a matter of fairness that the lady who is now a highly qualified librarian who is effectively running the library in situ engaged by the officers of the Garrison to do so is, I have to say this in fairness to her, she is most amenable. She is one for saying repeatedly that this library belongs to the people of Gibraltar and in effect, and in practice she makes the contents of the library as accessible as possible to all those who show a genuine interest either in research or as a matter of sheer historical interest. I know because many of these potential researchers come through the Ministry of Culture seeking access and I have never had any difficulty in getting this librarian lady to open up, perhaps some times without due regard to the matter of security which needs to be taken into account. But, in fairness to the approach and the thinking of the lady who runs the library at the moment, I want to put that qualification in respect of the access matter that the hon Member also sought clarification.

HON J J BOSSANO:

When the Government say that its open to anybody, is there in fact a membership of the library available, which people apply in order to be able to use this access or how does it function?

HON DR B A LINARES:

There is no lending service in the library at present. The stock of books, some of them of great value and historical interest, are books that I was referring to in terms of accessibility under of course the vigilance of the librarian but in terms of membership as such in the normal sense of the lending library that is not the current situation.

HON J J BOSSANO:

Who are the members of the Garrison Library?

HON CHIEF MINISTER:

There is a difference between the members of the library, they are not proprietorial members. The Garrison Library belongs to a generic group of people called the Officers of the Garrison that are now very few in number. It does not belong to an entity, does not belong to the Ministry of Defence, it belongs to whoever it may from time to time be the Officers of the Garrison, literally. There is a committee that runs the Garrison Library which is not just the book part it is also the building and some properties round the back.

HON J J BOSSANO:

Is that element which is the membership is that something that anybody can apply to become a member of the library or not?

HON CHIEF MINISTER:

There are certainly Gibraltarians that are members whether everybody that applies would be accepted is another matter which I think is more in the vain what the Hon Mr Gabay was referring to earlier.

HON J J BOSSANO:

Given the latest contribution about the liberalism of the Librarian I was wondering whether the liberalism of the librarian had affected the membership secretary, somebody else who has to process applications for membership. Can anybody listening to this come to the conclusion that tomorrow he can send an application off and say I want to be a member of the library or not?

HON CHIEF MINISTER:

I think theoretically, yes, there is still a body of membership there and one can apply but I am not sure what the advantage is.

HON J J GABAY:

I share the view of the Minister when he says that there are individuals like the librarian and certainly John Searle before who went out of their way to facilitate things for people who wanted to do research. But to come back to the basic problem it is under utilised and it is high time that we really move forward in terms of using it really for the purposes of the community at large. It may be there for the benefit of the officers but those officers I do not believe are going to take a final decision but the brass higher up.

NO 799 OF 1999

THE HON J J GABAY

### JUVENILE DETENTION FACILITIES

Do Government find local arrangements for juvenile offenders satisfactory?

ANSWER

THE HON THE CHIEF MINISTER

It is not clear whether the question relates to arrangements for the conduct of trials, or for the sentencing of juveniles or for the incarceration of juveniles. The Government are considering introducing changes to the existing legislation and extending the options available to the Court in sentencing juveniles. These will need to be the subject of consultations with the legal profession and the judiciary. There are currently no new plans relating to juvenile detention facilities.

SUPPLEMENTARY TO QUESTION NO 799 OF 1999

HON J J GABAY:

I raise the subject because in a recent case of a juvenile who was convicted for multiple assaults and other crimes referred to by the Magistrates Court the Chief Justice in sentencing the individual used these words: "If I was sentencing you in England I would be sending you to some form of Youth Offender Institution and it is a matter of regret that in this jurisdiction we do not have the facilities available to make that sort of order on you." He also qualified the statement by saying that we are too small a community to have these institutions but that the Government might consider an arrangement with the United Kingdom whereby they were sent to the appropriate Correcting Institutions and in view of that this is why I raise the question in this House in the hope that we might move in that direction.

HON CHIEF MINISTER:

I agree with the hon Member that the whole question of the facilities open to the Court for both in terms of sentencing powers and also the detention facilities which in Gibraltar are not up to the standards in other countries. We are dealing with the option of sentencing powers, for example, in Gibraltar there is a very little used facility, which is the only one that exists for sending juveniles, something called an Attendance Centre. And curiously back in 1973 the Fire Station was designated as the Attendance Centre and apparently juvenile offenders were sent along to the Chief Fire Officer who was expected to keep them occupied for a certain number of days. I do not think anyone has ever been, has had recourse to that in recent years. We are looking at more modern community service and other type of sentencing powers. So far as a Detention Centres are concerned, detention facilities, my understanding was, confirmed to me by the Minister with responsibility for the Prison, that there is a wing available for the detention of juveniles aged between 14 and 17 which is separated or capable of being separated or is separated when there are juveniles to detain in it rather than a specific building which is not used for anything else. There is much about Moorish Castle Prison not just in relation to its facilities for detaining juveniles which in an ideal situation we would improve. I do not want to invite now a debate on the future

relocation of the Prison but I think at some stage in the future we are going to have to give as a community consideration to the relocation of the Prison and use that as the opportunity to provide that and various other facilities. At the moment the Government would be reluctant to spend significant capital sums in that Prison given that everyone agrees that even from a Heritage point of view, let alone from a Prison's point of view what we ought to be aiming at in a medium longish term is the relocation of the Prison.

HON J J GABAY:

In the interim period would the Government not consider some arrangement in the United Kingdom in view of the statement made by the Chief Justice to send offenders, of the type he recently sentenced, to the United Kingdom where they can go to the proper institution.

HON CHIEF MINISTER:

I am not sure if the sentence that the hon Member read from the Chief Justice's ruling whether he was saying that there were no facilities or no facilities that he found acceptable and therefore willing to sentence somebody to. It might have been the latter. The Government's mind is open on this and if the hon Member wishes to contribute privately or in his official capacity to the debate that will take place on the reform of this area he is most welcome to do so. I think that there are community issues to take into account. Whether we want to send our juvenile offenders to 1500 miles away there are all sorts of issues about parental access and separation of young people from the proximity of their families. This is a matter for experts and people who know about this to advice and certainly the hon Members thinking is very welcome and indeed I am very happy to have him consulted when the Attorney General eventually produces his plans for a reform of the sentencing policies.

NO. 800 OF 1999

THE HON J J GABAY

**TERRITORIAL WATERS – ILLEGAL FISHING**

Can Government list the number of occasions, giving dates and numbers of vessels, on which there have been incursions by Spanish fishing boats into Gibraltar waters during the months of May, June, July and August 1999?

ANSWER

THE HON THE CHIEF MINISTER

As I explained in Question 214 of 1999, the Government cannot know all the occasions on which Spanish fishing boats incur into Gibraltar waters. There are details from the Royal Gibraltar Police of recorded incursions by Spanish fishing boats who fished or attempted to fish in breach of the agreement of which I know the hon Member disapproves. In all cases instructions to leave were obeyed.

SUPPLEMENTARY TO QUESTION NO 800 OF 1999

HON J J GABAY:

We had an exchange on this question of a particular incident in which we exchanged press releases where we had eye witnesses who saw 11 vessels virtually blocking the harbour. That very same evening, I and a few other people saw three of these Spanish vessels circling very near Eastern Beach one of them literally raking the shore and when we raised these matters what we had said because eye witnesses had seen them was disputed vehemently in the Government Press Releases. Perhaps we may find some way of clarifying the actual situation on this cross confusing area of what is tolerable and what is not tolerable.

HON CHIEF MINISTER:

Let me say that if the Government challenges on this issue the public statement of the hon Member it does so on the basis of information produced to the Government by the Police. No member of the Government stands observing these things and I would urge the hon Member not to put me in the invidious position of having to choose which of the two, that is between the hon Member and the Royal Gibraltar Police, I believe, because I think that that is an invidious position. However on the question of seeing a certain number of boats lets be clear, the fishing understanding purports to deal with fishing, it does not purport to deal with incursions, namely simple presence in our waters and I think it is an important point for the hon Member to appreciate that the understanding relates to the activity of fishing. The agreement relates to boats that are fishing. There are often, the police tell me, more boats than the agreement envisages may be allowed to fish, may, without wishing to re-open the divide that exists between us, but who are not fishing and therefore who are not therefore in breach of the agreement of the understanding.

HON J J GABAY:

The thing is, it seems strange to us that there should be 11 of these vessels at the entrance to the harbour, it is difficult to understand. These are not people who have got the time, who simply go around aimlessly they obviously come with a purpose and it was that same day that I saw absolutely in action on Eastern Beach and by the way they were, and this I saw myself, they were accompanied by the Spanish Police launch but there was no evidence of our own police.

HON CHIEF MINISTER:

The circumstances that the hon Member is describing would constitute a flagrant breach of the understanding even though he disapproves of it. It is not the policy of the Government that breaches of the agreement should be tolerated. So I do not know whether it is a case of them not being fishing or not being fishing in sufficient numbers to constitute a breach of the agreement but the agreement speaks also distance not just of number. So if they were right up against the beach, as the hon Member is saying, they would be in breach of the agreement for that reason even of the 11, four were fishing and seven were watching.

HON J J GABAY:

What surprised me in the initial reaction of the Police report to our Press Release was the fact that it was answered in a general statement merely saying that they were quite happy with the way the agreement was working and that if this "concheros" are told to move that they move immediately. This was going on for about an hour whilst I was there, and I saw it. So, it seems to be odd that these statements should be made. I can understand, for example, at a political level the Chief Minister assuming the responsibility to say that it is working well. I find it rather strange that the Police should be referring to how happy they are with the agreement.

HON CHIEF MINISTER:

I cannot speak for how happy the police are. I can tell the House that the Government are very happy. If the hon Member looks at the list and on the basis that he believes it he will see that the number of incidents have reduced to what used to be the status quo and that is why the Government are happy with the agreement because it has genuinely succeeded in doing what we say the agreement is about. I do not want to provoke the hon Member into a general debate on the agreement but if he looks at the number of vessels there that have attempted to fish in these circumstances he will see that we are more or less where we came from. Now, I understand that the hon Members are going to debate the broader aspects of it and when we come to another question that is on the Order Paper relating to the comment of the Foreign Affairs Committee. So perhaps, we should both resist the temptation to engage in it at this stage. We understand and everything that I say to the hon Member is on the basis of we know that he does not think that this is a good thing the fishing understanding. The Government has a different position. The Government disagree with him and I understand that we discuss these things from that starting point. Nothing that I say is intended to inute to him an acceptance of the agreement and nothing that he says is interpreted by me as indicating that he thinks that we are resiling from commitment to the agreement.



HON J J GABAY:

The only comment I would add is that if the number of vessels is smaller that it has been it is not because they feel that they cannot come more often. Perhaps given the privileges that they had been given they have so diminished the stocks around here that they are moving elsewhere.

HON CHIEF MINISTER:

I hope I did not say anything that misled the hon Member. This is not the list of occasions in which people have come to fish. There has been much more fishing than this. This is the occasions on which there have been breaches or attempted breaches of the agreement, which is a very different statistic. I am sure the hon Member understands.

HON J J BOSSANO:

Is the information provided in reply to Question No. 800 comparable to the information that has been given to similar questions in the past listing all the times that they have been in our waters or not?

HON CHIEF MINISTER:

That is not the information that has ever been given. As the answer says it is given on the same basis as Question No. 214 namely, incursions, well at least on the basis that questions had been answered since the date that the agreement was entered into. I do not know if whether before just raw statistics were given. This list are the instances that there have been in breaches or attempted breaches of the agreement. That is the basis upon which Question No. 214 was answered.

HON J J BOSSANO:

I am grateful to the Chief Minister for making that clear because we have been working on the premise that in order to compare with what has been happening in post and pre- the agreement the number of boats in our shores was being given on the same basis. If what the Chief Minister is saying is that if there was one vessel on the 6<sup>th</sup> May that means that four were allowed and five were there but that before the agreement we would have been told that there were five then in fact it is very difficult to make sense of this.

HON CHIEF MINISTER:

It depends for what purpose the hon Member is trying to make sense of it. I accept that the hon Member cannot from this information deduce how many boats were present on the night fishing or not fishing for that matter. Certainly he cannot deduce that information from this.

HON J J BOSSANO:

I do not think it is difficult to try and find out why it is that the information is being so given because in fact the Government claim that they are happy because they are now getting to the position that they wanted prior to the problem. The position that they wanted prior to the problem was not that the numbers that are in the agreement were the numbers that there were then according to the statements that have been made. If the statements made prior to the agreement before there was an increase that was the supposed status quo we were trying to return to.

HON CHIEF MINISTER:

No, Mr Speaker, the hon Member cannot deduce that. The Government were not trying to return to the pre-agreement levels. The Government were trying to return to the pre-crisis levels. The fishing understanding contains an attempt, which of course is not scientific, it represents an attempt to return to the status quo as we are advised it existed between 1991 and 1997 and let us not argue about whether it was accurately done or not. As to the number of boats that used to come in to fish, as to the sort of proximity to which they used to come and that was the nitty gritty of the fishing understanding was an attempt to replicate the circumstances that prevailed during the status quo during 1991 and 1997. To the extent that this record shows that there are very few breaches or attempted breaches. What it means is that during this period fishing was being done in a manner consistent subject to this small exceptions, was being done in a manner consistent with the understanding which in turn is an attempt at consistency with the status quo in 1991 and 1997 and therefore the Government are happy because given the few excesses we appear to be back to the status quo between 1991 and 1997 on a quantitative basis regardless of the legal basis.

HON J J BOSSANO:

I do not see how the Government can argue that because in fact when we are talking about the number of incursions the Government have chosen to interpret as incursions being incursions over and above the permitted incursions under the agreement.

HON CHIEF MINISTER:

I accept that, Mr Speaker, but the alternative I could very easily have answered this question by saying that the Government do not know the answer to the question. The question does not ask "how many boats fished", the question asks "list the number of incursions". An incursion is not an act of fishing, an incursion is an act of presence in British waters, whether one is fishing or not. The hon Member does not ask, "give a list of occasions on which boats have fished", they ask for a list of incursions by fishing boats. Fishing boats do not necessarily fish. So, I could have answered the question in that way, instead I have assumed that the hon Member wants the same information as I gave him the last time and I have given it to him.

HON J J BOSSANO:

I can understand that he assumed that the information was the same as the last time. All I am telling him is that the last time we got the information we had not been given the explanation that he has given us this time and therefore as far as we were concerned we have been thinking that this information and the information of the last time was the information comparable to the information we were getting previously when we were putting the same question in the House. That is to say, if we put a question before he did the agreement and we put a question after he did the agreement and before we used the word incursion and afterwards we used the word incursions then we would expect to be told, well look there were 20 boats. We want to know if there are still 20 boats now and if before there was no distinction made between the 20 boats being fishing or not then let there be no distinction this time. In order to have comparable figures about the volume of boats present in Gibraltar waters we need to be able to see what was happening in 1998, what is happening in 1999 and what was happening 1997. Those are the relevant objective statistics to do the comparison. The point is that although we may not have the information under fishing it is not unreasonable, would the Government not agree that if we see and we

get reports and we see ourselves that there are half a dozen boats with lights on at night outside the harbour we may not be in a position from the shore to tell whether they are fishing or not but it is certainly very peculiar they have so much or so little to do in Algeciras that they come out for cruises at night time with their lights on and all round our harbours.

HON CHIEF MINISTER:

The hon Member may not know that but the hon Member knows that it is in the nature of the fish that they are after, that is, fish which are in transit not fish which are locally resident. They have to come to see whether they are there and they come with their lights to try and attract them and then if they are there they fish. Let us be clear and it is no point the hon Members now losing sight of what the Government have sought to do. Government and I am not going back to the discussions that we had at the time of the fishing agreement. We are talking here about issues of sovereignty and control over our waters, of respect for our law enforcement agencies and that is what the fishing agreement preserves and sought to preserve into the same extent as the hon Members found it necessary to preserve it between 1991 and 1997. The agreement does no more than that. The fishing agreement nor the Government are concerned in this respect in the context of the fishing understanding with the mere presence of Spanish fishing boats in Gibraltar water who provided that they do not fish in breach of the Nature Protection Ordinance are not committing an offence. Gibraltar pleasure boats stray into Spanish waters all the time but, the issue here is fishing not whether fishing boats are in the waters and not fishing and therefore the question is not whether there is 11 boats in the waters the question is are they fishing and if so how many of them are fishing.

HON J J BOSSANO:

The point is that if previously we have been given information on the total number of boats when we have asked the question about the number of incursions. Irrespective of whether they were fishing or not I accept what the Chief Minister says that what the issue is whether they are fishing in contravention of the Ordinance and that we do not know whether they are or not and if they are not they are not breaking the law, right. But if they are told there were 20 boats at midnight with lights on but we do not know whether they were fishing but we believe only four of them were fishing and therefore there has been no incursion well fine. We would like to know that there were 20 and then the Government may be of the view or the Royal Gibraltar Police may be of the view that they were not committing an offence because there were four fishing and 16 watching and we may take a different view. But if we do not know whether there were 20 or not because we have asked for the information and we have not been provided, then in the absence of an explanation we will say well, that is very peculiar, in 1998, 20 came on the 6<sup>th</sup> May and this year one came on the 6<sup>th</sup> May. So that is a reduction from 20 to 19. In fact, it is not that the agreement is being adhered to it is just that they have stopped coming, which is why I suppose my Colleague came to the conclusion that there must be no fish left.

HON CHIEF MINISTER:

I have given my answer on that and I am not going to repeat it every time the hon Member repeats the question. The fact of the matter is that the Government are happy to provide to the hon Member the statistical information that is kept and exists but is certainly not willing to set up a monitoring procedure to satisfy the hon Members thirst for figures that they can then analyse backwards and forwards. The hon Member can have all the information that I have available to me and no more, and I am certainly not going to set up a system of counting boats that are in the waters simply so that he can have it when he wants it.

HON J J BOSSANO:

I do not expect him to do anything because I want him to. There is not the remotest possibility of that happening in respect of me or virtually anybody else in this place so I have no illusions on that aspect. Is it that the police, the Royal Gibraltar Police have no difficulty, not just in providing the information to the Government so that the Government could answer questions in the House, but indeed in issuing the information to the media before. Why is it that they had no difficulty in doing it then and now it requires some kind of special effort, some kind of special machinery, all that I am asking is that they should continue to provide the information they were providing before.

NO 801 OF 1999

THE HON J J GABAY

**PROPOSED SHRINE ON THE UPPER ROCK**

Will Government accept that it cannot come to a private agreement over the proposed shrine on the upper rock since it would be in contravention to existing law under the Nature Protection Ordinance of 1991?

ANSWER

THE HON THE CHIEF MINISTER

Any agreement entered into by the Government will not be of a "private nature", nor would any such agreement contravene any law of Gibraltar that the Government may be advised as applicable. In any event the Government have not yet received, and therefore has not decided upon, any request by the Roman Catholic Church to pursue this project. If the Government were to receive such a request and if it were minded to agree to it the Government would then have to go on to consider whether it is proper and desirable to propose changes to any laws that may be applicable. These various steps which are presently hypothetical each raise different considerations for Government to consider. The hon Member's question assumes that the project would be in breach of the Nature Protection Ordinance 1991 and that is highly questionable but there are other Ordinances other than the Nature Protection Ordinance which may be more problematic.

SUPPLEMENTARY TO QUESTION NO 801 OF 1999

HON J J GABAY:

It is not surprising that there should be other laws also that would make it problematic. I am not a lawyer but it is our duty to express our concerns and fears over any particular venture and I am not commenting myself as to whether it is a good thing to have a shrine there or not. That is a problem for the Government to think over and eventually decide upon. The Opposition have not come to a decision over this. There are plenty of views already being expressed, because it seems, if I may add, something extremely peculiar about this particular theme. It has been used by everybody to talk about everything almost as it were a sign that one can now talk about life generally. So it has got confused in a sort of discordant outbursts of opinions. But I come back to the point why this question is asked and I am sure that the Chief Minister will understand why since it is my firm belief that he has acted in contravention of the rule of law with the agreement, he now starts to make it a regular practice and therefore deal with this in the same manner. I am afraid that there might be a repetition of this sort of line of action where the law is put aside although we shall come to that in another question.

HON CHIEF MINISTER:

The hon Member makes very serious allegations which he is not allowed to make in this House. What the hon Member is saying is that I have committed an illegality. That I have done something which is in breach of the law. Nothing in the fishing understanding is capable of being so interpreted because the fishing understanding does not purport to give

anybody the right to break the law. Now, I do not mind the hon Member saying that he does not think that the fishing understanding is a very good idea politically. But I have to tell him that I resent his asserting the House and perhaps he would like to repeat it outside of this House that the fishing agreement constitutes an illegal act, in other words a breach of the law by me. I have to say to the hon Member that he should not proceed on the basis that his value judgements are not only correct but necessarily have the legal consequence that he assumes simply because he does not approve of them. Mr Speaker, the question of the validity of laws and the enforcement of laws is not a matter which I could affect even if I was minded to. The hon Member's knowledge of the Constitution of Gibraltar must extend at least that far and therefore the idea that I or any other Government of Gibraltar could enter into an agreement, the effect of which was a breach of the law of Gibraltar, is a ridiculous notion. It is impossible for it to happen, apart from which it is not the effect of the fishing understanding.

HON J J GABAY:

I think we are going to have the opportunity to raise this point in another question.

MR SPEAKER:

We are talking about a lumen Christi. You do not want to say anything about the lumen Christi.

HON J J GABAY:

Well, perhaps just simply to repeat why the question is there purely and simply because we feel that if he entered into the sort of personal agreement that he entered with the fishing.

MR SPEAKER:

No, sorry. I rule him out now because we were talking about the Shrine.

HON CHIEF MINISTER:

Mr Speaker, with respect, the Chief Minister does not enter into personal agreements. Personal agreements are about my personal affairs or which I enter into in my private capacity. When I enter into understandings with other people about the public affairs of Gibraltar they are not personal agreements, they are understandings which I as Chief Minister of Gibraltar enter into on behalf of the Government of Gibraltar. I know that Opposition Members resent the fact and dislike the fact that I am now in a position to do that, what they used to do ad nauseam when they were in office, in addition to giving the police operational instructions as to whether a particular law should be enforced or not. Now they are accusing me of doing it. I do not strain to those areas, and I am not debating with the hon Member any more the merit of the agreement or not. What I am urging him is that he is to understand the nature of the understanding without agreeing with it. Understand how it is composed and the effect of it and to disavow himself of the misconception that it constitutes a breach of a law. It does not constitute a breach of the law.

NO 802 OF 1999

THE HON J J GABAY

**PUBLIC SEA BATHING PAVILION**

Do Government consider that a public sea-bathing pavilion is required in Gibraltar?

ANSWER

THE HON THE CHIEF MINISTER

The Government are considering various projects that would radically improve sea-bathing facilities in Gibraltar.

SUPPLEMENTARY TO QUESTION NO 802 OF 1999

HON J J GABAY:

Could the Chief Minister give us a little more information? I am delighted to hear that at least it is going to move in that direction.

HON CHIEF MINISTER:

The Government are moving in the direction of radically improving sea-bathing facilities in Gibraltar which may or may not take the form of a sea-bathing pavilion. The Government are not in a position to give more details but hope to be in a position to do so in a not too distant future.

NO 803 OF 1999

THE HON J J GABAY

**FOREIGN AFFAIRS COMMITTEE**

What is the Government's reaction to the following statement contained in the Foreign Affairs Committee of the House of Commons (8<sup>th</sup> June 1999), "There is one important constitutional point to be made in the context of the fishing dispute. It is wrong to place a Chief Officer in a position where he is asked to enforce the law in a way which is politically expedient"?

ANSWER

THE HON THE CHIEF MINISTER

The Government's reaction is that it would entirely agree that it would be wrong to place the Commissioner of Police in a position where he is asked to enforce the law in a way which is politically expedient. However that is not what the Government's understanding with the Spanish fishermen requires. The understanding requires the fishermen to return to the status quo during 1991 to 1997 of which a definition is attempted in the understanding so that the Commissioner of Police could revert to the enforcement pattern that, in his discretion, he had chosen to apply between 1991 and 1997. Accordingly, the Government's reaction to the quotation that the hon Member has cited is to point the hon Member to the views expressed by the Foreign Affairs Committee at paragraph 24, namely:- "We believe that Mr Caruana has adopted a sensible policy with regard to the Spanish fishermen".

SUPPLEMENTARY TO QUESTION NO 803 OF 1999

HON J J GABAY:

By quoting this last phrase he is again evading the central problem that was worrying the Committee and is contained in that report. Would he not agree that the condemnation in this House when he actually took that step in disregard of the Constitution, it is my opinion and I feel that it ought to be his, after this report that there was a constitutional flaw in the way he behaved or is that not pinpointed in the recommendations of the report?

HON CHIEF MINISTER:

No, it is not pinpointed in the recommendations of the report. It is not the view of the Government. It is not the effect of the report. It is his interpretation of the paragraph that he has chosen to select. The Government have not been condemned. The Government are being extensively applauded by this community for the boldness of its approach to extricate Gibraltar from an escalating crisis and the only condemnation in this House or outside this House has come from the Opposition Members and their more extreme supporters who no doubt sought to make political capital from it.

HON J J GABAY:

I am not going to enter in a general debate on the subject. I will confine my remarks to what has been said in the report. There is one important constitutional point to be made in the context of the fishing dispute. The Commissioner of the Royal Gibraltar Police has operational responsibility for the RGP and exercises normal police discretion when taking



decisions on operational matters on the same lines as Chief Constables in the United Kingdom. Whatever agreement there may be between the British and Spanish Governments or between Mr Caruana and the fishermen it is for the Commissioner to decide how to enforce the law. Surely the direct implication is that they were stampering with the police and there was that particular occasion which we referred to where he instructed the police how to carry out and implement the law.

HON CHIEF MINISTER:

Either the hon Member is simply descending into deceit, yes, Mr Speaker, but that is not what the words mean. No one has issued, at least not since the 16<sup>th</sup> May 1996, no one on the Government benches have issued or purported to issue operational instructions to the police on this law or any other law.

HON J J GABAY:

So the report is conflicting.

HON CHIEF MINISTER:

No, that is not what the report says. The person who is constitutionally responsible for law and order in Gibraltar is not the Chief Minister of Gibraltar and if the hon Member does not believe me at least believe the Governor when he makes public statements. It was not I who had given operational instructions to the Police. Nor in fact has the Governor according to his own statement issued operational instructions to the Police. The Commissioner of Police discretion remains absolutely intact and therefore there is nothing in the agreement which obliges the Commissioner of Police to do what he does not want to do. There are no operational instructions in the agreement and if, which is not the case, anyone has given operational instructions to the Police in breach of the Constitution which I do not believe to be the case, I repeat, it would not in any event be me but his Excellency the Governor. I have never spoken to a policeman or still less to the Commissioner of Police about the fishing agreement or anything to do with fishing. Now, I have made public statements to that effect. The Governor has made public statements to that effect. The hon Member chooses to disbelieve us both and the Commissioner of Police that has made public statements to that effect and the hon Member insists with the constant repetition of untruths. The hon Member is simply constantly uttering untruths on this issue.

HON J J GABAY:

Mr Speaker, of course, when an argument becomes self-evident he uses his natural tendency to insult. Is the Chief Minister trying to convince this House that what I have been saying is not reflected in the words of the report or does he think that the Members of Parliament who singled out this particular point as an area of concern were writing some sort of academic text on constitutional law?

HON CHIEF MINISTER:

Yes, I believe that they were making a hypothetical statement. These men are not complete cretins and they cannot in the one breath say that the Government and Governor of Gibraltar have perpetrated a vile and constitutional act and in the very previous breath have said that they have a very sensible approach to the problem. A constitutional offensive act by definition cannot be a sensible policy and the Members of the House of Commons Committee have unanimously expressed the view that the Government policy is sensible.

Well Mr Speaker, a policy which is illegal, which is what the hon Member thinks it is, cannot necessarily also be sensible.

HON J J GABAY:

All this hysteria and rhetoric does not alter the fact that the report showed great concern on a constitutional issue. It is wrong to place a Chief Officer in a position where he is asked to enforce the law in a way which is politically expedient. Miss Quinn told the House that the Government hoped that the agreement would be backed up by legislation in the Gibraltar Assembly. The parliamentarians said "we agree". We understand Mr Caruana's concern that amending the law might appear to be capitulation to Spanish pressure but we do not believe that this is the case but notice the ending and one will realise that everything I have said is in consonance with this without any insulting words. We hope that the Government of Gibraltar will seek to amend the Nature Protection Ordinance so that the informal understanding or personal understanding or whatever we want to call it about the extent to which it is not to be enforced is given proper legal effect. So the Chief Minister did not give proper legal effect to his understanding with the fishermen and therefore it is against the rule of law and therefore it is unconstitutional and this is precisely the reason why the parliamentarians produced the report, took up the issue. The fact that they said that it was sensible is another matter. But look two wrongs do not make a right. To break the law is a fundamental error and this is the only thing that I have been raising and I cannot understand why the Chief Minister gets so terribly excited about it.

HON CHIEF MINISTER:

What the hon Member is saying does not make sense. The agreement does not purport to have legal effect. Has no legal effect. Absolutely no legal effect whatsoever. The law of Gibraltar remains in place and those who have always exercised the discretion to enforce it retain the exercise to enforce it. Mr Speaker, are we to assume that between 1991 and 1997 when there was fishing both the Commissioner of Police whether an obligation to enforce the law according to the hon Member and the Governor with constitutional responsibilities for the rules of law in Gibraltar and the hon Members who were the Government of Gibraltar presumably would have been scandalised to see the law of Gibraltar fragrantly breached. All that is also in breach of the Constitution. Mr Speaker, what is illegal is the fishing by the Spanish fishermen and nothing in the agreement purports to legitimise it and therefore nothing in the agreement can possibly be unconstitutional if his definition of unconstitutional is an act which purports to legitimise something which is against the law. Nothing in the fishing agreement purports to legitimise what is a breach of the law of Gibraltar. Anymore than the hon Member's were legitimising it by turning a blind eye rather than plunge Gibraltar into crisis. If I went to the trouble albeit wound up by the conservation lobby, but if I went to the trouble to pass in this House a 48 page Bill the least that I would do is interest myself in whether it was being enforced. But the idea that the hon Member's passed the Nature Protection Ordinance which prevents fishing in nets and then looked the other way for eight years whilst fishing takes place in breach of it and then complains when we enter into an understanding to return simply to the position over which they had presided and in a way which does not legitimise. I would ask the hon Member at least to accept this. I do not know if he has read it. The fishing understanding does not purport to legitimise and does not legitimise that which is illegal. Indeed my objection to the alleged Matute's/ Cook version, my principle political objection was that it purported to override the laws of Gibraltar and therefore, Mr Speaker, I was hardly likely to go on to do the same thing myself.

NO 804 OF 1999

THE HON J C PEREZ

**HARBOUR VIEWS PROMENADE**

Have Government now taken a decision on whether or not to allow controlled bathing from the Harbour Views Promenade?

ANSWER

THE HON THE CHIEF MINISTER

This area was never intended to be for bathing and there are no plans at present to change this.

SUPPLEMENTARY TO QUESTION NO 804 OF 1999

HON J C PEREZ:

The Chief Minister is aware that people are bathing from there because the steps that were erected are encouraging people to bathe from there and he is aware that it imposes a danger to people swimming in the area and if the notices of "Bathing Prohibited" are not enforceable then why put them in the first place. In the last meeting of the House that I raised it he said that he would consider either closing the steps or allowing controlled bathing. What is it, one or the other?

HON CHIEF MINISTER:

There are no plans at present to change the status quo.

HON J C PEREZ:

Well, I certainly do hope that there is no accident that occurs there because there have been very near misses there and I am putting forward that point to the Government because it is not a political issue but a safety issue of which they talk about very frequently with the MOT test and everything else that they are very interested in and it is a genuine one as well.

NO 805 OF 1999

THE HON J C PEREZ

**MANX ENERGY REPORT**

Are Government now in a position to state what are the conclusions of the strategic review into the Electricity Department carried out by Manx Energy?

ANSWER

THE HON THE CHIEF MINISTER

The Government have received and are considering the strategic review into the Electricity Department carried out on its behalf by Manx Energy. It is not Government's intention to publish the report at this stage and before the relevant trade unions have been informed about its contents and consulted about what parts of it might be desirable to implement. Nor have the Government decided whether it is appropriate to publish the whole report at any stage.

SUPPLEMENTARY TO QUESTION NO. 805 OF 1999

HON J C PEREZ:

Certainly, any action that the Government will take on the report is something that will be information available to Members in the House, I presume, in that if it has an effect on different grades in the Generating Station it is something that we would be able to have information on.

HON CHIEF MINISTER:

The hon Member can have the information when it happens. These are management matters. The Government do not debate in the House in advance restructures of management and restructures of Government Departments. When the Government do what the Government decide to do the hon Member is entitled to hold the Government to account after the event.

HON J C PEREZ:

But it was a political decision to have the report done in the first place. Can I ask the Government so that I do not have to repeat unnecessarily the question everytime there is a House of Assembly and get the same answer. Can I ask the Government within what time span they expect that certain recommendations will be implemented so that the Opposition is able to ask the effects of the report when the time comes.

HON CHIEF MINISTER:

The report is an internal management study done for the Government to enable the Government to take policy decisions. It is not an agenda against which the Opposition can now hold the Government to account on a meeting by meeting basis. There is no time limit, there is no time scale in the Government policy and the Government are not now going to subject itself to a timing or to a process of being pushed along by the Opposition questioning and the hon Member will get this answer every time he asks the question.

HON J C PEREZ:

The Chief Minister might not be aware perhaps that the fact that the report is being conducted has created expectations in many quarters in the Electricity Department as to what might happen as a result of it.

HON CHIEF MINISTER:

Yes, and in large measure well founded expectation.

HON J C PEREZ:

Well founded? So in fact the Chief Minister has an idea of what he is going to implement as a result of the report if not he would not say that the expectations were well founded.

HON CHIEF MINISTER:

No, Mr Speaker, the report deals into many areas of things. It is an internal report for Government. It is not a public commission of enquiry. It is not a matter for which the hon Member's or anybody else for that matter is entitled to have information. It was commissioned by the Government as a management tool to enable the Government to make decisions of what its policies may or may well be in relation to the future of the Electricity Department. And it is by the very nature, it is not a document which is useful or constructive to put into the public domain so it becomes a subject of the politicised football.

HON J C PEREZ:

Does the Chief Minister realise that I have not asked him to put it in the public domain?

HON CHIEF MINISTER:

He has asked for the conclusion of the strategic review.

HON J C PEREZ:

Precisely, the conclusion. What the Government intend to do with it?

HON CHIEF MINISTER:

He has asked me whether the Government are now in a position to state what are the conclusions of the review. Not the Government's decision about what of the review the Government finds acceptable. He has asked me to explain to him in public what are the conclusions of the review, not my conclusions about the review.

HON J C PEREZ:

Yes, but the Chief Minister has said that even what the Government might do or might not do should not be the subject of things in the House. He said so before. Well, I do not agree with him.

HON CHIEF MINISTER:

This is a matter of Government policy. The Government may do some things, may do no things as the Government are doing constantly with Government departments. Now, as and when the Government do things the hon Member is perfectly entitled and indeed I would be surprised if they did not being in Opposition, to subject the Government to scrutiny about the wisdom about the things that we do. But what the hon Members cannot do is share in the management process as if the.....[HON J C PEREZ: *We would not want to, thank you very much.*] Well then fine, then ask questions accordingly.

HON J C PEREZ:

I am.

HON J J BOSSANO:

How long have the Government had the report?

HON CHIEF MINISTER:

I do not know the exact date. I think it was some time around the middle of August, 10<sup>th</sup> August, I think it was shortly before I went on vacation. I think I went on vacation the second week of August.

HON J J BOSSANO:

Now that they have received the report is it something that is high on the agenda, that we are likely to see decisions taken?

HON CHIEF MINISTER:

I cannot answer that question. Some of the recommendations of the report may be implemented soon. Some may be implemented at different stages and others may not be. It is not the sort of report that one can say, yes, implement the whole thing. Some of the issues that exist in the Electricity Department are more pressing in need of resolution than others. The Government can take a long view of some of the recommendations and a more immediate view of others. This is a matter, for firstly a decision by the Government, and we are not at that stage yet and then for consultation with the Staff Side. It may be possible that some may be implemented before the financial year.

HON J J BOSSANO:

Does it deal just with manpower issues? I know we have had an answer of that before but I cannot remember whether in fact at the time of the report the answer was that it was just manpower.

HON CHIEF MINISTER:

It is a very comprehensive study into the future shape of the Department and it includes issues of that sort.

HON J J BOSSANO:

But, it is just manpower, it does not deal with the technical side of the Generating Plant and that kind of thing, is that correct?

HON CHIEF MINISTER:

Mr Speaker, it deals with all aspects of the Electricity Department.

ORAL

NO 806 OF 1999

THE HON J C PEREZ

**CIVIL SERVICE – EXECUTIVE OFFICERS**

Do Government intend to recruit any more Executive Officers by direct entry into the Civil Service during this financial year?

ANSWER

THE HON THE CHIEF MINISTER

At present, the Government do not envisage the recruitment of any more Executive Officers by direct entry into the Civil Service during this financial year.



NO 807 OF 1999

THE HON J C PEREZ

**CIVIL SERVICE – ADMINISTRATIVE ASSISTANTS**

Is it the intention of Government to recruit more Administrative Assistants into the Civil Service during this financial year?

ANSWER

THE HON THE CHIEF MINISTER

Hon Members will recall that at the last budget session I mentioned that the Government were considering regrading the few remaining Administrative Assistant posts of which there were then 19 to the Administrative Officer grade. This has now been done with effect from 1 August 1999. In this respect, hon Members may already be aware that an advert for recruitment into the Civil Service at the level of Administrative Officer was recently published in the Local News Media and closed on 15 September 1999. It is, therefore, not the intention to recruit more Administrative Assistants at present as in effect the grade has been abolished.

SUPPLEMENTARY TO QUESTION NO 807 OF 1999

HON J C PEREZ:

How many extra AOs is the Government intending to recruit at this stage?

HON CHIEF MINISTER:

On condition that the hon Member does not hold me to the exact figure of the answer I think that there are somewhere around 12 vacancies.

HON J C PEREZ:

So that is in line with the vacancies identified by the Chief Minister at the time of the budget and we can now take it that some of the steps upwards have taken place to allow the new recruits to come in.

HON J J BOSSANO:

Can I ask, Mr Speaker, in the light of the fact that the AA grades have been abolished in August in terms of the establishment in the estimates that means that wherever there is an AA there is now an increase in the AO complement is that correct?

HON CHIEF MINISTER:

Correct to the extent that the distribution of the staff within the service does not eliminate posts in one area. Yes, the answer to the hon Member is yes. All that has happened is that the AAs are now AOs.

HON J J BOSSANO:

Can I ask in terms of the dividing line in the duties, is that the duties of the AA have now been incorporated into the AO structure, because presumably there were things that only AAs did?

HON CHIEF MINISTER:

Yes, Mr Speaker, that is the understanding. So to the extent that AAs used to do, for example, filing, that is now done by AOs in addition; it is just a general clerical grade.

NO 808 OF 1999

THE HON J C PEREZ

**ELECTRICITY ARREARS**

Can Government state how much electricity arrears has been collected in the period 31<sup>st</sup> March 1999 to 31<sup>st</sup> August 1999 and of the total, how much has been collected by Land Property Services and how much has been collected by Lyonnaise Des Eaux?

ANSWER

THE HON THE CHIEF MINISTER

The total amount collected in electricity charges during the period 1 April to 31 August 1999 was £3.56 million. Of this, £15,000 was collected by Land Property Services Ltd and £277,000 was collected by the Central Arrears Unit. The remaining £3.27 million was collected by Lyonnaise Des Eaux Ltd.

SUPPLEMENTARY TO QUESTION NO 808 OF 1999

HON J C PEREZ

That is the total amount of electricity collected, but of the total how much is arrears?

HON CHIEF MINISTER:

I think what is implicit in the answer is that arrears really means... [HON J C PEREZ: LPS and Central Arrears] LPS and the Central Arrears Unit because what is arrears? Sometimes when I pay my bill I pay three months at a time, two of those months are technically in arrears. Much of Lyonnaise's and the Government both in terms of electricity and our revenue in terms of water, much of the current revenue that he and I would not consider as being real arrears, nevertheless relate to a month prior to the current one and what is arrears? That is what this is. I have just been advised that it is bills over one year old which are passed across to one of the two Arrears Collection Agencies.

HON J C PEREZ

Is it the practice of these bills to be sent to Land Property Services who still have a contract or are they sent to the Central Arrears Unit because we see that the most successful of the arrears collectors is the Central Arrears Unit and that the Land Property Services contract is still in place as confirmed by the Chief Minister at the time of the budget.

HON CHIEF MINISTER:

I have not been able to progress that matter, not because there are particular problems with it but because I just have not been able to deal with it. So, the LPS electricity collection system, they are doing some services, it is not working, as far as either party is concerned, as it should be. They are concerned with their loss of revenue. It is one of those issues which is on the table needing to be dealt with and has not been dealt with and I hope to get round to dealing with it without much further delay.

HON J J BOSSANO:

The amount collected by LPS is given as £15,000 but in fact in that period according to the sum that I think was in the Estimates on their contract, they would have been paid possibly more than £15,000 for collecting £15,000.

HON CHIEF MINISTER:

Yes, that is possible because the contractual arrangement is not working satisfactorily and I am not suggesting that it is not working satisfactorily for reasons which is their fault. There is a situation we need to clarify for the benefit of both parties to the agreement and which the company has put proposals to the Government about and it is those proposals that I have not been able to just consider and in the meantime the company is patiently waiting for which the Government are grateful to them.

HON J J BOSSANO:

I imagine that anybody would be patiently waiting if they had paid £60,000 or are they not getting paid.

HON CHIEF MINISTER:

I believe they are collecting some money because their principal complaint to me is, "Please hurry along because we need the revenue". If the hon Member is interested in knowing what it is that is being disbursed to them in the interim I can get that information to him.

HON CHIEF MINISTER:

Yes, because I think from my recollection over the last two years at one stage, in fact, the money was taken out of the estimates and then it was put back in as a supplementary during the year and then it reappeared in this year's estimates almost as if it was a fixed sum irrespective of the amount collected. This is why I am wondering whether if that is the contractual obligation of the Government, if they are actually collecting £15,000 because not more work is being passed on to them but they are being paid anyway.

HON CHIEF MINISTER:

The contract entitles them to £60,000 a year; it is a fixed sum contract. It was originally taken out of the estimates because we thought we were going to cancel the contract; then we appreciated that the Government were not at liberty to do that and what we really needed to do was consider aspects of that and several other contracts; some aspects which the Government wanted to have looked at again; other aspects which the company wanted to have looked at again and we agreed that we would put all these issues on the table and look at them collectively and that is the exercise which needs to take place and on which there has not been progress since budget time.

HON J J BOSSANO:

Is it that they are getting the £60,000 or is it that they are not getting the £60,000?

HON CHIEF MINISTER:

I do not want the hon Member to think that there is a contract that says, "you shall have £60,000 for collecting electricity arrears". There is a contract which deals with the collection of electricity arrears amongst other things and provides for a single consideration and the £60,000 is the Government's apportionment of what we believe is fairly attributable to the electricity collection part of that particular contract. It is a contract that deals with many issues and not just electricity collection and does not break down the consideration between the various functions.

NO 809 OF 1999

THE HON A J ISOLA

**IMPORTS**

What was the value of goods imported by land and sea other than petroleum products between 1<sup>st</sup> January and 30<sup>th</sup> June 1999?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, the value of imports by land and sea, excluding petroleum products, during the period 1<sup>st</sup> January 1999 and 30<sup>th</sup> June 1999 were £109.78 million and £13.44 million respectively. The total value of the imports over the period was thus £123.22 million.

ORAL

NO 810 OF 1999

THE HON A J ISOLA

**INSURANCE PASSPORTING**

Have the intended arrangements to enable insurance passporting now been completed?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question No 812 of 1999.

ORAL

NO 811 OF 1999

THE HON A J ISOLA

**COMMERCIAL RATES**

Can Government state what was the total amount of rates paid in the quarter ending 30<sup>th</sup> June 1999 in respect of commercial rates where the 20 per cent rebate was obtained by those paying the rates demanded within three months of the due date.

ANSWER

THE HON THE CHIEF MINISTER

The total amount of rates paid in the quarter ending 30<sup>th</sup> June 1999 in respect of commercial rates where the 20 per cent rebate has been given was £1,218,381.40.



NO 812 OF 1999

THE HON A J ISOLA

**INSURANCE COMPANIES – PASSPORTING**

Can Government say what are the exact details of the so called post box arrangements for Gibraltar banking licences to be recognised in other Member States?

ANSWER

THE HON THE CHIEF MINISTER

Her Majesty's Government has confirmed that Gibraltar has now done all that was asked of it to enable insurance and banking companies licensed and regulated in Gibraltar by the Financial Services Commission to have access to the European Community single market in financial services. Indeed, as stated at the last meeting of the House in answer to a question by the hon Member, several companies are already passporting into the insurance market. As also explained in this House and to the general public on several occasions the current practical impediment or doubt relates to the delivery of notifications by the Financial Services Commission as Gibraltar's competent authority to the competent authorities of Member States other than the United Kingdom. The so called "post box" arrangements currently under discussion are designed to overcome these difficulties. It would not be helpful to announce the exact details of the arrangements until they are agreed, but I can say that they will relate only to the mechanical channelling of notifications and leave wholly intact Gibraltar's exclusive competence in these matters.

SUPPLEMENTARY TO QUESTION NOS 810 AND 812 OF 1999

HON J J BOSSANO:

Does the Commission accept that Gibraltar is the competent authority provided for under community law?

HON CHIEF MINISTER:

Yes, Mr Speaker, and as I have indicated to the hon Member before my understanding of Spain's position is that even Spain accepts the competence of the Financial Services Commission and therefore the issue has been narrowed down to notification which the Commission had at a very very early date said that the Financial Services Commission was competent to do. Following lobbying by Spain and initiated by Spain other Member States have clouded the issue to the extent that the Commission is itself now suggesting that the matter is not clear. In other words as to whether a non-metropolitan competent authority has a capacity to communicate with the competent authority of another Member State.

HON J J BOSSANO:

I do not want to press the Government in any direction which might prejudice whatever it is that they are negotiating so we might accept that the answer cannot be given although I would be grateful if an answer or any information that can be provided to me which the Government do not want in the public domain at this stage. Can he say which is the body in the UK end that would be handling the passporting? Who is the postman?

HON CHIEF MINISTER:

Well, that is one the details of the arrangements which has things that Gibraltar has wanted to say. For example, the Government of Gibraltar have attached considerable importance to the issue that the postman should not be the domestic United Kingdom competent authority. That if the problem really is one of diplomatic notification channels that as far as Gibraltar is concerned that is the Foreign and Commonwealth Office and that the Government of Gibraltar have wanted to safeguard that the post box should not be the United Kingdom domestic authority. For example, in the case of the Financial Services authority in manner that might send the signal that Gibraltar was somehow territorially an administrative part of the United Kingdom. In other words that the post box should be constitutionally neutral from our point of view and one that is genuinely diplomatic, which means basically the Foreign and Commonwealth Office.

HON J J BOSSANO:

I would take it that that would apply to all the sectors, that is, the same will apply, for example, with banking in the Bank of England, the same argument.

HON CHIEF MINISTER:

And indeed, the hon Member may have picked up in the press in the last few days that these things are supposed to be, the reason for discussion was supposed to be confidential, that is between the UK and Spain. The post box solution is being looked at for wider application and not just in relation to Financial Services. It is the same postman whatever the application of the formula.

HON J J BOSSANO:

Is the indication that that is something that the Gibraltar Government supports? Or is it that the Gibraltar Government are looking for?

HON CHIEF MINISTER:

Mr Speaker, provided that certain constitutionally important aspects are safeguarded, which we are in discussion with the United Kingdom Government on, in other words, that provided that the post box is of a certain type and not of another type and provided it works in a certain way the Government of Gibraltar are content that it has no adverse consequence on our constitutional autonomy and on the competence and on the status and standing and structure of the exercise of that competence by our domestic authorities. So long as we are discussing only the channels of diplomatic communications, in other words literally a postman for a message written in Gibraltar, for a letter written in Gibraltar it raises nothing which is inconsistent with our status, given that the United Kingdom is indeed, the country that conducts our diplomatic business for us internationally. So, the Government of Gibraltar's preference will of course be that we could have preserved the right which was not on the challenge from anybody until Spain challenged it whereby no one looked at the legalities of ones international status. They simply accepted communications from Gibraltar, but given that that is a reality and given that these things are important for Gibraltar to be able to get on with this, subject to all those caveats and for all those reasons and provided that it all works in the way that the Government is requiring it to work then the Government are content, I would not go so far as saying that is what we wanted but the Government are content that Gibraltar's interests are safeguarded in a way which allows business to be done.

HON J J BOSSANO:

How is it envisaged that communications from other competent authorities to our competent authority will be channelled, that is would the thing be addressed to the Gibraltar Financial Services Commission but sent via London?

HON CHIEF MINISTER:

Indeed, the post box can only be a post box, it cannot be an addressee, it is a postman. Therefore the communication has to be challenged to the competent authority. The competent authority would always be in this matter the Financial Services Commission. Of course, it remains to be seen, it would be our hope that other Member States would continue to deal directly with Gibraltar as they have always shown a predisposition to doing.

NO 813 OF 1999

THE HON A J ISOLA

**CASEMATES DEVELOPMENT**

Can Government state whether the contracted works at Casemates are on schedule?

ANSWER

THE HON THE CHIEF MINISTER

The contracted works at Casemates are behind schedule.

SUPPLEMENTARY TO QUESTION NO 813 OF 1999

HON A J ISOLA:

When will the works be anticipated to be completed by and when does Government now consider they will in fact be completed?

HON CHIEF MINISTER:

Well, the original contract, in other words the work comprised in the original contract, specified a 46 week period and that commenced on the 4<sup>th</sup> January 1999, so the original completion date should have been the 15<sup>th</sup> November 1999. The contract is now scheduled to be completed on the 28<sup>th</sup> February 2000 with the external works at Casemates Square scheduled to be completed by the 21<sup>st</sup> December 1999 in time for the millenium celebrations, that is the external works at Casemates Square. Mr Speaker, the delay in completing the contract are attributable to a series of factors. Briefly, delays in locating the Casemates hostel, the Moroccan Workers Associations premises, the Mosque and the Moroccan School of Islam, all of which ought to have been handed over to the contractor at the beginning of the contract but were not and therefore that entitled the contractor to delay. There was the discovery of toxic asbestos material within a number of the units of Casemates barracks. Specialists had to be engaged to identify harmful materials, dismantle them and remove them from site. There was the discovery of unchartered services which required re-routing of new surfaces. There was the decision taken to retain a permanent archaeological display, otherwise known as the hole in the ground in one end of Casemates Square and then, of course, we added to the original contract the works to clad in stonework the facade of Casemates House and the shops. That was added to the contract during the tendering period but no allowance for additional time to the contract was provided for these additional works and the process of cutting the stone in the right size or bits has proven more laborious. This has been done locally by one of the local marble operators and it is taking longer than they had anticipated. I was, however, told this morning that they thought that perhaps upto three or four weeks of the current delay may already have been recovered but they will not know exactly until they get further on in the contract. So, it is 21<sup>st</sup> December for the external works and 28<sup>th</sup> February for the internal works in the Casemates Barracks. We now have to add to the contract the internal works to the ground floor of the Health Centre Building which is itself going to be subdivided into a number of commercial units.

NO 814 OF 1999THE HON J J BOSSANO**INCOME TAX – CORPORATION TAX**

Can Government state how many companies have now had assessments for the tax year 1996/97, the total amount of Corporation Tax assessed and the amount received to date?

ANSWERTHE HON THE CHIEF MINISTER

The Corporation Tax payable as at the 14 September 1999 on 1,351 companies assessed for the year of assessment 1996/97 totalled £10.6 million broken as follows:

	£M
Assessed	13.9
Less discharged	<u>3.3</u>
	10.6
Less paid	<u>9.7</u>
Outstanding	<u>0.9</u>

SUPPLEMENTARY TO QUESTION NO 814 OF 1999

HON J J BOSSANO

How many was the total number of companies?

HON CHIEF MINISTER:

One thousand three hundred and fifty-one.

HON J J BOSSANO:

That is in fact fairly close to the sort of average of 1,400 so I take it that most of the companies have now been assessed for that year?

HON CHIEF MINISTER:

There may be some more to come through but I would have thought that that is quite close now to the usual annual figure.

NO 815 OF 1999

THE HON J J BOSSANO

**INCOME TAX – CORPORATION TAX**

Can Government state how many companies have now had assessments for the tax year 1997/98, the total amount of Corporation Tax assessed and the amount received to date?

ANSWER

THE HON THE CHIEF MINISTER

The Corporation Tax payable as at 14<sup>th</sup> September 1999 on 1328 companies assessed for the year of assessment 1997/98 totalled £9.4 million as follows:

	£M
Assessed	12.6
Less discharged	<u>3.2</u>
	9.4
Less paid	<u>8.0</u>
Outstanding	1.4
	====

NO 816 OF 1999THE HON J J BOSSANO**INCOME TAX – PAYE**

Can Government state how much was collected in PAYE in May, June, July and August of this year?

ANSWERTHE HON THE CHIEF MINISTER

PAYE collected in May, June, July and August 1999, net of refunds and subject to possible adjustment when reconciled with Treasury Books was:

	£M
May 1999	3.6
June	3.9
July	5.1
August	2.8

SUPPLEMENTARY TO QUESTION NO 816 OF 1999

HON J J BOSSANO:

I notice that on this occasion the qualification has been net of refunds. Is that also the case with the previous figures that have been provided although it has not been stated?

HON CHIEF MINISTER:

I would assume so but I cannot confirm it to him with certainty. I have been told that it would be but there is a difference between would be and is and I will certainly have that clarified for the hon Member.

NO 817 OF 1999

THE HON J J BOSSANO

**INCOME TAX – PAYE**

Can Government state what was the actual amount collected in the financial year 1998/99 in respect of income tax and of this how much was PAYE?

ANSWER

THE HON THE CHIEF MINISTER

In the financial year 1998/99, gross income tax receipts amounted to £49.6 million of which gross PAYE revenue was £44 million. The total for the year, net of PAYE refunds effected, was £47.2 million. These figures are based on the Tax Office records and are subject to change when reconciled with the Treasury Books.



NO 818 OF 1999

THE HON J J BOSSANO

**INCOME TAX – PAYE**

Can Government state what was the amount of PAYE payable in the tax year 1998/99 by area of employers as follows:

- a) MOD
- b) Gibraltar Government
- c) Government owned and Joint Venture Companies
- d) Private Sector Employment?

ANSWER

THE HON THE CHIEF MINISTER

Given that 495 Employer's PAYE Declaration and Certificates for the tax year 1998/1999 have not yet been returned any figures produced of PAYE payable would not be accurate enough to give meaningful information of the breakdown of PAYE payable by the different sectors which the question seeks. I would therefore ask the hon Member to seek the information at a later date.

SUPPLEMENTARY TO QUESTION NO 818 OF 1999

HON J J BOSSANO:

Is this an indication that the return by employers this year is less than in previous years since in fact the information has been provided in September in previous years?

HON CHIEF MINISTER:

I hope it does not just mean that the Income Tax Office could not be bothered to put that information across, this time round, because if it is? I doubt that, Mr Speaker, the hon Member raises an interesting point. I am sorry I cannot defend myself on that. If normally by this time of the year the information is available, I think he is entitled to deduce what he has deduced but I doubt that that is the real explanation. There is no reason to suppose that this year has been any worse than in previous years but that begs the question that his deduction begs and I will have to satisfy him on that, give me a few days to do that.

HON J J BOSSANO:

I take that the problem of the non return by 495 employers relates to private sector employment, presumably, there is nothing to have stopped the information being provided in respect of MOD, Gibraltar Government and Government owned companies since they are in the public sector, they are paying a tax to themselves?

HON CHIEF MINISTER:

Mr Speaker, I cannot explain to the hon Member why the Income Tax Office has concluded that they cannot proffer any information in answer to this question and I will obtain for the hon Member an explanation for that. Obviously when I saw this answer it did not suddenly strike me as a similar answer had been answered in a similar time otherwise it would have occurred to me, to put that to the Income Tax Office before the hon Member had the opportunity to do so. But I will give him a full explanation on that, Mr Speaker.

NO 819 OF 1999

THE HON J J BOSSANO

**INCOME TAX – SELF EMPLOYED PERSONS**

Can Government now say what was the amount of tax payable by self employed persons in respect of earnings in the tax year 1995/96, the total earnings assessed to tax and the amount of tax due, paid as at 31<sup>st</sup> March 1999?

ANSWER

THE HON THE CHIEF MINISTER

When this information was initially sought in May 1999 by Question No. 506 of 1999, I informed the House that I had been advised by the Commissioner of Income Tax that the information requested was not readily available in a reliable form in the time available. I can now provide some information but unfortunately not as detailed as is required by the question. For the year of assessment 1995/96 excluding assessments raised on those under the PAYE system the position as at 15 September is as follows:

	£M
Assessed	5.3
Less discharged	<u>3.1</u>
Resulting in	2.2
Less paid	<u>0.8</u>
Outstanding	<u>1.4</u>

NO 820 OF 1999

THE HON J J BOSSANO

**INCOME TAX – CORPORATION TAX**

Can Government state what is the total amount collected in Corporation Tax in each month since May 1999?

ANSWER

THE HON THE CHIEF MINISTER

The Corporation Tax collected in each month since May 1999, net of refunds, was:

	£M
May	1.6
June	2.7
July	1.0
August	0.3

These figures are subject to reconciliation with the Treasury Books.

NO 821 OF 1999

THE HON J J BOSSANO

**INCOME TAX – EMPLOYERS DECLARATION AND PAYE CERTIFICATES**

How many of the employers who have returned the 1997/98 Employers Declaration and PAYE certificates have not yet paid over to the Government the tax deduction from their employees up to 1<sup>st</sup> July 1998, and what is the number of employees affected and the total amount due?

ANSWER

THE HON THE CHIEF MINISTER

As at the 14<sup>th</sup> September 1999, from a total of 1,631 employers who had returned the 1997/98 Employers Declaration and PAYE Certificates, there is PAYE tax outstanding on 252 Returns totalling £0.81 million. As I have told the hon Member when he has asked this question in the past it is not possible to identify the number of employees affected as there is no way it can be established to which specific employees the PAYE tax outstanding refers.

NO 822 OF 1999

THE HON J J BOSSANO

**INCOME TAX – EMPLOYERS DECLARATION AND PAYE CERTIFICATES**

How many employers have not yet returned the 1997/98 Employers Declaration and PAYE Certificates and what is the estimated number of employees affected?

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker, 220 employers under which approximately 2000 tax payers are registered, had at the close of business on the 14 September 1999 not returned the 1997/98 Employers Declaration and PAYE Certificates. I would just add of that current total of 2000 that includes approximately 1,700 Government employees, details which are currently depending amendment consequent to pay review arrears.

SUPPLEMENTARY TO QUESTION NO 822 OF 1999

HON J J BOSSANO:

So, one of the 220 employers is the Government itself?

HON CHIEF MINISTER:

Yes, but accounting for the bulk of the employees, 1700 out of the 2,000.

HON J J BOSSANO:

This is something that has not happened in previous years?

HON CHIEF MINISTER:

Yes, I have given this qualification on the last three or four occasions.

HON J J BOSSANO:

I do not think so.

HON CHIEF MINISTER:

Well, certainly we had this very same conversation at the last question time. The qualification has been given at least once before.

HON J J BOSSANO:

In answer, or in fact in not having the answer to Question No. 818 because of the numbers of employers that had not yet returned the PAYE, the one that the Chief Minister is going to go back and check, how many did he say then had not returned the PAYE?

HON CHIEF MINISTER:

Four hundred and ninety-five.

HON J J BOSSANO:

Are the 220 the same as the 495?

HON CHIEF MINISTER:

Well, Mr Speaker, it is just that the questions relate to different years.

HON J J BOSSANO:

They relate to the tax year 1998/99.

HON CHIEF MINISTER:

Question No. 822 relates to 1997/98 and Question No. 818 relates to 1998/99.

HON J J BOSSANO:

I beg your pardon. I see. In respect of 1997/98, which is the previous year there is still 220 employers that have not returned it?

HON CHIEF MINISTER:

According to the Commissioner of Income Tax that is the case.

ORAL

NO 823 OF 1999

THE HON J J BOSSANO

**INCOME TAX – EMPLOYERS DECLARATION AND PAYE CERTIFICATES**

How many employers have not yet returned the 1998/99 Employers Declaration and PAYE Certificates and what is the estimated number of employees affected?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question No 824 of 1999.



NO 824 OF 1999

THE HON J J BOSSANO

**INCOME TAX – EMPLOYERS DECLARATION AND PAYE CERTIFICATES**

How many employers have not yet returned the 1998/99 Employers Declaration and PAYE Certificates to date, and what is the number of employees affected and the total amount of tax deducted?

ANSWER

THE HON THE CHIEF MINISTER

The hon Member will have noticed that the first half of the second question is the same as the previous question. As at the 14 September 1999, 495 employers under which approximately a total of 5,200 tax payers are registered, have not returned the 1998/99 Employers Declaration and PAYE Certificates. The total amount of tax deducted by employers who have not returned the PAYE returns cannot be established until the actual returns are lodged with the Income Tax Office. The 5,200 includes approximately 3,800 Government individuals details of which have not yet been returned by the relevant Departments due to the late implementation of the Pay Review.

NO 825 OF 1999

THE HON J J BOSSANO

**GIBRALTAR SAVINGS BANK**

Can Government explain why the audited accounts of the Gibraltar Savings Bank for the year ending 31<sup>st</sup> March 1998, which were ready in July 1998, have not been Gazetted until June 1999?

ANSWER

THE HON THE CHIEF MINISTER

The accounts of the Savings Bank for the year ended 31 March 1998 were submitted for audit on 30 July 1998. The audit was completed on 25 August 1998. The delay in gazetting has been largely due to problems with the printer. I have a long list of the dates upon which upto the tenth proof had to be exchanged with the printers and it occupies almost the entire period from the 4<sup>th</sup> September 1998 to the 15<sup>th</sup> June 1999 when the tenth and final proof was received back.

SUPPLEMENTARY TO QUESTION NO 825 OF 1999

HON J J BOSSANO:

Will the Government not agree that this is rather unusual since in fact the printer is the printer that has done it always. There was nothing unusual in this year's account to make it any more difficult to print than in previous years?

HON CHIEF MINISTER:

Well, Mr Speaker the underlined facts of the hon Member's supplementary is correct but I am informed that every time they came back they came back with errors which had to be proof read and corrected.

NO 826 OF 1999

THE HON J J BOSSANO

**GIBRALTAR SAVINGS BANK**

Can Government confirm whether the accounts of the Gibraltar Savings Bank for the year ending 31<sup>st</sup> March 1999 have now been audited?

ANSWER

THE HON THE CHIEF MINISTER

Yes, those accounts were finalised on the 22<sup>nd</sup> July 1999 and the audit was completed on the 12<sup>th</sup> August. Arrangements are now in hand for these to be presented as soon as possible. Copies of the accounts were sent to the printers on the 9<sup>th</sup> September for preparation of proofs.

SUPPLEMENTARY TO QUESTION NO 826 OF 1999

HON J J BOSSANO:

Presumably, in the light of the experience of previous years they will try and reduce the number of proofs that are required before the final version arrives.

HON CHIEF MINISTER:

I am sure that the Financial and Development Secretary will speak to the printers and make sure there is no repetition as in previous years.

NO 827 OF 1999

THE HON J J BOSSANO

**I & D FUND**

What is the estimated expenditure of the Improvement and Development Fund by Head of Expenditure up to 31<sup>st</sup> August this year?

ANSWER

THE HON THE CHIEF MINISTER

The estimated expenditure of the Improvement and Development Fund by Head of Expenditure up to 31<sup>st</sup> August this year is as follows:-

HEAD 101 – HOUSING	£1,143,970
HEAD 102 – SCHOOLS, YOUTH AND CULTURAL FACILITIES	£605,863
HEAD 103 – TOURISM AND TRANSPORT	£2,691,932
HEAD 104 – INFRASTRUCTURE AND GENERAL CAPITAL WORKS	£3,164,333
HEAD 105 – ELECTRICITY	£193,370
HEAD 106 – INDUSTRY AND DEVELOPMENT	<u>£647,453</u>
TOTALLING	<u>£8,446,920</u>

These figures are subject to departmental adjustments.

SUPPLEMENTARY TO QUESTION NO 827 OF 1999

HON J J BOSSANO:

Some of these totals are in fact relatively low pro rata to the amount that was provided for the whole year. I understand that the point is being made in previous years that some bills come in towards the end of the year rather than at the beginning. But is there in fact within this specific projects that are known to be well behind schedule?

HON CHIEF MINISTER:

Mr Speaker, it is not too bad. Remember that the question is up to the 31<sup>st</sup> August which is basically four months of the financial year. £8.5 million in four months is 30-odd per cent of the amount needed or near enough by what it will revoke in the end, £20-odd million?

HON J J BOSSANO:

£25 million.

HON CHIEF MINISTER:

£25 million is about 35 per cent which of course does not mean that I am suggesting by this answer that we will spend the £25 million. I cannot tell the hon Member whether there are any projects which have not got off the ground yet but most of the Government's programme is afoot and it is just a question of when the bills start coming in.

NO 828 OF 1999

THE HON J J BOSSANO

**PENSIONS ORDINANCE – PRISON SERVICE**

Are Government now in a position to explain why the pension rights of Prison Officers have been altered for those entering the service on or after 10<sup>th</sup> July 1998?

ANSWER

THE HON THE CHIEF MINISTER

I have here in front of me a long answer which has been prepared and which simply explains what I assume the hon Member already knows and is not asking which is why they introduced the change at all. I suspect on reconsideration that what the hon Member is after is why we chose the date the 10<sup>th</sup> July. So with his agreement I will skip over all the rest of it and just provide him with that information which is; that the hon Member will recall that the Government agreed to consider this issue at the request of one Prison Officer who is approaching retirement age. Retirement age under the old regime. Friday 10<sup>th</sup> July was chosen as the date by which the Staff Side had to agree to the proposed change to the legislation as the Prison Officer in question would attain the age of 55 on Monday 13<sup>th</sup> July on which date he would have had to compulsory retire. Mr Speaker, that explains why a later date was not chosen but of course it does not explain why an earlier date was not chosen and I think it was just a contemporaneous date, a date contemporaneous with the circumstances of the case which provoked this whole issue.

SUPPLEMENTARY TO QUESTION NO 828 OF 1999

HON J J BOSSANO:

I do not think that that explanation can be correct because my recollection of it and I raised it when the Bill was before the House and the Government said they would seek an explanation because they were not able to provide it then, is that the provision was for those entering the service on that date not leaving the service on that date. The explanation that has been given is that the date that was chosen was the Friday before the Monday when the man was due to retire but I think the provisions say people entering in the Prison Service after that date are covered by the new regulations.

HON CHIEF MINISTER:

Yes, but the hon Member is only dealing with half of what the legislation did. The legislation not only altered the rights of the people that had entered after that date but also gave the option to the people that had entered before the date to stay on until they were 60. In other words it abolished the compulsory retirement age of 55 in respect of the people who had entered before the 10<sup>th</sup> July. The hon Member may or may not recall the detail in an agreement that he may not have at the end of his fingertips but the actual agreement, called the fresh start agreement which was entered into in June 1988 actually foresaw this happening. I actually had not appreciated that at the time that we agreed to the request to do so but the 1988 fresh start agreement actually says that with regard to pensionability, new entrants into the prison service will or after a date to be prescribed which is what we have now done, be conditioned to the same arrangements as the existing Superintendent of

Prisons, that is, retirement at any time after they had obtained the age of 55 years and retirement shall be compulsory on attaining 60 years without doubling. So, that is exactly what has happened here and it was actually foreseen that it would or should happen as far back as June 1989. So the principle effect of the 10<sup>th</sup> July and in this respect it is arbitrary. It is that anyone who entered after the 10<sup>th</sup> July no longer has the option it is now obligatory, in other words whereas in respect of the previous people before they had the option of deciding whether they wanted to apply the regime under which they were recruited or otherwise opt to stay on.

HON J J BOSSANO:

My question at the time and the explanation I am being given now does not provide the answer. May be it was done by mistake. If we are talking about people having the right if they enter before the 10<sup>th</sup> July well look the man that was about to retire had entered long before the 10<sup>th</sup> July 1998. But nobody entered on the 13<sup>th</sup> July, that is to say, the fact that the man was leaving on the 10<sup>th</sup> July has nothing to do with who was entering on the 10<sup>th</sup> July or who had entered prior to the 10<sup>th</sup> July.

HON CHIEF MINISTER:

I entirely agree with the hon Member they are two completely different functions and one does not have to do them both by reference to the same date. I suppose that the draftsman did not know the date on which the legislation was going to be passed and put in the 10<sup>th</sup> July in relation to existing staff in case the law was passed afterwards without retrospective effect. It is the only explanation that I can think of. But I accept what the hon Member is saying that changing the regime for newcomers does not need to be done by reference to the same date as changing, offering a new option to old comers so to speak. I accept that. I do not know why the draftsman chose to do it, it does not seem to be necessary.

HON J J BOSSANO:

Related to that because my reading of the legislation when we passed it in the House, I have not got it in front of me now was in fact that the option was not something that had to be exercised on the 10<sup>th</sup> July or thereabouts. It had to be exercised at a certain age before retirement age and in fact the individual had already gone past that age.

HON CHIEF MINISTER:

The value of this alteration to the particular individual in question was that he had the option. He would have had to have retired by then. If we had passed this law after the 14<sup>th</sup> July without any retrospective provision the man in question would have been statutorily obliged to retire.

HON J J BOSSANO:

We passed it after the 10<sup>th</sup>.

HON CHIEF MINISTER:

After the 14<sup>th</sup>. Well that probably explains why there is a date for retrospection in that respect.

HON J J BOSSANO:

No, Mr Speaker, we are talking about the 10<sup>th</sup> July 1998. We did not pass it in 1998, we passed it in 1999.

HON CHIEF MINISTER:

Mr Speaker, the hon Member is absolutely right. I do not think that there is any reason it is just a date. I think it is just a date that somebody has put there unless of course this particular man in question ought to have retired in July 1998 rather than in July 1999 and he was simply kept on pending this review but I am not aware that that is the case.

HON J J BOSSANO:

I think that is how I understood the Chief Minister's original answer that the date had been chosen because if the 10<sup>th</sup> July 1998 had not been put there he would have had to retire on the 13<sup>th</sup> July 1998 which was a Monday. That is what I understood his original answer to say. The point that I am making is in fact that if he was due to retire on the 13<sup>th</sup> July 1998 then I think the Attorney-General should take a look at the Pensions Ordinance because we may need to change it again if he did not retire on that date because I do not think the change we did to the law allowed him to carry on working.

HON CHIEF MINISTER:

The hon Member is proffering advice which needs to be considered and taken into account. He cannot expect to have the answer right now.

HON J C PEREZ:

Mr Speaker, when the Chief Minister referred to fresh start I was very much involved with the implementation of fresh start from 1988. Is he aware at any stage of the fresh start programme was introduced without the prior agreement of the Staff Side through their Trade Union?

HON CHIEF MINISTER:

This change was introduced after consultation with and upon the agreement of the Staff Side.

HON J C PEREZ:

Is the Chief Minister aware that the Staff Side claim that there is no agreement on their part to introduce this part of fresh start and that the Personnel Department cannot find any Minutes to verify that they actually agree with the implementation of this change in the Pension Scheme.

HON CHIEF MINISTER:

No, Mr Speaker, nobody has told me that. I am not aware of what the hon Member is saying at all. Nor has it been introduced in a way which affects the rights of the current members of the Staff Side.

HON J C PEREZ:

I would suggest that he gets back to Personnel and check because there is an effect to it which the Staff Side are taking out with Personnel but perhaps to check as well that the condition of the Staff Side is that they did not agree to this prior to the Bill coming to the House.

HON CHIEF MINISTER:

Well, whether they did or they did not is an issue but not the issue. The issue is that the Government decided to do this on the basis that it did not affect the rights of any incumbent employee because it gives a choice to the existing staff in effect whereas before they were subject to one mandatory regime early retirement with doubling staying on until 60 without doubling. It gives them the choice and one cannot possibly be worse off. If one has the choice either to keep what one has always had, the regime that one has always had or to have a new one, I do not see how it can adversely affect somebody.

HON J C PEREZ:

It has an effect on promotion prospects particularly if there are two pension schemes operating together in the same place.

HON J J BOSSANO:

I understand in fact that the person that it was intended for has not in fact taken up the option. I am not very clear whether the law allowed the option to be exercised on more than one occasion. That is my understanding.

HON CHIEF MINISTER:

The Government did not just bring the legislation to the House only to help out this individual. It is true that it was this individual who brought the possibility to our attention and that that served as the catalyst. But frankly the Government, having had the matter brought to its attention, took the view that there was no reason why Prison Officers could not serve if they were fit to do so until 60. It did not seem to us to be an occupation in the nature of fireman, for example, that at the age of 55 he ceases to be capable of working as a Prison Officer. Obviously at the time that the legislation was passed the Government at the time took a different view, otherwise this would not have been put in the first place. So, the Government are quite content that this is now the law whether or not the officer in question took up the position. I am not expressing any view about the other point that the hon Member made because I am not aware that it is the case and it is not what the Personnel Management has told me but of course if there is a dispute between the Personnel and the Staff about the effectiveness of any alleged communication of the agreement then there would be that difficulty.

HON J J BOSSANO:

The point that I am making is, given that my information is that the person elected to go I think having elected to stay, is it that the law allows somebody that decides at a certain age that they will not keep to their own conditions but move to the new ones to subsequently change his mind and move back to the old ones?



HON CHIEF MINISTER:

No I think one has got to exercise ones option to stay before reaching the age of 55 and then they are in the same position as any other Civil Servant who I believe have the option to retire after 55 and it is a question of calculation about whether they have got full service or whether they are satisfied with the pension that they would get. I do not think if they decide to stay on beyond 55 they are then obliged to serve out time until they are 60. Sixty becomes compulsory but I think they have the same freedom as all Civil Servants to go before 60 and after 55 once they have got full service.

HON J J BOSSANO:

If the law changed the compulsory age by moving it from 55 to 60 and it changed the calculator for the years.....

HON CHIEF MINISTER:

No, it did not change the calculator. It said that if one opted to stay until one was 60 one did not double up. In other words one lost the benefit of the special regime that applied when one was forced to retire at 55.

HON J J BOSSANO:

Right, so therefore somebody opting to stay until 60 can then revert to the previous.

HON CHIEF MINISTER:

No, I am not going quite that far. I think that one can choose to retire but not to go back to the doubling up. I do not think that the law gives you that option.

NO 829 OF 1999

THE HON J J BOSSANO

**CIVIL SERVICE – GENERAL ORDERS**

Can Government state in respect of which grades in the Civil Service has General Order 14.2.3, which provides an alternative employment on medical grounds cannot be on terms of employment inferior to the post held, been suspended?

ANSWER

THE HON THE CHIEF MINISTER

Following an agreement to that effect of the Gibraltar Police Association, officers recruited into the Royal Gibraltar Police with effect from 2<sup>nd</sup> January 1997.

SUPPLEMENTARY TO QUESTION NO 829 OF 1999

HON J J BOSSANO:

So, this applies only to police officers, this change?

HON CHIEF MINISTER:

It applies only to police officers but does not apply to police officers who become unfit through injury suffered in the course of duty. In other words, if the reason for the medical grounds is as was the last case of a police officer that was injured as a result of an injury suffered in the line of duty then the old rules continue to apply even to the new recruits. In other words a new recruit who is rendered medically unfit through an injury suffered in the line of duty has the benefit of the old regime. But otherwise his ability to transfer to another job in the public service is on the job conditions that apply to that job and not to the salary conditions of the police.

HON J J BOSSANO:

Only police officers, and this is from January 1997?

HON CHIEF MINISTER:

In respect of intakes, in respect of recruits with effect from 2<sup>nd</sup> January 1997.

HON J J BOSSANO:

Is there a particular reason why this was thought necessary in the case of the police and is being retained for everybody else in the Civil Service?

HON CHIEF MINISTER:

Well, only Mr Speaker, that there had been a build up of cases of people obtaining recruitment into the RGP and then going on medical boarding for a variety of reasons none to do with injury suffered in the line of duty and then pretending to be placed elsewhere at a

policeman salary. If one wanted to be entirely cynical and the Police Federation were perfectly in agreement that the practice should not be available to anybody who might be thinking of abusing it, it is almost a way of obtaining recruitment into some other branch of the Civil Service for higher pay. One gets a job in the Police, one sticks it for a couple of years, then one says one is suffering from stress or from whatever it is. One does not go to work for six months, one goes on medical board and then one gets the Government to make one a clerk in some other department with a Police Constable salary and when we arrived in office there were a number of Police Officers who were in this condition without suggesting that that was their motivation but there were a number of medical boards which had built up over the previous few years and when we agreed to increase the complement of the Police Force we said that we wanted to address this issue and the Police Association were actually content. I think it is a tribute to their sense of responsibility that they were quite happy to go along with this.

NO. 830 OF 1999

THE HON J J BOSSANO

## TENDERS AWARDED

Can Government state which of the tenders awarded this year have been determined as a result of the application of preferential treatment to tenderers employing Gibraltarian labour?

ANSWER

THE HON THE CHIEF MINISTER

No tenders have been awarded solely on the application of preferential treatment to tenderers employing Gibraltarian labour. As already explained in answer to Question 248 of 1999 one of the criteria when awarding construction tenders is to take into account the extent to which the tenderer employs local labour.

SUPPLEMENTARY TO QUESTION NO 830 OF 1999

HON J J BOSSANO:

Well, Mr Speaker, the fact that it is one of the criteria what I am trying to establish is in respect of which it tipped the balance as it were, given that when I asked the question the last I was told they could not go back to when the policy was initiated. I have now brought it to a nearer date in the expectation that they will be able to tell me about the more recent ones.

HON CHIEF MINISTER:

In respect to the hon Member the question does not ask in which case this criteria tips the balance, it asks, "Can Government state which of the tenders awarded this year have been determined as a result of the application of preferential treatment?" And I think that this is what I said to the hon Member the last time he asked it. That to answer the question would require in effect the delivery to the hon Member the Minutes of the Departmental Treasury Tender Board because this is a discussion that takes place of the relative juxtaposition of the various criteria from which emerges a result, no I suppose it is not possible to go through the Minutes of each of the deliberations from this or any other date and try to detect that the instances in which this criteria featured in the discussion. But one will not find any minutes saying this and this one was therefore awarded on the basis that the balance was tipped by the Gibraltarian labour points. I have never attended one of these meetings but I think, I do not know whether the Attorney-General or the Financial and Development Secretary want to add to anything I have said, but I suspect it is not quite as scientific as that.

HON J J BOSSANO:

Would the Government not agree that when this policy was announced it was announced on the basis that it should act as an encouragement to private sector employers hoping to get Government work that their prospects would be enhanced? Then it is useful if that strategy is going to work that people should see that it should be working.

HON CHIEF MINISTER:

I do not know if one could do. Mr Speaker, I hope the Government have issued an instruction to the Departmental Tender Board to take this back to them for consideration. The Government assume that they are doing so and that the result of that is that there is some manifestation of the results of the application of that policy in contracts tending to end up in the hands more often than not of companies that employ local labour. But it is a guideline, it is one criteria, the Government have not said to the Tender Board, "You must give the contract to whichever of the applicants employs the most local labour." The Government have said to the Tender Board, "It is Government policy to encourage the employment of local labour." I sometimes see the Minutes of these proceedings and I have to say it occasionally jumps out at me on the page that they had discussed the factor but it is then not reflected in the results that this was the reason for the recommendation. So even on a tilting of the balance basis it would be difficult to give the hon Member accurate information because the way these things happen is that the Committee Members mention the criteria that they have taken into account but do not say on the basis of which of them the result emerges. Having said all that I am quite happy for the Chairman of the Treasury Tender Board to have a look through the Minutes to see if, or perhaps somebody to look at the Minutes, to see if any information emerges that will be of some use to the hon Member.

HON J J BOSSANO:

Given that it seems a desirable policy would it not be reasonable to see to what extent it is producing the desired objective. I would have thought, it would not only be in the interest of the House to know that the money we are voting is in fact producing better prospects of employment for Gibraltarians than it would if the policy was not there but also, I would have thought, that the effect the Government wants to have on the private sector would be more likely to materialise if they knew it was happening.

HON CHIEF MINISTER:

Yes, Mr Speaker, I agree with that.

NO 831 OF 1999

THE HON J J BOSSANO

## EUROPEAN PARLIAMENT – ELECTIONS

What response has the United Kingdom had to approaches it has made to other Member States to include Gibraltar in the elections to the European Parliament?

ANSWER

THE HON THE CHIEF MINISTER

Upon delivery of the European Court of Human Rights' judgement, UK Representative Officials in COREPER, General Affairs Working Group formally notified all the other Member States that a provision amending Annex II of the 1976 Act on Direct Elections to the European Parliament would be required to insert the words "and Gibraltar" in order to enable the UK to enfranchise the people and territory of Gibraltar. This amending provision would be included in the proposed Act on Common Principles for Elections to the European Parliament which the EC Council is currently drafting. This new Act will be a sister Act to the 1976 Act on Direct Elections and can be used to amend it. I understand that no Member State has opposed such amendment, except Spain. Spain raised its first formal reservations during the General Affairs Working Group Meeting on 31 May 1999. Spain appears to be questioning whether the European Court of Human Rights ought to have granted itself jurisdiction to hear the case and is also questioning that the judgement requires consideration into these respective areas of competence between the European Court of Human Rights and the European Court of Justice. Spain has since then requested that the matter should be examined by the Legal Service of the European Community Council.

SUPPLEMENTARY TO QUESTION NO 831 OF 1999

HON J J BOSSANO:

Since the last part has happened since the 31<sup>st</sup> May 1999, can the Chief Minister say how long ago that happened, so that we can monitor what goes on after that? The last bit was since then, that is since the 31<sup>st</sup> May Spain has illegal service. When is it that that happened?

HON CHIEF MINISTER:

No, Mr Speaker, I do not have that information to hand. Let me say that the advice that we have is that the attempt by Spain to call into question the jurisdiction of the Court, which actually is the argument that the United Kingdom used before the Court and that the Court has rejected, is thought to have no legal foundation. In other words, it is trite international law that once the European Court of Human Rights accords itself jurisdiction a judgement cannot be challenged by any signatory to the European Convention of Human Rights questioning the Court's jurisdiction and therefore Spain's approach has no legal merits whatsoever. The United Kingdom is proceeding to comply with the requirements of the judgement by insisting on the Act being amended as I have said.

HON J J BOSSANO:

Presumably this sister Act that allows the 1976 Act to be amended is an instrument which would require unanimity?

HON CHIEF MINISTER:

Yes, Mr Speaker, I believe that to be so. The consensus, I do not know to what extent one should rely on it, the consensus is that the Member States other than Spain will take the view that it is inconceivable that one Member State should issue its veto in a way which prevents another Member State from complying with a ruling of the Court of Human Rights which puts it in violation of the Convention of Human Rights. In other words, that it would be unacceptable to the European Community as a whole that one of its Members should be in persistent violation of the European Convention of Human Rights about which the European Community is prone to pontificate when it is breached by others.

HON J J BOSSANO:

I can understand the strength of that argument but, in fact, the case still is that however disapproving the other Member States may be or however much disbelief they may have about Spain acting in that way if it chooses to act in that way am I correct in thinking that there is no way of stopping it?

HON CHIEF MINISTER:

Well, Mr Speaker, I suspect that it would then have much more transcendental consequences. It might, for example, result in an ability to amend the Treaty on common principles. Mr Speaker, if that were to happen it would raise matters of comity of nations within the European Community which I think would leave the issue of whether we vote at elections or not important as it is to us. Relatively insignificant compared to the damage that it would do to the very spirit of the comity of Nations as between the Member States and the European Community. And it has to be said, Mr Speaker, that the European Community itself as an institution has subscribed to the European Convention of Human Rights. So this is not a question of the United Kingdom as a National Signatory being in violation. The community as a body is in violation through one of its members of an international commitment to which it has collectively subscribed.

NO 832 OF 1999

THE HON J J BOSSANO

**AMSTERDAM TREATY**

Is it still the view of the Government that the United Kingdom cannot be excluded from those measures under the Free Movement Chapter of the Amsterdam Treaty in which it is participating in the negotiations?

ANSWER

THE HON THE CHIEF MINISTER

That has never been the Government's view. The Government's often stated analysis of the position, confirmed by the British Government, is that no country has a veto on UK opting into new measures under the free movement Chapter that is Title IV. The position was last explained to the hon Member at the last Question session in this House in answer to Question No. 534 of 1999. In answer to that question I told the hon Member that under Article 3.1 of the protocol on the position of the United Kingdom and Ireland the UK may notify the President of the Council in writing, within three months after a proposal or initiative has been presented to the Council pursuant to Title IV that it wishes to take part in the adoption and application of any such proposed measure, whereupon the UK shall be entitled to do so. In this connection the hon Member and I have, in the past, debated in this House the practical effect in this regard of Article 3.2 of that protocol which says that after a reasonable period of time a measure cannot be adopted with the United Kingdom or Ireland taking part the Council may adopt it without their participation. The preferred, I am certain the United Kingdom, but admittedly untested view on this is that Article 3.2 of that protocol refers only to substantive content of the measure and not to its territorial application, since Gibraltar has a Treaty right to participate in Community, that is First Pillar measures. Gibraltar's exclusion from a First Pillar measure is not legitimised by any provision of the Amsterdam Treaty and could only therefore be brought about in breach of our EC rights, as occurred with British complicity in the case of the Air Liberalisation Directives, which was challenged by the Opposition Members when in Government in Court precisely on the grounds that I have just explained. This is what I asked the Foreign Affairs Committee to be vigilant about. Everything that I have just said relates to new free movement measures. As the hon Member is aware, a different regime applies to existing Schengen Acquis measures in which, as we all know Spain enjoys a veto, and some of which may be allocated a legal base in Title IV.

SUPPLEMENTARY TO QUESTION NO. 832 OF 1999

HON J J BOSSANO:

My question is about the new measures where the United Kingdom, presumably has already in some of those new measures, indicated its desire to participate and therefore has already notified the presidency under the provisions 3.1 which the Chief Minister has quoted. And therefore what we need now to establish is when the crash comes under title 3.2 if Spain objects to the United Kingdom going in unless it leaves us out, whether in fact that is possible or not possible. But at this stage the answer that the Government still believe it is not possible but it has not yet been tested, is that correct?



HON CHIEF MINISTER:

Mr Speaker, we are now straying to the subject matter of the next question which relates to the new measures but I do not mind dealing with the matter now. The British Government contend, and this is part of the answer to the next question, the one after that Gibraltar has a Treaty entitlement to participate in First Pillar because they are Community measures. And therefore the Treaty of Amsterdam and nothing that was agreed under the Treaty of Amsterdam permits or rather dilutes that position. In other words, nothing in the Treaty of Amsterdam says it is now legal for a First Pillar measure to be disapplied to part of a territory of a community. The view of the United Kingdom is that the type that the Article Protocol 3.2 would not enable Member States to say, if I insist on the United Kingdom being excluded from this, unless Gibraltar is excluded waits a reasonable period of time and says as the United Kingdom insists on Gibraltar being included and I insist on Gibraltar being excluded I have waited patiently for a reasonable period of time, it is therefore not possible to proceed with the United Kingdom and therefore we proceed without both the United Kingdom and Gibraltar. The view that has been taken but has not yet been tested, could be tested soon because there are two First Pillar measures, and the Title IV in the pipeline, we will reveal that in answer to the subsequent question, but the view is that Article 3.2 of that protocol cannot be used in that fashion. Now, which is not to say that in the pressure of the negotiation the United Kingdom may not agree to it happening. In other words, agree to Gibraltar's suspension as it did in the case of the Air Liberalisation Directives in the 1980's. And what I asked the Foreign Affairs Committee in that section of my evidence which has been the subject matter between exchanges between us before, is look, we believe it cannot be done to us as a matter of legal right, but of course if they tried to do it to us as a matter of agreement without the United Kingdom's acquiescence please be vigilant about that and make sure that the British Government does not agree to that as happened in the case of the Air Liberalisation Agreement. But until there is an attempt by Spain to round that argument about the territorial application in relation to Article 3.2 it is not possible to know what position the United Kingdom is going to take and others are going to take in relation to that interpretation of Article 3.2

HON J J BOSSANO:

Surely the point is that when this is tested if indeed Spain is able to use paragraph 3.2 of Protocol which I think was the famous Protocol Y, which has now got a name, to blackmail the United Kingdom into either staying out itself or going in without us then if that situation materialises then it will mean that the view that has been put throughout that there was no way that this could happen unless the United Kingdom tried to enter after the event would have been wrong.

HON CHIEF MINISTER:

No, Mr Speaker, because the debate is simply to have taken place on the basis of whether the Treaty of Amsterdam allowed that to happen, in other words legitimise, permitted it, rendered it a contractual agreement that this could happen. The view is that it does not that it would be an abuse of Article 3.2 of the Protocol. No one has yet tried to abuse it although Spain has registered her objections to the application of those first two measures to Gibraltar. That the first two measures in the pipeline which is where the testing is going to come but the view taken in the United Kingdom and Gibraltar is that on a correct interpretation of that Protocol it does not permit Spain to run that Argument. In other words that Spain would not be entitled to say I have now a Treaty right to procure Gibraltar.

HON J J BOSSANO:

Then if that is the view that the United Kingdom takes then in fact they are in a position if they choose to resist such an attempt, whereas if in fact they are wrong in their view they would not be in a position to resist it without having to pay the price of staying out themselves, surely that is what the crucial issue is. Whether they have the political will to do it or not is one thing and whether in fact they can do it without paying a very heavy penalty changes surely the balance of the likelihood of it happening.

HON CHIEF MINISTER:

Yes, Mr Speaker, we are talking about legal rights we are not talking about what the United Kingdom may choose not to exercise, absolutely. But in that respect we are in the same position even without the Amsterdam Treaty on any directive, on any community measure even before Amsterdam we were in a position that if the UK wanted to it could agree to its disapplication to Gibraltar. And indeed she has done so, before the Amsterdam Treaty in the case of the Air Liberalisation Agreement. I know that the hon Member's position is that in those cases the United Kingdom also have the veto, in other words, that the United Kingdom could say, "Well, if you will not let it apply to Gibraltar I will not let it apply to anybody" and there is where the political will comes in. What we are saying is, what we have been told is that that position has not changed. That Spain has not acquired any legal right of veto which the United Kingdom does not enjoy because the Protocol does not entitle her to use the territorial application point as an alleged reason of it not being possible to proceed with the United Kingdom participating, but that is the theory of it, Mr Speaker. Time will tell how that is applied in practice because we know that very often Gibraltar is treated in a way which is the result of people's practical decisions, which we are set are illegal and we then find ourselves frustrated in the opportunity to challenge it.

HON J J BOSSANO:

Yes, Mr Speaker, I agree entirely with that analysis because I think that is the crunch point. If the position is now approaching the moment when it is going to be tested then would the Government not agree that if what we find ourselves is a situation where the United Kingdom chooses not to stand up for our right and our acquiescence to our exclusion. Notwithstanding the fact that they cannot be bulldozed into it by an application of Article 3.2 which they claim to be erroneous, that is one set of circumstances which is very reprehensible on the part of the United Kingdom, indefensible because it would mean that they would have the ability to block things to defend us, which they will presumably do if they were doing it for themselves but they are not prepared to do it. But if in fact the interpretation that they have been putting to the Government of Gibraltar were put to the test turns out to be incorrect and it would not be the first time that the United Kingdom legal advice to Gibraltar has turned out to be wrong. What happened in a very recent one which came up in the previous question about our right to vote. They argued until they were blue in the face that we could not do it. Then in fact they would have had their position weakened to stand up for us and consequently the whole point is, that if when they are in a strong position to protect us they sometimes do not then when they are in a weak position to protect us the odds must regrettably be increased against UK standing up for us compared to the previous position. That is really, the crunch of it.

HON CHIEF MINISTER:

I think that that is axiomatic.

ORAL

NO 833 OF 1999

THE HON J J BOSSANO

**AMSTERDAM TREATY**

Are Government aware which measures the United Kingdom is not opting into in the provisions of the new Free Movement Chapter under the Amsterdam Treaty?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question No 834 of 1999.

NO 834 OF 1999

THE HON J J BOSSANO

### AMSTERDAM TREATY

Can Government state whether the United Kingdom has confirmed that Gibraltar will be included in whatever measures the United Kingdom opts into under the Amsterdam Treaty?

ANSWER

THE HON THE CHIEF MINISTER

The British Government have confirmed to the Gibraltar Government that their position is that UK optings into new Title IV Free Movement Measures include Gibraltar. As I explained to the hon Member at the last meeting of the House, the UK's application to opt in to existing Schengen Acquis Measures requests that the following measures should not apply to Gibraltar.

Articles 40 to 43 dealing with hot pursuit by police across borders.

Articles 48 to 53 dealing with mutual assistance in criminal matters which provisions purport to supplement the 1959 Convention on Mutual Legal Assistance which itself does not apply to Gibraltar.

Articles 59 to 66 dealing with extradition which provisions are intended to supplement the 1957 European Convention on extradition which itself does not apply to Gibraltar. And finally those provisions of the Schengen Acquis, such as Article 75, which will be allocated a legal base of Article 95 of the Treaty establishing the Community and which relate to the free movement of goods, since Gibraltar is outside the Common Customs Territory.

The process of allocating a legal base in community law to the existing Schengen Acquis provisions has not yet been completed. The only provisions of the Free Movement Chapter, that is Title IV into which the UK is not opting are those Articles of the Schengen Acquis into which the United Kingdom is not opting and which have or may be given a legal base in the first pillar. The UK's application to opt in to the Schengen Implementing Convention does not apply to the following Articles of that Convention, in other words, these are the Schengen Acquis, the Schengen implementing Convention because the Schengen Acquis comprises not just the implementing Convention but declaration and decisions built up over the years. The UK opt-in to the Schengen Implementing Convention does not apply to the following Articles.

Article 1 which is the interpretation, the definitions Article, except insofar as the Article is relevant to Articles that the UK is opting into. Articles 2 to 38, Article 45, Articles 77 to 91 and Articles 120 to 125.

I will be happy to give the hon Member a copy of Council Decision 1999/435 of the 20 May 1999 so that he can see which of the above Articles of the Schengen Convention into which the UK is not opting into have been given a legal base in Title IV, that is the Free Movement, because they are the only Free Movement Measures into which the UK has so far decided not to opt into. In other words, it is only the Schengen Acquis into which it is not opting into and which have, some already have, others have not yet may be given a base in the First

Pillar, that is Title IV. There are currently no other proposed measures under Title IV into which the United Kingdom has decided not to opt in and I hope that that explanation is intelligent.

SUPPLEMENTARY TO QUESTION NOS 833 AND 834 OF 1999

HON J J BOSSANO:

Yes, Mr Speaker, it is intelligent, and I am grateful for the offer to pass me the document, which I will study. Can I take it that there are still measures on which a decision has not been taken or are these mutually exclusive, that is to say, if it has not been left out then it follows that they are wanting to go in, or are there still areas on which no decision has been taken.

HON CHIEF MINISTER:

No, Mr Speaker, I will also pass to the hon Member a copy of the Schengen Implementing Convention in which I have endorsed personally, the Articles of the United Kingdom has opted into and the Articles not opted into, in other words, the United Kingdom has now decided which specific Articles it is going to opt into and what it is not opting into. This document that I have alluded to before, the Council decision 1999/435 is precisely a decision of the Council to allocating to each Article of the Schengen Implementing Convention a particular base in community law. So, Article 2 Schengen Implementing Convention that one is under the First Pillar I recall. Article 3 of the Schengen Implementing Convention that one is under the First Pillar, Departmental Agreement and those two have already been issued. Those two have already been allocated legal basis and the principle one is not and into which the UK wishes to participate is the Schengen Information Assistance. That is the one that has not yet been given a legal base. Now it has to be said, Mr Speaker, that there is a default mechanism in the Amsterdam Treaty, so that if there is no agreement on the allocation of a particularly new base, it goes by default into the First Pillar.

HON J J BOSSANO:

In the case of these particular Articles which the United Kingdom is opting out or opting into this are all the three existing measures over which Spain retain the veto under another part, is that not correct, this are not new measures?

HON CHIEF MINISTER:

All of these, both the ones she is opting into and the ones she is not opting into, they are all Schengen and therefore Spain has a veto on all of them. These are not new measures, exactly.

HON J J BOSSANO:

In respect of the new measures which are the ones where the United Kingdom believe Spain has not got a veto, is there in fact, of the measures that have been discussed so far any where the United Kingdom has not wanted to join or have they so far said they want to join all of them?

HON CHIEF MINISTER:

That is the subject matter of the next question, but the answer is , there are two or three which we are going to discuss when we come to the next question. And the UK is proceeding on the basis that she is opting in. In other words there has been no decision to opt out or to not to opt in.

HON J J BOSSANO:

In respect of question 834 which is the one that is being answered together with 833, the UK position is what? That not only that we have a legal right to be in but that we have no choice but to go in with UK. That we cannot take a different position?

HON CHIEF MINISTER:

Yes, that is the essence of the United Kingdom position. And that is that we go in as a matter of obligation unless she chooses to exercise the right to exclude us. Yes, that the Treaty of Rome which is the Treaty establishing the community as opposed to the Treaty establishing the Union. The Treaty establishing the community which is where the First Pillar is and which is what is community law, community measures has a territorial application clause, Article 2294 says this Treaty and all measures under it applies to Gibraltar. This is why the hon Members were quite correct in law in my judgement to have challenged the purported exclusion of Gibraltar from the Air Liberalisation directives and regulations which were First Pillar Measures and we never got the opportunity to have that question tested because my understanding of the ruling is that they never got to considering the merits, they just said we did not have a right to be before the Court.

HON J J BOSSANO:

Because only a Member State could be.

HON CHIEF MINISTER:

So, that is the same, exactly the same thinking here. That there is no provision of the Treaty establishing the community which entitles Member States to partially disapply a community measure from any part of its territory and that the United Kingdom is in fact not free to say just as she is not free to say, this directive will not apply to Brighton, she is equally not free to say, this directive shall not apply to Gibraltar. Because the Treaty of Rome, the Treaty establishing the community does not distinguish between Brighton and Gibraltar.

HON J J BOSSANO:

Is that a new position on the part of the United Kingdom?

HON CHIEF MINISTER:

I am not saying it is the United Kingdom's position.

HON J J BOSSANO:

Well I have understood it anyway. What is the United Kingdom's position that we are entitled by law to be in but we can choose not to?

HON CHIEF MINISTER:

No, certainly not that we can choose not to be in. The position of the United Kingdom is that their applications include Gibraltar by Treaty application. Let me tell the hon Member that we take great care to keep on reminding the United Kingdom when all these things are being discussed that upset as we become when we are cajoled into a disadvantageous position in respect of Third Pillar Measures it will be nothing in comparison to our aggrieve if we are excluded from a First Pillar Measure because First Pillar are community measures. One thing is to be excluded from an inter-Governmental Agreement, which is a Treaty between 15 countries and they are free to agree or disagree what they like. In other words there is no Treaty of Rome right to be included in what is after all an international agreement between 15 countries which is what the Third Pillar is, but that the First Pillar is the body of community law and community measures and to be excluded from a First Pillar Measure is tantamount to being excluded from a community measure and that has not happened since the Air Liberalisation directive and regulations.

HON J J BOSSANO:

Did not the answer given by Joyce Quinn in the House of Commons that there were discussions going on with the Government of Gibraltar so that the Government of Gibraltar could say what they wanted to be included in necessarily suggest that the Government of Gibraltar was being asked what they wanted to be opting into and what they wanted to be opting out of?

HON CHIEF MINISTER:

No, Mr Speaker, no one has asked me what I want to be in with the choice attached to it that I will be left out of what I do not want to be in. The United Kingdom did however, put to us in advance, what its own opting position was going to be and asked us for our comments without suggesting that our comments was going to drive British National policy, United Kingdom national policy on the matter. Our position actually is that we would prefer to be included in all the United Kingdom Schengen opt-ins. One of the things that I have read out to the hon Members in answer to Question No. 834 is the UK opt-ins under Schengen from which the UK wishes to exclude Gibraltar. Now, I am not concerned about the exclusions from opt-ins, because of the nature of the content but because I am worried that if there is a precedent established for the legitimacy, not legitimacy in terms of legality, but for the political legitimacy of excluding Gibraltar from bits of Schengen at the UK's requirement, it creates an element of moral precedence for Spain should UK ever wish to opt into the frontiers and visas parts of Schengen from which she is presently not opting in. Spain will say, "look UK if you wanted to opt out of Articles 40, if you wanted to opt Gibraltar out of Articles 40 to 43 dealing with hot pursuit across borders for reasons of your own I want to exclude Gibraltar from frontiers for reasons of my own" and Gibraltar will not longer be in a position to say "no that is absolutely outrageous because we are part of the whole of Schengen". Now, the UK's answer to that from which she claims to have UK commission backing is that they have got to be, and this is true, that they have got to be objective reasons for the exclusion. In other words that the United Kingdom is able to justify each of these exclusions not by reference to political whim or political convenience or political expediency which will be the case of Spain's desire to exclude us from frontier but for objective practical reasons. It is all very well to talk about hot pursuit again across borders when it is an open border, but how can one have hot pursuit across the border which is regulated by customs and by police and where everybody queues and where one has to show ones passport. One cannot have hot pursuit, so allegedly objective argument goes, across the border which is the most regulated control, there is nothing to stop and say, "look

can I come in please because I am chasing that crook that just passed there". In other words that the objective factor of circumstances necessitate the exclusion of Gibraltar. As to the items 2 and 3, what the United Kingdom is saying and the Commission is agreeing with her, is look, here are a set of Articles under the Schengen Implementing Convention which say on their face that this are supplemental to Conventions which do themselves do not apply to Gibraltar. So how can Gibraltar end up being subject to supplementary clauses A, B, C and D when she is not subject to the whole of the Convention of which there are supplementary. And in respect of the fourth item of Gibraltar exclusion from UK Schengen opt-in the allegedly objective argument is that Article 95, in other words free movement of goods directives do not apply to Gibraltar that is why Gibraltar has not transposed all the goods labelling directives for example. Therefore to the extent that any part of the Schengen Acquis I think it relates to some drugs matter, is being given a base in an Article which relates to single marketing goods from which Gibraltar is excluded and is not applying any of the directives that are given a base in that Article then Gibraltar, it would be counter productive, in other words it would debilitate Gibraltar's position if we insisted on being included in this one, when we are arguing that we should be excluded from all the directives under that Article because of its non Treaty applicability. So that is the position. Non of those is political convenience. Each of those is objective circumstances the argument goes that therefore it does not create precedent for Spain because all she could say is, "I do not think the external frontier provisions should apply to Gibraltar because I believe it prejudices my sovereignty claim". That is not an objective legal reason. That is simply a political wish not to prejudice a claim which was not, in other words, which prejudice of which non prejudicing of was not made the condition of Spain's Treaty obligations. In other words when Spain signed the Treaty of Rome she says, she did not say if my obligations to comply with the Treaty of Rome are subject to not being required to do anything which I believe prejudices my sovereignty claim to Gibraltar and therefore she would have no objective bases to make that argument. I have just rehearsed the arguments so that the hon Member is familiar with them but we think it would still have been preferable not to have been in the position of Spain being able to point to any of Gibraltar's exclusion from Schengen. I would rather have been included without the possibility of having to implement than not being included on the basis of an objective circumstance.

HON J J BOSSANO:

Given those frankly logical arguments the position is that the United Kingdom is proceeding on the basis that we are staying out of those areas presumably we are supporting that position from Gibraltar. Is that the case?

HON CHIEF MINISTER:

Well, we are not supporting it, the first part is right. The hon Member said last time that he already had a copy of the British Government's formal letter of application and it is available on the internet. I am happy to give him a copy of that as well if he does not have it to hand. The formal letter signed by Jack Straw which attached the UK opting application.

HON J J BOSSANO:

I do not have the attachment I have the letter.



HON CHIEF MINISTER:

Well, that makes it perfectly clear that the UK application excludes Gibraltar in the case of these four matters. And Gibraltar is not supporting it in the sense that what we have been asked from the British Government is not to exclude us from those applications.

NO 835 OF 1999

THE HON J J BOSSANO

**AMSTERDAM TREATY**

Can Government list the First Pillar Measures currently under consideration by the European Union in respect of matters covered by the new Free Movement Chapter agreed in the Amsterdam Treaty?

ANSWER

THE HON THE CHIEF MINISTER

As far as Government are aware there are currently two measures under consideration by the EU in respect of matters covered by the Free Movement Chapter. These are:

- 1) A proposal to replace the 1967 Service of Documents Convention and Brussels II Convention, and
- 2) A Draft Regulation on Cross-Border Insolvency.

The first deals with jurisdiction, recognition and enforcement of judgements in matrimonial matters and the transmission of judicial and extra-judicial document in civil and commercial matters between Member States. The second provides for the automatic recognition of insolvency proceedings in one Member State by other Member States.

SUPPLEMENTARY TO QUESTION NO 835 OF 1999

HON J J BOSSANO:

Am I correct in that the Brussels II Convention, the Chief Minister mentioned a date of 1967 at the beginning. The Brussels II Convention was the one that in 1997.....

HON CHIEF MINISTER:

No, there are two items, Mr Speaker. The first item comprises two old separate measures which are now being taken together. It is the 1967 Service of Documents Convention and separately the Brussels II Convention. Both of those are being consolidated in one new type of four measures.

HON J J BOSSANO:

The Brussels II Convention is the 1997 Convention which in May 1997 Spain objected to Gibraltar's inclusion and which has not been finalised because it has been caught up by Amsterdam. Is that not correct?

HON CHIEF MINISTER:

The first one is the Convention that the UK eventually and recently extended to Gibraltar. The hon Member will recall that. Yes, the second one is that one. The second one is the one that the hon Member has just described which has been caught up, it is not that it has been

transferred from the first, it is still at the proposal stage and is being transferred to another track as a proposal.

HON J J BOSSANO:

Is it not the case, in fact that in the case of the second one, what I have seen recorded in Minutes the proposal is that the Draft Text should be incorporated into the new First Pillar instrument. Are the Government aware of that?

HON CHIEF MINISTER:

Yes, my information is that this is going to be a free standing text as part of the First Pillar. This is a new Convention, a new measure newly put into words in a new text to a document and that would be a measure adopted under the First Pillar. So it would be, if it cannot come through in the form of a Convention it must come across in a form of a Council Act or in the form of a directive.

HON J J BOSSANO:

My understanding of the position is that the structure would have to change because it started off line as a draft Convention and is now going to finish up a First Pillar, either as a directive or regulation. But, that it was being processed on the premise that it would not require discussion because the structure was changing but the content would remain as had been originally agreed. Even though originally it had been agreed in the context of Masstricht and the Third Pillar.

HON CHIEF MINISTER;

I do not know whether the text is now agreed. For example, the text cannot have been agreed, at least the territorial application cannot have been agreed because Spain maintains reservations about the application of both of these things for Gibraltar and the reason for that is that they both require Spain to recognise our cause, and that issue, for example, has not been resolved.

HON J J BOSSANO:

Do the Government have a date for when it reached this point that Spain objected so that we are able to assess what has been happening since then?

HON CHIEF MINISTER:

No, Mr Speaker, I cannot tell the hon Member. I have no doubt that Spain objected at the time that it was Third Pillar, or at the time, I suspect....

HON J J BOSSANO:

We know that.

HON CHIEF MINISTER:

Yes, but as to exactly when Spain, I could not tell the hon Member. We may have that information in our files but I have not got it to hand.

HON J J BOSSANO:

My understanding of the position perhaps, Mr Speaker, I can explain it on the basis of asking the Government to be able to either confirm or correct if the position is as I understand it. My understanding is that when they objected to the territorial extension to Gibraltar as a Third Pillar Measure they were successful.

HON CHIEF MINISTER:

No, the only instances of measures being discussed under the Third Pillar of which the Government became aware that the United Kingdom had or was intending to agree either to Gibraltar's exclusion or to Gibraltar's inclusion without recognition of our competent authorities is those three ones the Eurodac, driving licence disqualification and Eurofin, the one about the Court network. Those are the three. Indeed one of the things that we are concerned about is that this is a Convention that the United Kingdom has extended to Gibraltar and when notified to the Service of Documents one, which was eventually extended to Gibraltar last year, and the United Kingdom notified, I think it was the Dutch who were the registrars, the secretariat of that Convention and the Spaniards were trying to question the validity of that ratification, the extension of that ratification to Gibraltar. That is the Convention which is being replaced in an EU context by this.

HON J J BOSSANO:

So this is the Brussels Convention that is sort of linked with the Lugano Convention, the Brussels Lugano.

HON CHIEF MINISTER:

Absolutely.

HON J J BOSSANO:

So, it is not the Brussels II Convention which has to do with matrimonial.

HON CHIEF MINISTER:

Yes, one is Brussels II Convention.

HON J J BOSSANO:

Well, Mr Speaker, my understanding is in fact that the Brussels II Convention and the Brussels Lugano thing are not the same thing.

HON CHIEF MINISTER:

No, absolutely right.

HON J J BOSSANO:

My understanding is that although the 1967 Brussels Lugano package was extended to Gibraltar and then subsequently Spain raised objections, the Brussels II Convention was one in fact which the UK had conceded the position. The Government is saying.....

HON CHIEF MINISTER:

Mr Speaker, I have no immediate knowledge or recollection of that. I have to check that. What is the date of Brussels II?

HON J J BOSSANO:

I think it was May 1997 at the same time as the Eurodac.

HON CHIEF MINISTER:

I do not think so, there is only three from which we are excluded. I do not think we are excluded from Brussels II, but I am certain on the basis of what the hon Member is saying I shall certainly check it and perhaps we can have a conversation on Monday about it.

NO 836 OF 1999

THE HON J J BOSSANO

## GIBRALTAR I D CARDS

What legal advice have the Government obtained over the decision taken by the European Union College of Commissioners to freeze any further action over the two test cases submitted in March 1997 and March 1998 concerning Spain's refusal to accept Gibraltar ID Cards as valid EU travel documents?

ANSWER

THE HON THE CHIEF MINISTER

The hon Member will recall that in reply to Question No. 532 of 1999, I stated that the Commission had informed the Government that it had suspended action pending the outcome of negotiations between the United Kingdom and Spain over the various points at issue. That was the position as stated in the Commission's letter dated 11 March 1999. I am glad to inform the hon Member that as a result of some pressure exerted by the Gibraltar Government thereafter on the Commission, the Commission wrote back on 8 June 1999 stating that the contents of its letter of 11 March 1999 had to be understood in the context of the fisheries dispute and the meeting between Mr Blair and Sr Aznar which was then due to take place at Chequers on 11 April 1999. In its letter of the 8 June, the Commission categorically states that: "the infringements procedure concerning the recognition of the Gibraltar Identity Card remains open and subject to review". The Government have maintained the pressure on the Commission since then, by letter dated 5 July 1999 and by telephone, the last time on 8 September 1999.

The position is still as stated by the Commission in its letter of 8 June 1999. The Government appreciate that as so often happens with Gibraltar related complaints, the Commission may well say that the complaint is open but do nothing to advance it. If this happened in the context of this complaint there is very little that an individual complainant or the Gibraltar Government can do against the Commission. The complaint which was the only meaningful recourse available to us directly before the EU institutions can only lead to the Commission commencing infraction proceedings against Spain under Article 226 of the EC Treaty, ex Article 169. Under this provision the Commission enjoys a discretion as to whether to act or not. It is not under an obligation to act. It is therefore not possible for an individual complainant or the Gibraltar Government to contemplate an action against the Commission for failure to act.

SUPPLEMENTARY TO QUESTION 836 OF 1999

HON J J BOSSANO:

Is it not the case that the Member State can act, Mr Speaker, if the Commission does not?

HON CHIEF MINISTER:

There is provision under I think it was, I do not know whether it is now, following the Amsterdam re-numbering. I think it was Article 80, I think which enabled a Member State to take action directly in the European Court of Justice against another Member State alleging breach of the Treaty. The United Kingdom has shown no visible measurable inclination to take that action.

HON J J BOSSANO:

Surprising, but if that is an argument that is open would the Government not agree that the immobility of the Commission can be used to lobby the United Kingdom to do the alternative to the Commission doing it because the Commission is not inclined to do it.

HON CHIEF MINISTER:

Well, of course, that is exactly what the Government are saying. There are other completely different routes which may be open and which the hon Member will forgive me for not revealing in public today and which we are considering for imminent application, but it does not relate to action against the Commission or action by the Commission, or action by the United Kingdom.

HON J J BOSSANO:

I am not going to press the Government to tell us in public because we do not want to do anything that in any way reduces the chances of success but if and when the Government feel they can give me some indication of what is happening or about to happen I would be grateful.

ORAL

NO 837 OF 1999

THE HON J J BOSSANO

**GIBRALTAR CONSTITUTION**

Can Government confirm that in considering what the new Constitution of Gibraltar should provide the Government are looking at Bermuda as a model?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question No 838 of 1999.



NO 838 OF 1999

THE HON J J BOSSANO

**GIBRALTAR CONSTITUTION**

Can Government explain what are the changes to the Constitution that the United Kingdom Government is willing to accept in respect of which the Government said it now had a clear idea in December 1998?

ANSWER

THE HON THE CHIEF MINISTER

I do not think that it is appropriate to pre-empt the imminent work of the House Select Committee on Constitutional review. However, the Government are not looking at the Bermuda Constitution as a model, even though it does contain some provisions which would represent an advance for us in certain limited domestic areas and which Government would wish the Committee to consider.

SUPPLEMENTARY TO QUESTION NOS 837 AND 838 OF 1999

No doubt the Government will put to the Committee what it wishes the Committee to consider but would the Government not agree that in putting in the public domain what the Government know the United Kingdom is willing to accept and knew as far back as December 1998 is putting everybody on an equal footing in whatever views they want to put to the Select Committee. Would the Government not agree that if the Select Committee is going to invite representations and only one party in Gibraltar knows something that the rest do not, all the rest of us are handicapped.

HON CHIEF MINISTER:

Well, Mr Speaker, this is not supposed to be an equal race. There is a Government and there is an Opposition and there is a House. The reason why the Government do not put that in the public domain is not because we wish to be the sole custodians of the information for some political advantage but rather that it would be abnormal for the hon Member to be proposing to limit himself to asking for what the United Kingdom has indicated it will agree to. I am assuming that what the United Kingdom has put to the Gibraltar Government is its opening shot and certainly, I do not mind telling the hon Member this, that the measure of Constitutional modernisation that the United Kingdom Government has so far indicated it is willing to accept at this stage is not sufficient even for me let alone for him.

HON J J BOSSANO:

That I accept is a good indication or would the Government not agree that by saying in December 1998 that they now had a clear idea of what the United Kingdom was willing to accept, in fact, they chose to make that public. Would the Government not consider asking the United Kingdom to make its position clear to all of us publicly?

HON CHIEF MINISTER:

I have no doubt that when we enter into and let us not forget the intended chronology at least the chronology intended by the Government what the Opposition has in mind is a different matter, what the Government are trying to achieve is to arrive at a consensus Gibraltar view. Consensus not just from this House but in respect of people outside of this House that they wish to make representations but ultimately this House and it is hoped that the text of a Constitution form, constitutional ingredients which we wish to press the United Kingdom to deliver to us and that is when the debate between Gibraltar and London begins and until that point we are conducting an internal debate. I have no doubt that at that point the United Kingdom will make its position to Gibraltar clear because at that point the United Kingdom will not be discussing these things just with the Government but it will be discussing these things generally with Gibraltar. The Government have no intention of sewing up a deal on the Constitution bilaterally with the UK or by itself. We are committed publicly not to do that. Another thing is that we conduct a broader process of which there is not unanimity and then the Government have to decide whether to press forward notwithstanding that is a different issue. Mr Speaker, I really do not see that it is advantageous to anybody to put either parties negotiating position or either parties' current stance not that Gibraltar's current stance has not been elaborated yet, but I think the hon Member will agree that it is not good negotiations. It does not create a climate to expose either ones own hand or indeed the opponent's hand. It just creates atmosphere.

HON J J BOSSANO:

I do not agree otherwise I would not have put the question. I certainly would agree that it is not a good idea to show ones hand but I see nothing wrong with seeing the hand of the other....

HON CHIEF MINISTER:

Assuming it is not a hand.

HON J J BOSSANO:

Well, but given the fact that we are all supposed to be having an input into what we want from the United Kingdom it seems to me that the only party that has got a notion and let me say that I am only bringing the matter up in the House, Mr Speaker, because when I raised the matter with Joyce Quinn I put it to her that it was her responsibility to explain the United Kingdom position to me and not the responsibility of the Gibraltar Government. Frankly I am prepared to have it, with no disrespect to Joyce, she is an old friend of mine from the horses mouth, but rather than the Government's interpretation of what the UK thinks. But in fact, she expressed astonishment at the statement of December 1998 which was issued shortly after the Chief Minister's meeting with her in London, to the extent that she asked me for a copy of the Press Release because she could not understand what it was she was supposed to have told him that gave him a clear idea of what the UK Government was willing to accept. This is why I brought the matter to the House on this occasion which is the first opportunity since her visit to Gibraltar.

HON CHIEF MINISTER:

Mr Speaker, many of these items will become clear to the hon Members in the context of their work in the Committee. It is not that the Government are not going to expose them. One thing is exposing them to it in the context of the Committee and another thing is exposing it to them before in a way that leaves them at liberty to use it publicly outside the context of the confidentiality of the Committee's deliberations. I do not know what Joyce Quinn may or may not have shown astonishment at, but I can tell the House that they were meetings where bits of paper were handed across. She was not personally present in the room but it may be that this was being driven by the Foreign Secretary or by officials and that Joyce Quinn was not sort of in the loop. Mr Speaker, we will deal with these issues in the Select Committee when we meet, hopefully it will be very soon and certainly within October.

NO 839 OF 1999

THE HON J J BOSSANO

**MATUTES PROPOSALS**

Have the United Kingdom Government now confirmed that the Matutes proposals will be rejected when a reply is given to the Spanish Government?

ANSWER

THE HON THE CHIEF MINISTER

Not to the Gibraltar Government.

SUPPLEMENTARY TO QUESTION NO 839 OF 1999

HON J J BOSSANO:

I take it that "not to the Gibraltar Government" does not mean that the Government think or know that it has confirmed it to anybody else?

HON CHIEF MINISTER:

No, it means only that we can only speak for ourselves.

HON J J BOSSANO:

Has the matter been raised with the United Kingdom since the last time I put the question?

HON CHIEF MINISTER:

I would not wish to inadvertently mislead the hon Member as to the dates.

HON J J BOSSANO:

From last time.

HON CHIEF MINISTER:

I could not say with certainty. It is certainly an issue that arises regularly at meetings but whether regularly means that it has happened since the last time we had a question time in the House, I would not dare now try to recollect. It is not an issue which I have pressed the United Kingdom, for example, during the last two months.

HON J J BOSSANO:

So, it was not raised with the replacement of Joyce Quinn?

HON CHIEF MINISTER:

It has not yet been raised with her. No, but there are further meetings in the pipeline in the immediate foreseeable future and it is something that will need to be pressed especially in the context of issues that the hon Members have already commented on publicly recently, in relation to speeches at the United Nations.

ORAL

NO 840 OF 1999

THE HON J J BOSSANO

**UN PERSONNEL ORDINANCE 1999**

Can Government say when the Convention on the safety of UN and Associated Personnel was extended to Gibraltar and whether it has also been extended to other British Dependent Territories?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question No 841 of 1999.

NO 841 OF 1999

THE HON J J BOSSANO

**UN PERSONNEL ORDINANCE**

Can Government confirm that the UN Personnel Ordinance 1999 is the National Law of a state party to the Convention as provided in Article 9 of the said Convention?

ANSWER

THE HON THE CHIEF MINISTER

The United Kingdom signed the Convention in December 1995 and its National Implementing Legislation, the United Nations Personnel Act 1997 came into force for the United Kingdom itself on the 27 April 1997. On the 20 May 1998 the United Kingdom asked the Gibraltar Government whether we wished to have the Convention extended to Gibraltar and, if so, whether the Government of Gibraltar wished to give effect to it by local legislation or have it done by Order-in-Council. The Gibraltar Government decided, as a matter of policy, to have the Convention extended to Gibraltar and proceeded to draft and pass the necessary legislation to implement it in Gibraltar. According to the UK, it has not yet received a response from all the other Overseas Territories as to whether they wish to have the Convention extended to them or not and has therefore not yet formally extended its ratification to any of the overseas territories. Even though the Convention is not yet, therefore, legally binding on Gibraltar the United Nations Personnel Ordinance of 1997 will constitute the law of Gibraltar for the purposes of Article 9, and others, of the Convention. However, Gibraltar is not now nor can it be post extension of the Convention to Gibraltar a state party to the Convention.

SUPPLEMENTARY TO QUESTION NOS 840 AND 841 OF 1999

HON J J BOSSANO:

So in fact, our law is not the law that is referred to in Article 9 of the Convention, where it says the State parties to the Convention shall change their National Law to do this?

HON CHIEF MINISTER:

It is the law of Gibraltar by which the United Kingdom Overseas Territory of Gibraltar is giving effect in its legislation to a Convention which has been territorially extended to the said territory.

HON J J BOSSANO:

It has not.

HON CHIEF MINISTER:

Well, not yet but when it does. I am assuming that the distinction the hon Member is making does not turn on the fact that it has not yet been extended. The hon Member will make the same point even after the extension is a legal instrument, in a sense all laws that this House passes are laws passed pursuant to the laws of the United Kingdom because the legislative

authority of this House derives from the Gibraltar Constitution Order which is an Order-in-Council, which is in turn part of the law of the United Kingdom. I do not know whether the hon Member is saying that under the Convention Gibraltar is not entitled to pass its own domestic legislation because Article 9 and others, for that matter, Article 9 is not the only one that refers to laws, suggests that there can only be one central national law in respect of a state party. This is the position every time Gibraltar passes law domestically to implement into Gibraltar the consequences of an international obligation. I do not see any difference between this, for example, and transposing law in this House to give effect to a directive, a new directive, which is the United Kingdom's Treaty obligation. When we pass directives in this House we are not complying with a Treaty obligation of which Gibraltar is a state party, we are giving effect in Gibraltar to the United Kingdom's obligation to comply with her Treaty obligations to extend that legislative provision to and in Gibraltar.

HON J J BOSSANO:

I am raising this because I do not think we have had many. I do not know whether we have had any, but I certainly do not think we have had many examples of a United Nations Convention being implemented in the laws of Gibraltar by primary legislation. I do not recall a previous example.

HON CHIEF MINISTER:

I do not know about the United Nations Convention. Certainly, we have transposed United Nations sanction orders did we not do the Libya one, by regulations rather than Order-in-Council? I think so. Certainly since we have been in office and I suppose it was the same when they were in office, our preference is to use domestic legislating powers rather than have Orders-in-Council made that cover us. With the exception of one or two cases we have always gone down this road. Now, it may be the first United Nations Convention but it is certainly not the first International Convention that we transpose in this way.



NO 842 OF 1999

THE HON J J BOSSANO

**GIBRALTAR – DEFENCE ROLE**

Can Government confirm that Gibraltar is about to take on a bigger defence role in preparing warships for action in the Atlantic or the Gulf?

ANSWER

THE HON THE CHIEF MINISTER

The Government are not in possession of any information that would enable it to provide the confirmation requested.

SUPPLEMENTARY TO QUESTION NO 842 OF 1999

HON J J BOSSANO:

The Government are aware, I take it, that this was carried by a UK newspaper?

HON CHIEF MINISTER:

The hon Member has asked for confirmation that it is going to happen. I have not got information that will enable me to give him the confirmation that he has asked for namely that this is going to happen. I have not seen the newspaper. What I can tell the hon Member, but which is not confirmation that it is going to happen, is that the Ministry of Defence have put up plans to London to increase the re-provisioning role of Gibraltar for ships. In other words, for Gibraltar to be used to hold strategic provisions that would enable this to happen but we have not had the decision. We are not aware of what decision the Ministry of Defence and the British Government may have taken as to whether it is going to pursue that or not. I suspect we both hope that they do but we do not have that information yet.

NO 843 OF 1999

THE HON J J BOSSANO

**MUTUAL ASSISTANCE DIRECTIVE**

How many requests for information under the Mutual Assistance Directive have been received since September 1998?

ANSWER

THE HON THE CHIEF MINISTER

Since September 1998 two requests for information under the Mutual Assistance Directive have been received by the Commissioner of Income Tax.

SUPPLEMENTARY TO QUESTION NO 843 OF 1999

HON J J BOSSANO:

Can the Chief Minister say from which Member States they were received?

HON CHIEF MINISTER:

I do not think it is prudent to give that information publicly. I have no difficulty in communicating the information to the hon Member in private. I think the less publicity that is given to these things the better. I will tell the hon Member when we recess.

ORAL

NO 844 OF 1999

THE HON J J BOSSANO

**EC REGULATION 900/99**

Can Government state who is the competent authority for the purpose of enforcing the legislation on prohibited petroleum products exports to the Federal Republic of Yugoslavia pursuant to EC Regulation 900/99?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with question No 845 of 1999.

NO 845 OF 1999

THE HON J J BOSSANO

**EC REGULATION 900/99**

Can Government state when the provisions in respect of other British Dependent Territories and Crown Dependencies pursuant to Regulation EC 900/99 was brought into effect by Order-in-Council by UK?

ANSWER

THE HON THE CHIEF MINISTER

The Federal Republic of Yugoslavia (Supply, Sale and Export of Petroleum and Petroleum Products) Regulations 1999 provides for the Collector of Customs to be the competent authority for Gibraltar. As the hon Member knows the House passed a Resolution on the 7<sup>th</sup> July 1999 giving effect to these Regulations which implement the requirement of EC Regulation 900/99. I am advised that the relevant Order-in Council to which the question refers came into operation, in respect of the overseas territories on other overseas territories on the 25<sup>th</sup> June 1999. The hon Member I am sure will understand that when he asks for information about United Kingdom legal instruments we rely on information provided to us by the British Government.

SUPPLEMENTARY TO QUESTION NOS 844 AND 845 OF 1999

HON J J BOSSANO:

I believe, in the debate we had on the motion in relation to that regulation the Chief Minister said he had actually seen the Order-in Council in question, and I have not been able to obtain a copy of it since. This is why I am raising the matter. Does he recall having told the House that he had actually seen the Order-in Council but that his preferred route was the local regulations?

HON CHIEF MINISTER:

I may have said that, I do not recall whether I said it or not. But if I said it I am sure it was true at the time.

HON J J BOSSANO:

Presumably, if it was true at the time it means that it is available?

HON CHIEF MINISTER:

Yes, that is axiomatic as well. Is the hon Member asking for a copy?

HON J J BOSSANO:

I would be grateful for a copy because I can tell the Chief Minister that only a month ago I was being told by the Foreign Office that it had not yet been done. Are the Government aware that there is an EC directive that came out after EC900/99 where the competent authorities for the purpose of regulation 900/99 are listed?

HON CHIEF MINISTER:

No, I am not aware.

HON J J BOSSANO:

If the Chief Minister seeks to obtain a copy of it and I can give him a copy of that one, it is not very often it happens, but on this occasion I have it. He will find that the Collector of Customs does not appear there, that there is a competent authority for the United Kingdom and I am wondering whether in fact the United Kingdom competent authority in this particular regulation is the competent authority for Gibraltar.

HON CHIEF MINISTER:

That Gibraltar's competent authority should not be separately listed, or listed at all in directives and annexes which the hon Member knows has been happening for many many years, the question asks, "can the Government state who is the competent authority for the purpose of enforcing the legislation?" Well, the only law of Gibraltar that enables that legislation to be enforced in Gibraltar is our regulations. Our regulations gives the powers to the Collector of Customs. So de facto the Collector of Customs is the competent authority as we are the competent authority for many directives and many matters in respect of which our domestic competent authority has never been scheduled or listed under the appropriate EU directive.

HON J J BOSSANO:

With all due respect to the Chief Minister I do not think it is true that there are many. Well, I would welcome if the Government could provide me with one other one, not many, I just want one more where there is a list of competent authorities and the United Kingdom competent authority is the Department of Trade and Industry, for example, which I think it is in this case and Gibraltar has got in the laws of Gibraltar its own competent authority who is supposed to communicate with other competent authorities but I do not know how they are going to do it.

HON CHIEF MINISTER:

Well, Mr Speaker, indirectly there are many, the one that first comes to mind is not a competent authority, it is an organ but it has competent authority consequences. For example, the hon Member will recall that in the directive relating to the parent and subsidiary directive it does not list the Gibraltar companies. It says in the case of the United Kingdom companies incorporated under the Companies' Act. Indeed in the Fourth and Seventh Company Law directives there is no reference to Gibraltar companies and we have tried to use the argument that that therefore as it says in the United Kingdom in the case of companies incorporated under the companies act that that necessarily does not apply to Gibraltar. Now, that does not mean that companies incorporated in Gibraltar are not companies for the purposes of the directive simply because the list which is attached be it of competent authorities or be it of courts or be it of companies or be it of any other type of list does not make provision for the equivalent or for that relevant item in the case of Gibraltar. I will have to find and see whether there is another one that relates specifically to competent authorities. The hon Member thinks there are not any and challenges me to produce one. I am confident that I shall be able to produce at least one but certainly the parallel, in the case of the parallel of listing of Gibraltar entities there are many.

HON J J BOSSANO:

The parallel that he has chosen to quote would he not agree are areas where Gibraltar was left out many many years ago and the United Kingdom argument certainly before 1996, I do not know whether they have changed the arguments since, but before 1996 was that Gibraltar had been left out by an oversight and indeed in the parent subsidiary legislation when they tried to go back and include Gibraltar they found themselves with an objection from Spain which would not have been there in the first instance. But in this case we are talking about something that has been done post the House legislating on the basis that the regulation we were purporting to transpose into the laws of Gibraltar requires that the designated competent authorities should be published. Now I would have thought that if we are going to go down the route of doing this we would have gone back to the United Kingdom and said well right we are doing it and we want Gibraltar to appear. Whether we would have been successful or not I do not know but certainly would the Government not agree that if it was something that we ought to have pursued given the fact that we are indeed making the regulations for the first time under the powers of the European Communities Ordinance of 1972 using the Governor's powers to regulations which have not been used before.

HON CHIEF MINISTER:

I am not aware that the Gibraltar Government were informed of the proposal for EC regulation 900/99. It is not a matter that has been brought to my attention ....

HON J J BOSSANO:

No, Mr Speaker, what I am saying is, regulation 900/99 which in fact the Government provided us with at the time we debated the motion contained a provision which said "that the competent authorities would be," and what I am saying is that .....

HON CHIEF MINISTER:

I believe that the Chief Secretary has or if not, he is in the process of, he may even have already written to the United Kingdom Government saying that there is a requirement to notify who the competent authority is, "write to the Commissioner and say that in the case of Gibraltar it is the Collector of Customs".

HON J J BOSSANO:

Well, that is the competent authority I am referring to and I am saying therefore, that given the fact that we have the regulation here which we were implementing and that that regulation said "once this regulation is implemented the competent authority shall be notified to the Commission" has this been done?

HON CHIEF MINISTER:

I believe that we have asked the United Kingdom to do it. Whether the United Kingdom has passed it on but even as to whether we have done it I would not wish to be held to it but certainly the issue has been discussed in the Chief Secretary's Office subsequent to our passing of that resolution in the House.

HON J J BOSSANO:

Obviously we have been at cross purposes before because that is.....

HON CHIEF MINISTER:

I thought the hon Member was referring to an earlier.....

HON J J BOSSANO:

No, it was the notification subsequent to the transposition of the regulations.

HON CHIEF MINISTER:

I misunderstood the hon Member I thought he had referred to the existence of an earlier set of regulations which listed the competent authorities.

HON J J BOSSANO:

No the listing of ...

HON CHIEF MINISTER:

There is a question, this one requires the notification.

HON J J BOSSANO:

And listing subsequently.

HON CHIEF MINISTER:

Listing by the Commission.

HON J J BOSSANO:

Yes.

HON CHIEF MINISTER:

Yes, we have been at cross purposes.

HON J J BOSSANO:

Can the Government explain why it is that in this particular case they considered it important that we should in fact give effect to these sanctions and there have been quite a number of other EC regulations also dealing with sanctions against the Federal Republic of Yugoslavia all of which we have appeared to have ignored.

HON CHIEF MINISTER:

This is the second time that the hon Member makes a reference to sanctions that we have appeared to have ignored. These type of regulations normally emerge in a rush in the midst of a crisis in some corner of the globe or other and we are informed by the United Kingdom of their existence and asked to get on with their implementation. If there are others that we have ignored it is because they have not been brought to our attention. We have not consciously ignored any sanction regulations of which we have been made aware and

usually the United Kingdom goes to considerable interest so, that we, especially we because of our status within the EU are not sort of loop holed in the UK's own compliance within the EU on the question of sanctions. So, if the hon Member is right that there are EU sanction regulations which we ignored, if he is right in saying that, they have not been ignored as a matter of policy by the Government, they have been ignored because we have not become aware of them and the United Kingdom has uncharacteristically not pressed us to comply with sanctions which she usually does.

HON J J BOSSANO:

The fact that we have not done it or the UK has failed to do it does not exonerate us from the obligation because these are regulations.

HON CHIEF MINISTER:

These regulations that we have passed here do not extend the UN regulation to Gibraltar because being a EU regulation, it has automatic extension to the whole territory of the community without anybody having to legislate into national laws. What we have done is modify the Gibraltar Criminal Legislation to create the Criminal Sanctions, in other words making it a criminal offence in Gibraltar, but the sanction order extends. Now the consequences of, as the hon Member puts it, ignoring them is that our law does not provide sanctions, penalties for breaching it.



NO 846 OF 1999

THE HON J J BOSSANO

**APPOINTMENT OF NEW GOVERNOR**

Can Government confirm that it has been having talks with the Foreign Office over the selection of a candidate to succeed Sir Richard Luce as Governor of Gibraltar?

ANSWER

THE HON THE CHIEF MINISTER

No Sir, the Government have not been having such talks with the Foreign Office. On one occasion in the spring I was asked to express a view about the sort of Governor that I thought might be appointed.

SUPPLEMENTARY TO QUESTION NO 846 OF 1999

HON J J BOSSANO:

Is it the case that the future Governor need not necessarily be a civilian. I think at the time that the civilian Governor was announced they said that it was simply that it was the person available for the job but that it did not necessarily mean that they would not in the future have a military Governor.

HON CHIEF MINISTER:

That is my understanding of the position, yes, that there is no commitment or still less obligation on the part of the British Government not to go back to a military Governor.

NO 847 OF 1999

THE HON J J BOSSANO

**SALE OF ALCOHOLIC DRINKS**

What is the Government's policy as regards the sale of alcoholic drinks in shops situated at petrol filling stations?

ANSWER

THE HON THE CHIEF MINISTER

The Government have no policy which is specific to the sale of alcoholic drinks in shops situated at petrol filling stations as opposed to shops situated elsewhere.

SUPPLEMENTARY TO QUESTION NO 847 OF 1999

HON J J BOSSANO:

Are the Government aware that the RGP has apparently been discussing with I understand the Chamber of Commerce the question of sale at petrol stations as opposed to elsewhere?

HON CHIEF MINISTER:

We have subsequently become aware of it and this should be a matter of great concern to the hon Mr Gabay given what the law of Gibraltar provides clearly about the sale of alcoholic beverages. The RGP has a legitimate concern about the acquisition of alcohol by use in cars late at night which they then consume and drive on. The Government's position is that it shares that concern but that that cannot effectively be addressed by suppressing petrol stations because youths can acquire alcoholic drinks in many places at many times. There are many take-aways that open until all sorts of hours at which one can buy beer. One can buy any form of alcohol from Safeways and other supermarkets until 10.00 o'clock on most nights and indeed there are bars and off-licences of various types. So, whereas we sympathise and we then share the concerns of the RGP to reduce the incidence of drinking by youths in the context of driving we do not believe that targeting retail outlets in petrol stations is an effective way of achieving that. That is why the answer is that it is not specific to petrol filling stations.

HON J J BOSSANO:

Are the Government aware of the nature between the discussions of the RGP and the Chamber of Commerce that have been taking place?

HON CHIEF MINISTER:

I have become aware after the event of the content of a document called guide-lines. The position of the Government is, that what the law provides is clear, the law has not been enforced for many years, there was apparently a law that says "that you cannot sell alcohol between 4.00 and 9.00 o'clock on a Sunday," I do not know why it should be so. What the Government should do is to change the legislation but the guidelines is not the way to go about it and certainly guidelines that only affect petrol stations and do not affect the other

sources of potential sources of alcohol seems to the Government to be an ineffective way of proceeding. The Government now have placed the matter for consideration by Ministers and we will take a view about whether the law should be amended, not just to, so that no one should be doing anything which is illegal albeit that it has been common practice for many years but so that the law should say what they are allowed to provide what the Government feels that it should provide in respect of the sale of alcohol.

HON J J BOSSANO:

Is it not rather odd that the Government seem to be under the impression that the discussion between the RGP and the Chamber of Commerce have been because of their concern about the sale when my understanding is that what they have been discussing with the Chamber is relaxing the conditions not making them worse, in terms of making it easier for the sale to take place.

HON CHIEF MINISTER:

No, that is not the document that I have seen. The law of Gibraltar contained in the Shopping Hours Ordinance an antiquated piece of legislation which provides things like, "you shall not sell alcohol on a Sunday between 9.00 and 4.00 o'clock at night" and other such provisions which has systematically and historically been ignored or not enforced or have fallen into disuse or have not traditionally been enforced. Recently some time, I think before the summer or in the lead up to the summer or something like that, when the Police became concerned in the manner which I have already described to the hon Member they purported to enforce the law against the Petrol Stations. In other words to resuscitate the old provisions and the petrol stations said "hey look, why pick on us because you are preventing us not only from selling to youths in Gibraltar but to the people who come in in the middle of the night to buy petrol to avoid the queue who also want to buy a bottle of whisky and if they cannot buy a bottle of whisky as well they might not come for the petrol either in the middle of the night". It was in that context that those guidelines were entered into following discussions which we were not part of or privy to not to relax the original law but to relax the decision to apply the original law strictly to petrol stations.