

**GIBRALTAR**

**HOUSE OF ASSEMBLY**



**QUESTIONS AND ANSWERS**

**21<sup>ST</sup> SEPTEMBER, 1999**

**No. 541 to No. 847**

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## QUESTIONS & ANSWERS

21<sup>st</sup> September 1999

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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 1999THE HON J J BOSSANO**MASTER SERVICE (GIB) LTD**

Are Government advancing any sum due under the contract to Master Service (Gibraltar) Limited?

ANSWERTHE 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	Gibraltarian	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.



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

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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 1999

THE 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?

ANSWERTHE 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.

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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 1999

THE 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?

ANSWER

THE 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 liaised 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.

ORAL

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 remise 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 1999

THE 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?

ANSWER

THE 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.

ORAL

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 than 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
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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 unsatisfaction 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
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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.

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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.

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.