

# **GIBRALTAR**

## **HOUSE OF ASSEMBLY**



# **QUESTIONS AND ANSWERS**

**30<sup>th</sup> April, 2<sup>nd</sup>, 3<sup>rd</sup>, 7<sup>th</sup> and 8<sup>th</sup> May 2002**

**No. 354 to No. 706**



**The Speaker**

- **The Hon Judge J E Alcantara CBE**

**GOVERNMENT (GSD):**

**The Hon P R Caruana QC**

- **Chief Minister**

**The Hon K Azopardi**

- **Minister for Trade, Industry and  
Telecommunications**

**The Hon Dr B A Linares**

- **Minister for Education, Training, Culture and  
Health**

**The Hon J J Holliday**

- **Minister for Tourism and Transport**

**The Hon Lt-Col E M Britto OBE , ED**

- **Minister for Public Services, the Environment,  
Sport and Youth**

**The Hon H A Corby**

- **Minister for Employment and Consumer Affairs**

**The Hon J J Netto**

- **Minister for Housing**

**The Hon Mrs Y Del Agua**

- **Minister for Social Affairs**

**The Hon R Rhoda QC**

- **Attorney General**

**The Hon T J Bristow**

- **Financial and Development Secretary**

**OPPOSITION (GSLP/ Liberals):**

**The Hon J J Bossano**

- **Leader of the Opposition**

**The Hon Dr J J Garcia**

**The Hon J L Baldachino**

**The Hon Miss M I Montegriffo**

**The Hon Dr R G Valarino**

**The Hon J C Perez**

**The Hon S E Linares**

**D J Reyes Esq, ED**

- **Clerk of the House of Assembly**

**30<sup>th</sup> April, 2<sup>nd</sup>, 3<sup>rd</sup>, 7<sup>th</sup> and 8<sup>th</sup> May 2002**

**No. 354 to No. 706**

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30<sup>th</sup> April 2002

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**NO. 354 OF 2002**

**THE HON J L BALDACHINO**

**SOCIAL INSURANCE SCHEDULES**

Can Government state as at 31<sup>st</sup> March 2002 how many employers had returned the social insurance schedules and in respect of how many employees for each of the four quarters of 2001, giving a breakdown between the official and private sector?

**ANSWER**

**THE HON THE MINISTER FOR SOCIAL AFFAIRS**

Answered together with Question Nos 355 to 359 of 2002.

**NO. 355 OF 2002**

**THE HON J L BALDACHINO**

**SOCIAL INSURANCE SCHEDULES**

How many employers have returned the social insurance schedules for the 1<sup>st</sup> quarter of 2002 so far, giving a breakdown between official and private sector and the number of employees involved?

**ANSWER**

**THE HON THE MINISTER FOR SOCIAL AFFAIRS**

Answered together with Question Nos 354 and 356 to 359 of 2002.

**NO. 356 OF 2002**

**THE HON J L BALDACHINO**

**SOCIAL INSURANCE SCHEDULES**

Can Government state as at 31<sup>st</sup> March 2002 how many social insurance schedules for self-employed persons had been returned for each of the four quarters of 2001?

**ANSWER**

**THE HON THE MINISTER FOR SOCIAL AFFAIRS**

Answered together with Question Nos 354, 355 and 357 to 359 of 2002.

**NO. 357 OF 2002**

**THE HON J L BALDACHINO**

**SOCIAL INSURANCE SCHEDULES**

Can Government state how many social insurance schedules for self-employed persons have finally been issued in respect of the 1<sup>st</sup> quarter of 2002?

**ANSWER**

**THE HON THE MINISTER FOR SOCIAL AFFAIRS**

Answered together with Question Nos 354 to 356 and 358 to 359 of 2002.



**NO. 358 OF 2002**

**THE HON J L BALDACHINO**

**SOCIAL INSURANCE SCHEDULES**

How many social insurance schedules for self-employed persons have been returned so far in respect of the 1<sup>st</sup> quarter of 2002?

**ANSWER**

**THE HON THE MINISTER FOR SOCIAL AFFAIRS**

Answered together with Question Nos 354 to 357 and 359 of 2002.

**NO. 359 OF 2002**

**THE HON J L BALDACHINO**

**SOCIAL INSURANCE SCHEDULES**

Can Government state how many social insurance schedules have finally been issued to employers, the number of employers and in respect of how many employees for the 1<sup>st</sup> quarter of 2002?

**ANSWER**

**THE HON THE MINISTER FOR SOCIAL AFFAIRS**

Further to the recent written explanation given to the Leader of the Opposition of how the new computer system operates, I now hand the hon Member a list giving the information requested based on actual returns and non returns.

**Answer to Question 359 of 2002**

	All				Private				Official			Self Employed		
	Number of Employers all	Returns	Non-Return	Pending	Number of Employers returned	Returns	Non-Return	Pending	Returns	Non-Return	Pending	Returns	Non-Return	Pending
<b>Qtr.1/01</b>	1326	13446	1529	2623	983	9693	1216	1588	3182	269	819	571	44	216
<b>Qtr.2/01</b>	1356	13277	2321	2667	932	9545	1933	1627	3175	317	822	557	71	218
<b>Qtr.3/01</b>	1373	12670	3684	2709	907	9044	3154	1664	3091	423	824	535	107	221
<b>Qtr.4/01</b>	1385	8162	8219	2748	395	5435	6831	1695	2598	868	829	129	520	224
<b>Qtr.1/02</b>	1392	1093	616	17686	215	976	570	12706	nil	38	4287	117	8	693
<p align="center"><b><u>Note:-</u></b></p> <p>Those classified under pending are in respect of contribution records for which no notification of termination has been provided and no contribution return has been recorded since the introduction of the new system or in the 1st Quarter of 2002.</p>														

## **SUPPLEMENTARY TO QUESTION NOS 354 TO 359 OF 2002**

**HON J J BOSSANO:**

Let me say that I am grateful for the very detailed written explanation of how the system works. We are quite happy to get clarification by going directly to the department without the need to put it as a question in the House. In terms of the non-returns presumably at some stage the catching up of this will have to be reflected in the original figures to the extent that there is an assumption that these numbers are pending and will eventually materialise. Would the Minister agree that when that happens we will get revised figures and then we do not need to keep on putting questions everytime to get updates.

**HON MRS Y DEL AGUA:**

That is correct that will happen. The information will be passed on.

**NO. 360 OF 2002**

**THE HON J L BALDACHINO**

**SOCIAL ASSISTANCE FUND**

Can Government state what was the estimated balance of the Social Assistance Fund as at 31<sup>st</sup> March 2001?

**ANSWER**

**THE HON THE MINISTER FOR SOCIAL AFFAIRS**

The actual balance in the Social Assistance Fund as at 31<sup>st</sup> March 2001 was £273,252.11.

**NO. 361 OF 2002**

**THE HON J L BALDACHINO**

**SOCIAL ASSISTANCE FUND**

Can Government state what was the estimated balance of the Social Assistance Fund as at 31<sup>st</sup> March 2002?

**ANSWER**

**THE HON THE MINISTER FOR SOCIAL AFFAIRS**

The actual closing balance in the Social Assistance Fund as at 31<sup>st</sup> March 2002 was £119,288.52.

**NO. 362 OF 2002**

**THE HON J L BALDACHINO**

**SOCIAL ASSISTANCE**

Can Government state the number of persons receiving Social Assistance for the months of February and March 2002 giving a breakdown by age and sex?

**ANSWER**

**THE HON THE MINISTER FOR SOCIAL AFFAIRS**

I hand the hon Member a list giving the information requested.

Persons in receipt of Social Assistance for the months of February and March 2002 by age and sex.

Month	Males	Females	Total	18/25	26/35	36/45	46/60
<b>February</b>	117	209	326	52	111	97	66
<b>March</b>	115	197	312	57	100	92	63



**NO. 363 OF 2002**

**HON J L BALDACHINO**

**EMPLOYMENT INJURIES INSURANCE FUND**

Can Government state what was the estimated balance of the Employment Injuries Insurance Fund as at 31<sup>st</sup> March 2001?

**ANSWER**

**THE HON THE MINISTER FOR SOCIAL AFFAIRS**

The actual closing balance in the Employment Injuries Insurance Fund as at 31<sup>st</sup> March 2001 was £6,027,906.96.

**NO. 364 OF 2002**

**THE HON J L BALDACHINO**

**EMPLOYMENT INJURIES INSURANCE FUND**

Can Government state what was the estimated balance of the Employment Injuries Insurance Fund as at 31<sup>st</sup> March 2002?

**ANSWER**

**THE HON THE MINISTER FOR SOCIAL AFFAIRS**

The estimated balance in the Employment Injuries Insurance Fund as at 31<sup>st</sup> March 2002 was £5,901,527.65.

**NO. 365 OF 2002**

**THE HON J L BALDACHINO**

**SOCIAL INSURANCE (SHORT-TERM BENEFITS) FUND**

Can Government state what was the estimated balance of the Social Insurance (Short-Term Benefits) Fund as at 31<sup>st</sup> March 2001?

**ANSWER**

**THE HON THE MINISTER FOR SOCIAL AFFAIRS**

The actual closing balance in the Social Insurance (Short-Term Benefits) Fund as at 31<sup>st</sup> March 2001 was £11,137,094.96.

**NO. 366 OF 2002**

**THE HON J L BALDACHINO**

**SOCIAL INSURANCE (SHORT-TERM BENEFITS) FUND**

Can Government state what was the estimated balance of the Social Insurance (Short-Term Benefits) Fund as at 31<sup>st</sup> March 2002?

**ANSWER**

**THE HON THE MINISTER FOR SOCIAL AFFAIRS**

The estimated balance in the Social Insurance (Short-Term Benefits) Fund as at 31<sup>st</sup> March 2002 was £6,415,545.09.

**SUPPLEMENTARY TO QUESTION NO 366 OF 2002**

**HON J J BOSSANO:**

Can I ask about the £5 million reduction in the balance during the course of the year, can the Minister say when the £5 million was transferred out?

**HON K AZOPARDI:**

I understand that the transfer was made towards the turn of the year. I am not sure if we have got the exact month for him.

**HON J J BOSSANO:**

Was the transfer made in pursuance of the amendment which gave the Financial and Development Secretary the power to take money out of the Short-Term Benefits Fund and put it in the Consolidated Fund?

**HON K AZOPARDI:**

Yes.

**HON J J BOSSANO:**

I believe the provisions said that if the transfer that was permissible by that amendment which as the House knows we do not agree with and did not support was based on an assessment having to be made as to the money not being needed. How was it arrived at that £5 million was not needed as opposed to any other figure?

**HON K AZOPARDI:**

I understand that Treasury made an assessment of how much money was needed to cover the payments that needed to be made from the fund and on that basis going forward it made that determination and hence the rest of the money was transferred out.

**HON J J BOSSANO:**

So does that imply that the £6 million that has been retained is needed and that there is therefore no further intention of transferring out any further sums?

**HON K AZOPARDI:**

Yes that is my understanding.

**HON J J BOSSANO:**

Is that on the basis of the level of Short-Term benefits as they are at the moment?

**HON K AZOPARDI:**

Yes it is based on projections going forwards for several years and on the current level of contributions.

**HON J J BOSSANO:**

Projections coming forward on the basis of their current expenditure from the fund?

**HON K AZOPARDI:**

Yes, expenditure and current level of contributions.

**HON J J BOSSANO:**

Assuming that both the income and the expenditure continues at the level that they are at the moment.

**HON K AZOPARDI:**

Yes.

**NO. 367 OF 2002****THE HON J L BALDACHINO****CLOSED LONG-TERM BENEFITS FUND**

Can Government state what was the number of pensioners being paid or with entitlement to payment in February and March 2002 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?

**ANSWER****THE HON THE MINISTER FOR SOCIAL AFFAIRS**

I hand the hon Member a list giving the information requested.

The following pensioners were in receipt of payments from the Closed Long-Term Benefits Fund from February 2002 – March 2002.

	<b>February 2002</b>	<b>March 2002</b>
Pre-1969 Spanish Pensioners	7080	7067
British Pensioners (Gib/UK Nat)	4627	4625
Moroccan Pensioners	1244	1255
Other Nationalities	359	354
<b>Total</b>	<b>13310</b>	<b>13301</b>



**NO. 368 OF 2002**

**THE HON J L BALDACHINO**

**CLOSED LONG-TERM BENEFITS FUND**

Can Government state what was the balance of the Closed Long-Term Benefits Fund for each of the months of February and March 2002 showing the amount from UK and local funds and the expenditure to former Spanish workers and to pensioners from local funds?

**ANSWER**

**THE HON THE MINISTER FOR SOCIAL AFFAIRS**

I hand the hon Member a statement giving the information requested.

	28-Feb-02	31-Mar-02
	£	£
Fund Account- Opening Balance	424,874	422,009
<u>"Local Account"</u>		
Opening Balance	34,982	147,031
<u>Add</u>		
Transfers from the Open Long-Term Benefits Fund	970,000	930,000
Other Receipts	2,262	3,179
	1,007,244	1,080,210
<u>Less</u>		
Pension Payments	(860,213)	(914,667)
Closing Balance	<b>147,031</b>	<b>165,543</b>
<u>"Spanish Account"</u>		
Opening Balance	389,892	274,978
<u>Add</u>		
Receipts from DFID	330,000	930,000
	719,892	1,204,978
<u>Less</u>		
Pension Payments	(444,914)	(952,753)
Closing Balance	<b>274,978</b>	<b>252,225</b>
<b><u>Fund Account – Closing Balance</u></b>	<b>422,009</b>	<b>417,768</b>

## **SUPPLEMENTARY TO QUESTION NO 368 OF 2002**

**HON J J BOSSANO:**

Can Government confirm that they are able to maintain the funding from the Closed Long-Term Benefits Fund by transfers from the Open Fund on present levels of revenue and expenditure?

**HON K AZOPARDI:**

Yes.

**HON J J BOSSANO:**

Have Government made any calculation of what the financial implications would be for the fund or the revaluation of the payments that have been made by reference to the index of retail prices since 1989?

**HON K AZOPARDI:**

I am not sure what the question is intended to get, if the hon Member is talking about the long standing position of successive Governments that Gibraltar is not liable for those rights.....

**HON J J BOSSANO:**

I am not questioning whose liability it is or suggesting that it is ours for one moment, what I am saying is have the Government made a calculation because given that the figures we have been given distinguishes between the local account which is Gibraltar's liability and the Spanish account which is UK's liability presumably if there was a revaluation it would apply to both accounts, have the Government made any attempt to get a ballpark figure of what we are talking about?

**HON K AZOPARDI:**

As to the local account?

**HON J J BOSSANO:**

As to the local account yes of course.

**HON K AZOPARDI:**

Only because any revaluation conducted as to the Spanish Account is a revaluation done on an ex-gratia basis by others not by us and therefore what the hon Member is asking assuming that there were to be a revaluation which the Government would

then wish also conducted in Gibraltar as to the local account have we estimated what that would be worth, is that right?

**HON J J BOSSANO:**

Well not quite I am not assuming that it is a question of whether there will be choice, the point that I am making is if we look at the argument that is being put that frozen pensions are unsustainable and that consequently the real value of those pensions have to be maintained, if that argument deems to be legitimate then presumably it is legitimate for both the Spanish account and the local account and the Government would then have to address the liability that falls on the local account. I am not talking about ex-gratia payments or negotiated deals or anything else. I am talking about the question of whether the pensions that have been frozen since 1988 need to be retrospectively revalued in accordance with the index of retail prices.

**HON J L BALDACHINO:**

So that our pensioners do not loose out.

**HON K AZOPARDI:**

No such specific assessment has been done, I note the hon Members' point and obviously if that hypothesis is ever arrived at there would be a need to do some calculations but I do not want to tread into sensitive waters as to other payments being conducted and therefore I note the hon Members' point. It is a valid one and the Government will consider it.

**HON J J BOSSANO:**

So the Government have not actually looked at that possibility materialising and done some sort of exercise to get at least an idea of magnitude, that has not been done?

**HON K AZOPARDI:**

Well not as to the local account.

**NO. 369 OF 2002**

**THE HON J L BALDACHINO**

**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 for January, February and March 2002?

**ANSWER**

**THE HON THE MINISTER FOR SOCIAL AFFAIRS**

I hand the hon Member a list giving the information requested.

The transfers made from the Open/Long Term Benefits Fund to the Closed Long-Term Benefits Fund for the months of January, February and March 2002 are as follows:

January 2002	-	£115,000
February 2002	-	£970,000
March 2002	-	£930,000
		<hr/>
		£2,015,000
		<hr/>

**NO. 370 OF 2002**

**THE HON J L BALDACHINO**

**NUMBER OF UNEMPLOYED**

Can Government give a breakdown of male and female unemployed Gibraltarians aged 18 and over for the months of January, February and March 2002 receiving:-

- (a) Unemployment Benefits;
- (b) Social Assistance;
- (c) No payments?

**ANSWER**

**THE HON THE MINISTER FOR SOCIAL AFFAIRS**

I hand the hon Member a list giving the information requested.

The following is a breakdown by month, sex and age of male and female unemployed Gibraltarians aged 18 and over from 1<sup>st</sup> January 2002 to 31<sup>st</sup> March 2002.

**A. Unemployment Benefits**

<b>2002</b>	<b>Males</b>	<b>Females</b>	<b>Total</b>	<b>18/25</b>	<b>26/35</b>	<b>36/45</b>	<b>46/60</b>
<b>January</b>	46	40	86	34	20	9	23
<b>February</b>	43	30	73	35	15	9	14
<b>March</b>	33	25	58	27	12	8	11

**B. Social Assistance**

<b>2002</b>	<b>Males</b>	<b>Females</b>	<b>Total</b>	<b>18/25</b>	<b>26/35</b>	<b>36/45</b>	<b>46/60</b>
<b>January</b>	68	28	96	24	28	30	14
<b>February</b>	65	24	89	22	29	27	11
<b>March</b>	62	21	83	25	20	25	13

**C. No Payments**

<b>2002</b>	<b>Males</b>	<b>Females</b>	<b>Total</b>	<b>18/24</b>	<b>25+</b>
<b>January</b>	76	73	149	60	89
<b>February</b>	82	81	163	64	99
<b>March</b>	74	70	144	41	103



**NO. 371 OF 2002****THE HON J L BALDACHINO****DISABILITY ALLOWANCE**

Can Government give a breakdown by age and sex of the 90 persons receiving disability allowance as stated in Question No 13 of 2002?

**ANSWER****THE HON THE MINISTER FOR SOCIAL AFFAIRS**

I hand the hon Member a list giving the information requested.

<b>PERSONS RECEIVING DISABILITY ALLOWANCE BY AGE AND SEX</b>			
<b>AGE</b>	<b>MALES</b>	<b>FEMALES</b>	<b>TOTAL</b>
0-10	18	2	20
11-20	18	7	25
21-30	11	5	16
31-40	4	7	11
41-50	5	7	12
51-60	1	4	5
61-70	1	-	1

**NO. 372 OF 2002**

**THE HON J L BALDACHINO**

**DISABILITY ALLOWANCE**

Can Government state how many persons applied for disability allowance under the Social Assistance Arrangements in the 1<sup>st</sup> quarter of 2002 and how many of these applications were not successful, giving a breakdown for each month?

**ANSWER**

**THE HON THE MINISTER FOR SOCIAL AFFAIRS**

In the 1<sup>st</sup> quarter of 2002 only one person applied for Disability Allowance under the Social Assistance Arrangements. This application was successful.

**SUPPLEMENTARY TO QUESTION NO 372 OF 2002**

**HON J L BALDACHINO:**

The person that was successful was it somebody who had a disability from birth or otherwise?

**HON MRS Y DEL AGUA:**

It was a permanent disability which obviously meets the criteria but it was not from birth.

**NO. 373 OF 2002**

**THE HON J L BALDACHINO**

**WAIVER OF IMPORT DUTY**

In the last financial year how many persons have applied for the waiver of import duty on vehicles in relation to disability and how many have been granted?

**ANSWER**

**THE HON THE MINISTER FOR SOCIAL AFFAIRS**

In the last financial year five persons applied for the waiver of import duty on vehicles in relation to disability. Four were successful and one was not approved as it did not meet the set criteria.

**SUPPLEMENTARY TO QUESTION NO 373 OF 2002**

**HON J L BALDACHINO:**

For clarification purposes in a similar question to this one I think it was the Chief Minister that said that persons had to apply to the Collector of Customs, is it that he has to apply to the Collector of Customs or is it that they have to apply to the hon Lady's department?

**HON MRS Y DEL AGUA:**

The hon Member must be aware that only Customs has the legal right to exempt a vehicle coming into Gibraltar from import duty when that vehicle is for the use of a disabled person and has been specially adapted for the use of such. When those legal requirements are not met that is when the person makes representations to my

department and then the Minister can make in turn representations for an ex-gratia payment to be made. The set criteria in those cases is that the vehicle does not necessarily require to be used by the person as long as it is adapted for the use of such a person.

**HON J L BALDACHINO:**

Therefore the four persons that have been approved have been approved under her department by ex-gratia payments and they have not had waived their import duty, is that it?

**HON MRS Y DEL AGUA:**

The applications were not made to the Customs because obviously the people who were importing the vehicles knew for a fact that the import duty would not be waived because it did not meet the set criteria, the legal requirements. The five applications were made to my department.

**HON J L BALDACHINO:**

So no waiver of import duty has been made?

**HON MRS Y DEL AGUA:**

Not made legally by Customs no.

**HON J L BALDACHINO:**

One thing is that the Customs waive the import duty and therefore the money does not come in under the import duty system and another thing is that they pay duty and then the hon Member makes an ex-gratia payment which comes out of her budget, is that correct?

**HON MRS Y DEL AGUA:**

I am not too sure whether it does come out of my budget or it comes out of the Treasury budget but the other part of his assumption is correct.

**HON K AZOPARDI:**

Is the hon Member clear, I was not sure whether he had got the answer. What we are saying is that had they met the criteria and applied through Customs they would have had a waiver of import duty, in this case they did not and those that were granted were taken out not as a formal waiver of import duty and therefore at source but it would be reimbursed presumably from some head of expenditure.

**HON J L BALDACHINO:**

I fully understood what the hon Lady has said what I wanted was clarification because on the previous question we were told that people had to apply to Customs for the waiver of Import Duty and therefore if somebody comes to the Opposition and asks "what shall I do" normally we say "you have to go to the Collector of Customs to apply." In this case we can either say "you can go to the Collector of Customs or you can go to the hon Member's department."

**HON K AZOPARDI:**

My understanding is that all applications are referred and should be made to Customs in the first instance and it is only those applications that really they feel will not meet the criteria that then as a second tier should go to the department. The applications that have gone to my hon Colleague will have got there because they would not have met the Customs criteria but at first instance if there is a possibility of meeting a criteria they should be made to Customs, and that is the proper procedure if the hon Member wants to know it, if he wants to advice people which I think is what he said he wanted to know.

**HON J L BALDACHINO:**

Therefore the criteria for the waiver of import duty by the Customs is different to the criteria used by the hon Lady's department, what is the difference?

**HON MRS Y DEL AGUA:**

That is correct, the legal requirements under the customs regulations as I have explained before is that the vehicle has to be for the use of a disabled person and be specially adapted for such a use. The criteria set by my department whereby the Minister can make representations for an ex-gratia payment to be made is that we can make that ex-gratia payment even if the vehicle is not going to be used by the disabled person. As long as the vehicle is adapted for the carriage of such a person then the ex-gratia payment is granted.

**NO. 374 OF 2002**

**THE HON J L BALDACHINO**

**MILBURY CARE SERVICE**

What management structure is intended to replace the Milbury contract later this year?

**ANSWER**

**THE HON THE MINISTER FOR SOCIAL AFFAIRS**

The Government have not taken a final decision on the future management structure once the Milbury contract expires later this year.

**SUPPLMENTARY TO QUESTION NO 374 OF 2002**

**HON J L BALDACHINO:**

When will Government be in a position to know what management structure they intend to put in place to replace the Milbury structure?

**HON MRS Y DEL AGUA:**

I can say that it is envisaged that the structure will be similar to what exists at present but we will be in a position to confirm that and to make an announcement very shortly.

**HON J L BALDACHINO:**

I suppose that people who need the training for those posts are now being trained?

**HON MRS Y DEL AGUA:**

The people who will take over or who will be able to apply for posts within the management structure will have to be suitably qualified. I am not able to say whether every single person in Milbury has been trained to that standard.

**HON J L BALDACHINO:**

One of the conditions Milbury have in their contract is that they have to train local people, has Milbury not fulfilled that contractual obligation?

**HON MRS Y DEL AGUA:**

Within the structure let alone the management structure there are many levels of training required for the different personnel within what we say is the Milbury staff, many people have been trained at a certain level and others although they have been trained it might be the case that they have not been able to achieve the qualifications required. I am not saying that that is the case but it could happen.

**HON J L BALDACHINO:**

I understand that but the original contract that Government signed with Milbury was that the Milbury UK staff I think it was in three or two years time those posts would have been taken up by locals and they had to train those local people to take those posts which was the managerial staff of Milbury. That has not happened has it?

**HON MRS Y DEL AGUA:**

As far as I am aware the training has been afforded whether the people have acquired the qualifications needed at the end of the day to take over the management structure I would not be able to say.

**HON J J BOSSANO:**

Has a decision been taken on whether after the Milbury contract those persons assuming these responsibilities will be direct employees of the Government or are we talking about an alternative contractual situation?

**HON MRS Y DEL AGUA:**

I am not in a position to confirm that at this moment in time but an announcement will be made shortly.

**HON J J BOSSANO:**

So the Government have not yet decided which of the two it is?

**HON MRS Y DEL AGUA:**

We are still considering the possibilities.

**HON J J BOSSANO:**

Surely if the Government came down on the side of contracting it out, would that not have to be advertised and go to tender and all the rest of it?

**HON MRS Y DEL AGUA:**

I can give an indication that one of the options that is before us is to have a similar structure to the Elderly Care Agency and as far as I am concerned or I am aware that did not need to go out to tender.

**HON J J BOSSANO:**

But that is a statutory body it is not a private contractor, is that the alternative that they are looking at, a statutory body as opposed to a private contractor?

**HON MRS Y DEL AGUA:**

I think that we could discard the private contractor and it would be more in line of a statutory body.

**HON J J BOSSANO:**

I take it that whoever takes over would have to take on the existing staff?

**HON MRS Y DEL AGUA:**

That is the case.

**HON J L BALDACHINO:**

We are talking about all that Milbury manages it is not just the Dr Giraldi Home, is it all where Milbury has a contractual obligation with the Government?

**HON MRS Y DEL AGUA:**

Social Services comprises a lot more than the Dr Giraldi Home.



**NO. 375 OF 2002****THE HON J L BALDACHINO****SOCIAL SERVICES AGENCY**

Can Government state how many children are held in care giving a breakdown by age and sex at the end of March 2002?

**ANSWER****THE HON THE MINISTER FOR SOCIAL AFFAIRS**

As at the 31<sup>st</sup> March 2002, 25 children and young persons were in care with the Social Services Agency.

The following statistical analysis gives details of age band and gender:-

<b>Age Group</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>
<b>0-4 yrs</b>	2	2	4
<b>5-9 yrs</b>	4	-	4
<b>10-14 yrs</b>	1	7	8
<b>15-18 yrs</b>	3	6	9

**NO. 376 OF 2002**

**THE HON J L BALDACHINO**

**DR GIRALDI HOME**

Can Government state how many individuals applied for respite facilities at Dr Giraldi Home and how many were accommodated giving a breakdown for the months of February and March 2002?

**ANSWER**

**THE HON THE MINISTER FOR SOCIAL AFFAIRS**

In the month of February 2002 nine individuals applied for respite facilities at Dr Giraldi Home and eight applications were met. In the month of March 2002 eight individuals applied and the eight applications were met.

**NO. 377 OF 2002**

**THE HON J J BOSSANO**

**SOCIAL INSURANCE FUND**

Can Government say what was the balance of the Social Insurance Fund as at 31<sup>st</sup> March 1988 and how much of this was attributable to the funds provided by UK for the payment of pre-1969 Spanish Pensions?

**ANSWER**

**THE HON THE MINISTER FOR SOCIAL AFFAIRS**

The balance in the Social Insurance Fund as at 31<sup>st</sup> March 1988 was £16.5 million. The notional Spanish Pensions sub-fund reflects that as at 31<sup>st</sup> March 1988, a sum of £0.9 million was due by HM Government in respect of Spanish Pensions.

**SUPPLEMENTARY TO QUESTION NO 377 OF 2002**

**HON J J BOSSANO:**

The fact that the Minister has said “was due” means that the UK contribution at that time was in deficit and that Gibraltar had advanced £0.9 million, is that what it implies?

**HON K AZOPARDI:**

I think the way the answer is phrased, I have not compiled it but I imagine Treasury has, the way that it is phrased implies that the answer to the hon Member's question must be that there was a sum due of £900,000 by the UK Government in relation to Spanish pensions. There is no account in tabular form that I could compare so that I

could give him the answer as a 100 per cent accurate answer but that I am sure we can do but the way that the answer has been given certainly implies that yes there was a sum of £900,000 due by Her Majesty's Government at that time. What I can say to the hon Member was that subsequently in May of that year 1988, £2.5 million of ODA Funds were received from the UK to cover liabilities up until the end of May and I imagine and that can be confirmed as well that that may have incorporated the £900,000 due at the end of March 1988.

**HON J J BOSSANO:**

I was there in May 1988 but I certainly do not recall that at the start of the financial year the local fund had dispersed money to Spanish pensioners in anticipation of receiving money from UK, this is why I interpret the answer because that is the way it seems to be drafted but I am surprised that that should be the case. I was under the impression that the balance at the end of the 1987/1988 financial year in fact included some of the ODA Funding which had been provided earlier.

**HON K AZOPARDI:**

I do not think that we have said that the fund actually dispersed funds in anticipation of a receipt of payment. All that the hon Member has said is that the sum of £900,000 was due, the point that the hon Member has just made is whether we have dispersed it in anticipation. I do not think we have given that.

**HON J J BOSSANO:**

If the Minister were as familiar with the way this thing works as I am, he would know that it only becomes due if it has been paid so if the payment had not been made to the Spaniards it would not be due from UK. The normal practice was that the UK provided the funds before payment was made so there was no question of them becoming due. They were topped up as they are today as the balance in the Spanish account which we have been given in answer to a previous question runs down, the UK provides more money. In theory it is conceivable that a delay in receiving the payment from UK would lead to a point where the Gibraltar Government would not suddenly stop paying Spanish pensioners if they knew that the money was on its way and it is only in those circumstances that I can think of how money can be due from UK. The importance of clarifying that is that if it means that the £16.5 million was all local money and on top of that at that point there should have been £0.9 million then we are talking about the local money being £17.4 million whereas if the £16.5 million includes then we are talking about the sum of local money available for local pensions being less. So it is a question of getting an accurate figure for what was the balance on that date.

**HON K AZOPARDI:**

I take the hon Member's point. We can certainly clarify to him whether in fact the £2.5 million that we received from ODA in 1988 incorporated a payment of £900,000 in respect of March 1988 or whether in fact this is just clumsy phraseology and the hon Member's assessment is correct. That can certainly be clarified by the Treasury and the information given to him.

**HON J J BOSSANO:**

The figure that was previously given in the House that the balance on that date was £55 million is then totally inaccurate.

**HON K AZOPARDI:**

I cannot recall that anyone has given that figure but certainly all that I have today is the figure that we have given him, the balance of £16.5 million and I certainly imagine that this one is far more accurate than any other prior figure even if it was stated before but again if he wants us to confirm that to him we will certainly do so, that is part of the previous answer that we are going to check anyway, we are going to tell him specifically the balance of £16.5 million and whether it stands in relation to the possible impact of the previous question.

**HON J J BOSSANO:**

If I can refresh the Minister's memory that was the figure that was provided in the House at the time of the restoration of the fund. When the fund was restored after the agreement with UK we were told in this House that initially the balance had been £55 million, and that it had been reduced over the years and that that meant that it was in a precarious position to meet future liabilities. Obviously the difference between £55 million and £16.5 million is so massive that one wonders how the calculations could have been made so it is something that we want clarified.

**HON K AZOPARDI:**

Yes it certainly can be checked as I have said and I think that the proper figure and more accurate figure is certainly around £16 million but as the hon Member has said himself he was in Government at the time and maybe with his golden memory he could remember the figure himself.

**HON J J BOSSANO:**

I certainly would have known if we had £55 million. I can tell the Minister that.

**NO. 378 OF 2002****HON J L BALDACHINO****CAMMELL LAIRD**

Can Government state how many persons were employed by Cammell Laird or alternatively in the Shipping Industry as at the end of January, February and March 2002 and how many of these were Gibraltarians?

**ANSWER****THE HON THE MINISTER FOR EMPLOYMENT AND CONSUMER AFFAIRS**

The extensive factual and statistical information requested by the hon Member is set out in the written schedule that I hand to him.

The number of persons employed in the Shipping Industry in the 1<sup>st</sup> Quarter 2002 is as follows:-

	<b>January</b>	<b>February</b>	<b>March</b>
<b>Gib</b>	124	125	130
<b>Other</b>	129	132	134
<b>Total</b>	<b>253</b>	<b>257</b>	<b>264</b>

**NO. 379 OF 2002**

**THE HON J L BALDACHINO**

**CAMMELL LAIRD**

Can Government give a monthly breakdown of the vacancies for casual workers opened with the Employment Agency by Cammell Laird or alternatively in the Shipping Industry in the 1<sup>st</sup> quarter of 2002, and of these how many have been taken by Gibraltarians?

**ANSWER**

**THE HON THE MINISTER FOR EMPLOYMENT AND CONSUMER AFFAIRS**

There were no vacancies for Casual Workers in the shipping industry in the 1<sup>st</sup> quarter of 2002.

**NO. 380 OF 2002****THE HON J L BALDACHINO****EMPLOYMENT - NUMBER OF GIBRALTARIANS**

Can Government state of the Gibraltarians employed in the 1<sup>st</sup> quarter of 2002 how many were registered with the Employment Agency giving a breakdown for each month by age and sex?

**ANSWER****THE HON THE MINISTER FOR EMPLOYMENT AND CONSUMER AFFAIRS**

The extensive, factual and statistical information requested by the hon Member is set out in the written schedule that I hand to him.

Registered Gibraltarians employed during the 1<sup>st</sup> quarter of 2002.

<b>January</b>	<b>Males</b>	<b>Females</b>	<b>Total</b>
<b>&lt;18</b>	2	3	5
<b>18 to 24</b>	18	16	34
<b>25+</b>	14	21	35
<b>Total</b>	<b>34</b>	<b>40</b>	<b>74</b>

<b>February</b>	<b>Males</b>	<b>Females</b>	<b>Total</b>
<b>&lt;18</b>	3	5	8
<b>18 to 24</b>	11	14	25
<b>25+</b>	10	15	25
<b>Total</b>	<b>24</b>	<b>34</b>	<b>58</b>

<b>March</b>	<b>Males</b>	<b>Females</b>	<b>Total</b>
<b>&lt;18</b>	2	0	2
<b>18 to 24</b>	19	13	32
<b>25+</b>	14	17	31
<b>Total</b>	<b>35</b>	<b>30</b>	<b>65</b>



**SUPPLEMENTARY TO QUESTION NO 380 OF 2002**

**HON J L BALDACHINO:**

Can the Minister say, that if I were to deduct this from the vacancies filled, the jobs that have been filled in the 1<sup>st</sup> quarter, for example in January, the other jobs that have been filled have been filled by people that were in employment, moving employment is that correct?

**HON H A CORBY:**

I cannot say, what I have here are the people who have been employed during the months of January, February and March, I do not know if they are moving from one to the other, I do not have that information.

**HON J L BALDACHINO:**

So these ones are only people who found employment during that month and were registered as unemployed?

**HON H A CORBY:**

That is correct.

**NO. 381 OF 2002****THE HON J L BALDACHINO****UNEMPLOYMENT REGISTER**

How many Gibraltarians joined the Unemployment register during each month of the 1<sup>st</sup> quarter of 2002 giving a breakdown by age and sex?

**ANSWER****THE HON THE MINISTER FOR EMPLOYMENT AND CONSUMER AFFAIRS**

The extensive, factual and statistical information requested by the hon Member is set out in the written schedule that I hand to him.

Gibraltarians who joined the Unemployment Register during the 1<sup>st</sup> quarter of 2002.

<b>January</b>	<b>Males</b>	<b>Females</b>	<b>Total</b>
<b>&lt;18</b>	10	8	18
<b>18 to 24</b>	41	27	68
<b>25+</b>	45	38	83
<b>Total</b>	<b>96</b>	<b>73</b>	<b>169</b>

<b>February</b>	<b>Males</b>	<b>Females</b>	<b>Total</b>
<b>&lt;18</b>	8	7	15
<b>18 to 24</b>	22	16	38
<b>25+</b>	31	28	59
<b>Total</b>	<b>61</b>	<b>51</b>	<b>112</b>

<b>March</b>	<b>Males</b>	<b>Females</b>	<b>Total</b>
<b>&lt;18</b>	11	8	19
<b>18 to 24</b>	18	15	33
<b>25+</b>	25	23	48
<b>Total</b>	<b>54</b>	<b>46</b>	<b>100</b>

**NO. 382 OF 2002**

**THE HON J L BALDACHINO**

**BRITISH NATIONALS EMPLOYED**

Can Government state of the 312 other British employed in the 1<sup>st</sup> quarter of 2002 how many were new entrants to the local labour market giving a breakdown for each month?

**ANSWER**

**THE HON THE MINISTER FOR EMPLOYMENT AND CONSUMER AFFAIRS**

Answered together with Question Nos 383 to 385 of 2002.

**NO. 383 OF 2002**

**THE HON J L BALDACHINO**

**SPANISH NATIONALS EMPLOYED**

Can Government state of the 349 Spanish nationals employed in the 1<sup>st</sup> quarter how many were new entrants to the Local Labour Market giving a breakdown for each month?

**ANSWER**

**THE HON THE MINISTER FOR EMPLOYMENT AND CONSUMER AFFAIRS**

Answered together with Question Nos 382, 384 and 385 of 2002.

**NO. 384 OF 2002**

**THE HON J L BALDACHINO**

**MOROCCAN NATIONALS EMPLOYED**

Can Government state how many Moroccan nationals employed in the 1<sup>st</sup> quarter of 2002 were new entrants to the Local Labour Market giving a breakdown for each month and job title?

**ANSWER**

**THE HON THE MINISTER FOR EMPLOYMENT AND CONSUMER AFFAIRS**

Answered together with Questions Nos 382, 383 and 385 of 2002.

**NO. 385 OF 2002****THE HON J L BALDACHINO****NON-EEC NATIONALS EMPLOYED**

Can Government state how many non-EEC nationals employed in the 1<sup>st</sup> quarter of 2002 were new entrants to the Local Labour Market giving a breakdown by nationality and job title, for each month?

**ANSWER****THE HON THE MINISTER FOR EMPLOYMENT AND CONSUMER AFFAIRS**

The extensive, factual and statistical information requested by the hon Member is set out in the written schedule that I hand to him.

**British Nationals**

	<b>January</b>	<b>February</b>	<b>March</b>	<b>Total</b>
<b>New Entrants</b>	24	60	48	132

**Spanish Nationals**

	<b>January</b>	<b>February</b>	<b>March</b>	<b>Total</b>
<b>New Entrants</b>	55	75	63	193

**Moroccans**

	<b>January</b>	<b>February</b>	<b>March</b>	<b>Total</b>
<b>New Entrants</b>	0	0	0	0

**Other Non-EEC Nationals**

January	Korean	Greek/ Cypriot	Totals
Managerial	-	-	-
Professional	-	-	-
Medical	-	-	-
Clerical	1	-	1
Semi-skilled	-	1	1
Domestic	-	-	-
Catering	-	-	-
Skilled	-	-	-
Director	-	-	-
Total	1	1	2

February	USA	Greek/ Cypriot	Can	Slovak	New Zealand	South Africa	Aus	Estonia	Malaysian	Total
Managerial	-	-	-	-	1	-	-	-	-	1
Professional	1	-	-	-	-	-	-	-	-	1
Medical	-	-	-	-	-	-	-	-	-	-
Clerical	-	-	-	1	-	1	-	-	3	5
Semi-skilled	-	6	1	-	-	-	1	1	-	9
Domestic	-	-	-	-	-	-	-	-	-	-
Catering	-	-	-	-	-	-	-	-	-	-
Skilled	-	-	-	-	-	-	-	-	-	-
Director	-	-	-	-	-	-	-	-	-	-
Total	1	6	1	1	1	1	1	1	3	16

March	New Zealand	Malaysia	Chilean	Greek/Cypriot	Chinese	Totals
Managerial	1	-	-	-	-	1
Professional	-	-	-	-	-	-
Medical	-	-	-	-	-	-
Clerical	-	1	-	-	-	1
Semi-skilled	-	-	1	2	1	4
Domestic	-	-	-	-	-	-
Catering	-	-	-	-	-	-
Skilled	-	-	-	-	-	-
Director	-	-	-	-	-	-
Total	1	1	1	2	1	6

**NO. 386 OF 2002****HON J L BALDACHINO****TERMS OF ENGAGEMENT**

Can Government state how many Terms of Engagement were registered with the Employment Agency on 31<sup>st</sup> January, 28<sup>th</sup> February and 31<sup>st</sup> March 2002:

- (a) including directors;
- (b) excluding directors?

**ANSWER****THE HON THE MINISTER FOR EMPLOYMENT AND CONSUMER AFFAIRS**

The number of Terms of Employment registered with the Employment Service as at the end of January, February and March 2002 is as follows:

	<b>January</b>	<b>February</b>	<b>March</b>
<b>Including directors &amp; self-employed</b>	18309	18461	18597
<b>Excluding directors &amp; self-employed</b>	15546	15698	15834



**NO. 387 OF 2002****THE HON J L BALDACHINO****EMPLOYMENT - VACANCIES FILLED**

Can Government state of the vacancies filled in the 1<sup>st</sup> quarter of 2002 how many were for part-time employment giving a breakdown by sex and age for each month as follows:

- (a) Gibraltarians;
- (b) Other nationals?

**ANSWER****THE HON THE MINISTER FOR EMPLOYMENT AND CONSUMER AFFAIRS**

The extensive, factual and statistical information requested by the hon Member is set out in the written schedule that I hand to him.

Part-time vacancies filled in the first quarter of 2002.

January	Gibraltarians		Other		Total	
	Male	Female	Male	Female	Male	Female
<18	2	1	2	0	4	1
18 to 24	2	8	7	10	9	18
25+	5	91	14	21	19	112
<b>Total</b>	<b>9</b>	<b>100</b>	<b>23</b>	<b>31</b>	<b>32</b>	<b>131</b>

<b>February</b>	<b>Gibraltarians</b>		<b>Other</b>		<b>Total</b>	
	<b>Male</b>	<b>Female</b>	<b>Male</b>	<b>Female</b>	<b>Male</b>	<b>Female</b>
<b>&lt;18</b>	0	1	0	0	0	1
<b>18 to 24</b>	1	11	5	9	6	20
<b>25+</b>	2	25	12	23	14	48
<b>Total</b>	<b>3</b>	<b>37</b>	<b>17</b>	<b>32</b>	<b>20</b>	<b>69</b>

<b>March</b>	<b>Gibraltarians</b>		<b>Other</b>		<b>Total</b>	
	<b>Male</b>	<b>Female</b>	<b>Male</b>	<b>Female</b>	<b>Male</b>	<b>Female</b>
<b>&lt;18</b>	1	1	0	0	1	1
<b>18 to 24</b>	4	6	4	12	8	18
<b>25+</b>	2	27	14	26	16	53
<b>Total</b>	<b>7</b>	<b>34</b>	<b>18</b>	<b>38</b>	<b>25</b>	<b>72</b>

**NO. 388 OF 2002**

**THE HON J L BALDACHINO**

**EMPLOYMENT - CONTRACTS TERMINATED**

Can Government give a breakdown by nationality and industry giving the total for each month for the 1<sup>st</sup> quarter of 2002 in respect of employment contracts terminated?

**ANSWER**

**THE HON THE MINISTER FOR EMPLOYMENT AND CONSUMER AFFAIRS**

The extensive, factual and statistical information requested by the hon Member is set out in the written schedule that I hand to him.

**Answer to Question 388 of 2002**

Employment Contracts Terminated by Nationality & Industry for January – March 2002																		
Industry	January						February						March					
	GIB	BRI	SPA	MOR	EEC	OTH	GIB	BRI	SPA	MOR	EEC	OTH	GIB	BRI	SPA	MOR	EEC	OTH
Shipbldg, repair etc.	4	1	5				1	2	7		1	1	2		2		1	
M/f of food, & tobacco			1	1					1								1	
Printing & publishing	2				1				2					1	1			1
M/f n.e.c.(clothing etc)																	2	
Blding & construction	9	18	11	1			8	21	20	6	1		14	10	39	5		
Electricity supply																		
Water supply							1											
Sea transport/shipping	6	1		1			2						1		1			
Port & services	1	1					1											
Road transport			1								1							
Post & telecomm.																		
Air transport & related													1					
W/sale food, drink	2	1	6				6		1				2	1			1	
W/sale fuel							1	1										
W/sale n.e.c.	4	1	1	1			2	1						1				1
Retail –food	4	5	11				3	5	3		1	1	4	1	2			1
Retail-drink & tobacco	1						1						2					
Ret.-clothing, footwear	6	4	1				5		2				1					
Retail – h/hold goods	2	2			1		3	2			2							
Retail – n.e.c.	8	3	4	1			7	2	7				6	1	3		1	1
Hotels,hostels,g/houses	1	2	1					2	1				1		5			
Restaurants, cafes etc	7	9	9	1	1	2	7	12	11	3	2		13	6	1			
Bars(lic to sell alcohol)	3	5	3	2	2		4	8	8	1	1				2			
Tourist svcs n.e.c.	1		1				5	1					4		1			
Banking & finance	5	1	1				5	1					4	1	1			1
Insurance & real estate	5	4			2		6	2	1				1	2		1		1
Legal,account,other svc	10	3	3	2	2	1	15	4	2				6		1		5	
Public admin	20						11	1					21					
Education services	1								1				1					
Medical/health services	2	6	1			1		3					2	1				
Welfare,charity,rel svcs	1	1	1										2					
Entertainment & sport	5	6	1		1		7	10	1				2	1				
Repairs-consumer good	2	3	2		1	1	2	1					1		1			
Police/fire services	4	4					4	1	1		1		4		1			
Defence	1	1		1			1						6	4				
Sanitary services						1											1	
Services n.e.c.	23	9	3	3	4		19	9	9			1	12	3	3		1	1

**NO. 389 OF 2002**

**THE HON J L BALDACHINO**

**WORK PERMITS**

Can Government state the number of Work Permits issued in the 1<sup>st</sup> quarter of 2002 giving a breakdown by occupation, sex and nationality for each month?

**ANSWER**

**THE HON THE MINISTER FOR EMPLOYMENT AND CONSUMER AFFAIRS**

The extensive, factual and statistical information requested by the hon Member is set out in the written schedule that I hand to him.

**Answer to Question No 389 of 2002**

February	New Zealand		Malaysian		Chilean		Greek/Cypriot		Chinese		Totals
	M	F	M	F	M	F	M	F	M	F	
Managerial	1										1
Professional											
Medical											
Clerical			1								1
Semi-skilled						1	2			1	4
Domestic											0
Catering											
Skilled											
Director											
Total	1	0	1	0	0	1	2	0	0	1	6

**Answer to Question No 389 of 2002**

Work Permits issued in the 1<sup>st</sup> Quarter of 2002.

January	Korean		Greek/Cypriot		Totals
	M	F	M	F	
Managerial					
Professional					
Medical					
Clerical		1			1
Semi-skilled			1		1
Domestic					
Catering					
Skilled					
Director			1		1
Total	0	1	2	0	3

February	American		Greek/Cypriot		Can		Malaysian		Slovak		New Zealand		South Africa		Australia		Estonian		Totals
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	
Managerial											1								1
Professional		1																	1
Medical																			0
Clerical					1		1	2	1				1						6
Semi-skilled			6												1	1			8
Domestic																			0
Catering																			0
Skilled																			0
Director																			0
Total	0	1	6	0	1	0	1	2	0	1	1	0	1	0	0	1	1	0	16

**NO. 390 OF 2002****THE HON J L BALDACHINO****DETACHED WORKERS**

Can Government state the number of workers that were registered with the Employment Agency as "Detached Workers" in the 1<sup>st</sup> quarter of 2002, giving a breakdown for each month, their trade and nationality?

**ANSWER****THE HON THE MINISTER FOR EMPLOYMENT AND CONSUMER AFFAIRS**

The extensive, factual and statistical information requested by the hon Member is set out in the written schedule that I hand to him.

**January 2002**

<b>Nationality</b>	<b>Professional</b>	<b>Semi-skilled</b>	<b>Skilled</b>	<b>Manual</b>	<b>Total</b>
<b>Spanish</b>	1	2	54	-	57
<b>British</b>	1	-	5	-	6
<b>Other EEC</b>	-	-	3	-	3
<b>Other Non EEC</b>	-	-	-	-	-
<b>Total</b>	<b>2</b>	<b>2</b>	<b>62</b>	<b>-</b>	<b>66</b>

**February 2002**

<b>Nationality</b>	<b>Professional</b>	<b>Semi-skilled</b>	<b>Skilled</b>	<b>Manual</b>	<b>Total</b>
<b>Spanish</b>	1	2	27	-	30
<b>British</b>	1	-	7	-	8
<b>Other EEC</b>	-	-	-	-	-
<b>Other Non EEC</b>	1	-	-	-	1
<b>Total</b>	<b>3</b>	<b>2</b>	<b>34</b>	<b>-</b>	<b>39</b>

**March 2002**

<b>Nationality</b>	<b>Professional</b>	<b>Semi-skilled</b>	<b>Skilled</b>	<b>Manual</b>	<b>Total</b>
<b>Spanish</b>	-	1	21	-	22
<b>British</b>	-	-	5	-	5
<b>Other EEC</b>	-	-	-	-	-
<b>Other Non EEC</b>	1	-	-	-	1
<b>Total</b>	<b>1</b>	<b>1</b>	<b>26</b>	<b>-</b>	<b>28</b>



**NO. 391 OF 2002****THE HON J L BALDACHINO****NUMBER OF UNEMPLOYED**

Can Government state how many Gibraltarians registered unemployed with the Employment Agency as at the 1<sup>st</sup> quarter of 2002 were registered as looking for part-time jobs giving a breakdown by sex and age for each month?

**ANSWER****THE HON THE MINISTER FOR EMPLOYMENT AND CONSUMER AFFAIRS**

The extensive, factual and statistical information requested by the hon Member is set out in the written schedule that I hand to him.

Unemployed Gibraltarians registering for part-time in the 1<sup>st</sup> quarter of 2002.

<b>January</b>	<b>Males</b>	<b>Females</b>	<b>Total</b>
<b>&lt;18</b>	0	0	0
<b>18 to 24</b>	0	2	2
<b>25+</b>	0	15	15
<b>Total</b>	<b>0</b>	<b>17</b>	<b>17</b>

<b>February</b>	<b>Males</b>	<b>Females</b>	<b>Total</b>
<b>&lt;18</b>	0	0	0
<b>18 to 24</b>	0	1	1
<b>25+</b>	0	17	17
<b>Total</b>	<b>0</b>	<b>18</b>	<b>18</b>

<b>March</b>	<b>Males</b>	<b>Females</b>	<b>Total</b>
<b>&lt;18</b>	0	0	0
<b>18 to 24</b>	0	1	1
<b>25+</b>	0	16	16
<b>Total</b>	<b>0</b>	<b>17</b>	<b>17</b>

**NO. 392 OF 2002**

**THE HON J L BALDACHINO**

**EMPLOYMENT REGULATIONS (OFFENCES) ORDINANCE**

Can Government state how many fixed penalties have been imposed on employers, in respect of how many employees for the month of January, February and March 2002 under the Employment Regulations (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?

**ANSWER**

**THE HON THE MINISTER FOR EMPLOYMENT AND CONSUMER AFFAIRS**

The extensive, factual and statistical information requested by the hon Member is set out in the written schedule that I hand to him.

**SUPPLEMENTARY TO QUESTION NO 392 OF 2002**

**HON J L BALDACHINO:**

The information that the Minister has given me shows that there are no longer people employing illegal labour in Gibraltar, is that correct?

**HON H A CORBY:**

Well, the legislation seems to be very effective but I have to tell the hon Member that there is one at the end of March which will be reflected in the next quarter, April, May and June so there has been. Although people are now registering the workers there are at times some that have illegal workers with them and this was found out at the end of March and will be reflected in April.

## **HON J L BALDACHINO:**

I presume that when the inspectors carry out the inspection are they are at random, who decides which area of employment in our economy they go to, they do it themselves or....?

## **HON H A CORBY:**

Sometimes at random, sometimes in sectors and industry groups so it is a mixture of both.

### **January 2002**

Number of inspections carried out was 21.  
No Fixed Penalty Notices were issued.  
No Fixed Penalty Notices were paid.  
No pending cases with the Attorney General.

### **February 2002**

Number of inspections carried out was 12.  
No Fixed Penalty Notices were issued.  
No Fixed Penalty Notices were paid.  
No pending cases with the Attorney General.

### **March 2002**

Number of inspections carried out was 11.  
No Fixed Penalty Notices were issued.  
No Fixed Penalty Notice were paid.  
No pending case with the Attorney General.

The provisions are as follows:

- 1) Regulation 8(2A) of the Income Tax (Pay As You Earn) Regulations 1989 (Duty to Register).
- 2) Regulation 3 of the Employment Injuries (Contributions) Regulations (Duty to Register).
- 3) Regulation 3 of the Employment Injuries (Contributions) Regulations as applied by Regulation 4(1) of the Social Security (Contributions) Regulations (Duty to Register).
- 4) Regulation 3 of the Employment Injuries (Contributions) Regulations as applied by Regulation 3(1) of the Social Security (Open Long Term Benefits) (Contributions) Regulations 1997 (Duty to Register).
- 5) Regulation 7 of the Employment Regulations 1994 (Duty to apply to the Director for a permit in relation to a non-entitled worker).
- 6) Regulation 13 of the Employment Regulations 1994 (Duty to notify Director of Termination).
- 7) Section 3 of the Business Trades and Professions (Registration) Ordinance 1989 (Duty to Register).

**NO. 393 OF 2002**

**THE HON J L BALDACHINO**

**JOB CLUB**

Can Government state in respect of each month since January 2001 when the persons that used the Job Club facilities found employment, giving a monthly breakdown by reference to month attendance?

**ANSWER**

**THE HON THE MINISTER FOR EMPLOYMENT AND CONSUMER AFFAIRS**

The extensive, factual and statistical information requested by the hon Member is set out in the written schedule that I hand to him which includes:

1. Table attendance date (month) is that on which the person first made use of the Job Club facilities.
2. Table shows only those users who have found employment, not all users.
3. It must be noted that many other persons other than the Job Club users call at the Job Club for general enquiries and information, but do not necessarily register as users of the Job Club facilities, (that is do not more formally embark on a set Job Club Workshop or individual modules.)
4. Job Club facilities and workshops include set modules in:
  - Career Guidance
  - Jobsearch Skills
  - CV Writing
  - Interview Skills
  - Telephone Skills
  - Customer Care

Answer to Question 393 of 2002

NUMBER OF PERSONS THAT USED THE JOB CLUB FACILITIES AND FOUND EMPLOYMENT

(By month of first attendance and month in which they found employment)

January 2001 - March 2002

2001	Users Employed	2001												2002		
		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
Jan	8		4	2			1								1	
Feb	5		1	2	1	1										
Mar	10			1	5	1		1	1	1						
Apr	3				1		2									
May	8						2	3		2						1
Jun	6						1	3	1			1				
Jul	4								1	1	2					
Aug	9								1	3	2	1	1		1	
Sep	12										5	3		3		1
Oct	4										2	1			1	
Nov	3												1	1	1	
Dec	4												1	2	1	
2002																
Jan	9													3	4	2
Feb	4														1	3
Mar	1															1
TOTALS	90		0	5	5	7	2	6	7	4	7	11	6	3	9	8

- Behaviour At Work
- Assertiveness at Work
- Motivation and Self-esteem
- Life Skills
- Computer Interactive Packages and Videos
- Numeracy and Literacy Enhancement.

Answer to Question 393 of 2002

NUMBER OF PERSONS THAT USED THE JOB CLUB FACILITIES AND FOUND EMPLOYMENT

(By month of first attendance and month in which they found employment)

January 2001 - March 2002

	Users	2001												2002		
2001	Employed	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
Jan	8		4	2			1								1	
Feb	5		1	2	1	1										
Mar	10			1	5	1		1	1	1						
Apr	3				1		2									
May	8						2	3		2						1
Jun	6						1	3	1			1				
Jul	4								1	1	2					
Aug	9								1	3	2	1	1		1	
Sep	12										5	3		3		1
Oct	4										2	1			1	
Nov	3												1	1	1	
Dec	4												1	2	1	
2002																
Jan	9													3	4	2
Feb	4														1	3
Mar	1															1
TOTALS	90		0	5	6	7	2	6	7	4	7	11	6	3	9	8

**NO. 394 OF 2002**

**THE HON J L BALDACHINO**

**JOB CLUB**

Can Government state how many persons have used the facilities provided at the Job Club in the 1st quarter of 2002, giving a breakdown of each month, by sex and age?

**ANSWER**

**THE HON THE MINISTER FOR EMPLOYMENT AND CONSUMER AFFAIRS**

The extensive, factual and statistical information requested by the hon Member is set out in the written schedule that I hand to him.

It must be noted that many other persons call at the Job Club for general enquiries and information but do not necessarily register as users of the Job Club facilities (that is do not more formally embark on a set Job Club Workshop or individual modules).

The numbers reflected in the tables represent persons who are registered users of the Job Club facilities.

The increase in the numbers for the 1<sup>st</sup> quarter of 2002 in comparison with the numbers provided in respect of the period of February 2001 to December 2001 (that is in respect of Question No 46 of 2002) is due to the fact that the new numbers include any person who has embarked on any individual Job Club module and not necessarily a set Job Club workshop. The numbers in respect of Question No 46 of 2002 only included those persons who had completed a set Job Club Workshop composed of a number of modules.

Total number of persons using the Job Club facilities for the 1<sup>st</sup> quarter of 2002 by month and sex.

<b>Month</b>	<b>No of Persons</b>	<b>Males</b>	<b>Females</b>
<b>January 2002</b>	45	20	25
<b>February 2002</b>	47	24	23
<b>March 2002</b>	58	42	16

Total number of persons using Job Club Facilities for the 1<sup>st</sup> quarter of 2002 by month and age.

<b>Month</b>	<b>Under 18 Years</b>	<b>18-24 Years</b>	<b>25 Years &amp; Over</b>
<b>January 2002</b>	9	14	22
<b>February 2002</b>	8	16	23
<b>March 2002</b>	20	20	18



**NO. 395 OF 2002****THE HON J L BALDACHINO****BRUCE'S FARM**

Can Government state how many persons have been admitted as in-patients and how many persons have been given help as out-patients at Bruce's Farm Drug Rehabilitation Centre since 1<sup>st</sup> January 2002 giving a breakdown by age and sex for each month?

**ANSWER****THE HON THE MINISTER FOR EMPLOYMENT AND CONSUMER AFFAIRS**

The extensive, factual and statistical information requested by the hon member is set out in the written schedule that I hand to him.

Admissions for in-patients treatment as from 1<sup>st</sup> January 2002 - 31<sup>st</sup> March 2002.

	<b>January 2002</b>			<b>February 2002</b>			<b>March 2002</b>		
<b>Age Groups</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>
<b>Under 18</b>	0	1	1	0	0	0	0	0	0
<b>18 to 24</b>	0	0	0	1	0	1	0	0	0
<b>25 and Over</b>	3	1	4	1	0	1	1	0	1

Out-patients seen from 1<sup>st</sup> January 2002 - 31<sup>st</sup> March 2002

	January 2002			February 2002			March 2002		
Age Groups	Male	Female	Total	Male	Female	Total	Male	Female	Total
Under 18	0	1	1	0	0	0	0	0	0
18 to 24	0	0	0	0	0	0	0	0	0
25 and Over	4	6	10	5	8	13	8	2	10

**NO. 396 OF 2002**

**HON J C PEREZ**

**BUILDINGS AND WORKS DEPARTMENT**

Can Government state whether they are any nearer to concluding negotiations with the industrial employees of the Buildings and Works Department in their attempt at creating an Authority to replace the Department?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

Answered together with Question No 397 of 2002.

**NO. 397 OF 2002**

**THE HON J C PEREZ**

**BUILDINGS AND WORKS DEPARTMENT**

Have Government opened up the supervisory posts in the Buildings and Works Department arising out of the recommendations of the consultancy into the department, in anticipation of concluding an agreement with the relevant union/staff association, or has the new managerial structure now been agreed?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

There are a number of assumptions in both Questions that may or may not materialise. With regard to industrial employees of the TGWU concluding negotiations with the Government, the situation remains as answered in Question No 50 of 2002. The new posts advertised for both the Ministry for Housing and Buildings and Works are managerial and of various disciplines within the construction industry. However, whilst Government would wish to have a full and final agreement with the unions, it remains for the unions to decide if they wish to resume the negotiations or not. Nonetheless, given the public perception of the department, and the level of criticism by the Ombudsman, the Government believe that the interests of the tenants are paramount and have therefore started to reform the Buildings and Works in a manner in which it is our prerogative, as an employer, to do so.

**SUPPLEMENTARY TO QUESTION NOS 396 AND 397 OF 2002**

**HON J C PEREZ:**

Does that mean then that if the authority does not see the light of day as a result of there being no agreement with the relevant union/staff associations, that these posts

that have been advertised become Government posts and that they become civil servants, the people that are being recruited?

**HON J J NETTO:**

The hon Member would have seen when we were here last and we laid down the Estimates for Revenue and Expenditure, they will see there that there has been an increase in the establishment for both the Ministry of Housing and Buildings and Works and for which obviously we will have a proper debate when the time comes to discuss that. The hon Member has to understand that he is right when he says that they will form part of the establishment, most of the posts obviously as advertised he may recall were permanent and pensionable with the exception of three in Buildings and Works which were through contract.

**HON J C PEREZ:**

Given that it has been normal practice until today that no reference is made to the Estimates given that they have been given to the Opposition on a confidential basis until the time of the budget I could hardly refer to the Estimates as the Minister has done. Can the Minister tell me whether the practice of opening non-industrial posts in Government service internally first has now been discontinued given that all the posts have been advertised outside the Government service?

**HON J J NETTO:**

No, there are proper procedures for recruitment but the hon Member has to take into account various factors in relation to the recruitment of this particular post. The hon Member will probably recall, I think it was last year, when the consultant report in Buildings and Works was published. The recommendations by the consultant was that all posts should be recruited on the basis of merit and open competition. The Government did not go completely along that line, the Government took a half-way house view as to the way it preferred to open up the recruitment process. Many of the posts were therefore advertised internally within the Government service, other posts were opened simultaneously both in the Government service and outside and this was done because everybody knows that particularly some of the jobs advertised which are specific disciplines within the construction industry there is hardly much stock within the Government for those particular posts, and the Government do want to continue as I have said before with reforming Buildings and Works because there is much work to do there for the benefit of the tenants and obviously we would want to do this in the shortest possible time in order to get on with this job.

**HON J C PEREZ:**

Just to remind the Minister, that the Government have refused to give us a copy of the recommendations so I could hardly refer to the recommendations as the Minister says but let me ask him whether given that these posts have been advertised in anticipation of a possible agreement of the management structure whether the practical employment of these people will be upheld until and if a management structure is agreed given that if the negotiations go a different way with the unions the Minister might find himself with two managerial structures instead of one.

**HON J J NETTO:**

With regards to the first point it is not that the Government refused to give the Opposition the consultants report. The Government made it public on the Government website and any Member who would have wanted the report could have got it a year ago. With regards to the second point as I said in my original answer the Government would wish at the end of the day and I think the Chief Minister has said this on many occasions in this Chamber, would rather wish to have a full and final agreement with the Unions, an agreement that we can all win, the tenants, the staff, and the Government. Unfortunately I am neither in the position nor are Government in the position to be able to tell the unions "come back to the negotiating table" much as we would prefer to do so. Therefore it remains a matter for the unions to decide for themselves but in the light and in the time whether they decide to come or not to come, the Government have said repeatedly in this Chamber and we will continue to say so that the interest of the tenants are paramount because there is a lot to reform in Buildings and Works in order to upgrade its services and what it means and I do not want to predetermine today the proper discussion that we will have when we have the budget and the hon Member does have a point on what he said before but the fact of the matter is that we are getting on with the job in terms of doing some of the reforms now.

**HON J C PEREZ:**

What the Minister is saying is that hypothetically as the situation stands now we could have a situation where there is stalemate with the union, they remain within the Buildings and Works Department with the managerial structure as it is but with new managers employed by the Minister or by the Government.

**HON J J NETTO:**

I want to draw a very thin line between some of the statements made by the hon Member in the sense that we will not have two structures as far as management is concerned, we will have one structure but what I am not going to enter into today with the hon Member here is as to the roles and responsibilities of the existing management.

**HON J J BOSSANO:**

Can Government say who holds the negotiating rights, that is which union holds the negotiating rights for the new posts?

**HON J J NETTO:**

Prospect.

**HON J J BOSSANO:**

It does not sound like a union but anyway is Prospect then the union that has been consulted in order to agree the creation of these posts?

**HON J J NETTO:**

I do not agree with the Leader of the Opposition's view that the Government should seek to have permission by the union as to Government's intention to restructure their department at all. I think that it is an employer's prerogative to restructure their department as they see fit quite frankly, that is something which we have said in the past. We have taken the view from the very beginning of the negotiations to impart information to the unions in both verbally and written form as to the structure that we wanted to implement for Buildings and Works and the Ministry for Housing. We have not shied away from passing that information but at the end of the day it is not for the Government to negotiate their willingness to restructure Housing and Buildings and Works and the kind of management that it will have in its place.

**HON J J BOSSANO:**

The Minister then no longer subscribes to the view that he held before when he was a union official, that the negotiating rights of the union includes an agreed complement and structure, that is no longer the case?

**HON J J NETTO:**

The hon Member is confusing two different issues. This Government as opposed to the previous Government have made a money level agreement with regard to the industrials which has never existed in the past and that would not be affected in anyway within the negotiations or within the resumption of the new negotiations but this is not what we are discussing about what we are discussing and he has raised up is a question of an agreement with the union in relation to the management post that the Government intend to do. It is a matter for the Government to restructure Housing and Buildings and Works as they see fit in the interests of their tenants.

**HON J J BOSSANO:**

No, the Minister either has forgotten everything he ever preached or believed in or is deliberately being economical with the truth. Is it the policy or is it not whether it is in the Buildings and Works or in any other Government department that if one is going to reduce EO's and increase AO's or reduce PTO's and increase HPTO's from what it was in the previous financial year there is a negotiation with the union as to the changes in the post in that structure, is that still something that happens or has that now been abandoned?

**HON J J NETTO:**

With regards to getting things in the past the Leader of the Opposition has got to think for himself because he has done more damage to the union and to the working class than anyone else in the past, so that is in regards to that and with regards to our aim all his concern is about equating EO's or AO's or PTO's or HPTO's he will see for himself as a good mathematician that he is, that the union will win hands down in relation to an enormous amount of new jobs. So this is not a question that the union will see a deterioration in the numbers of the establishment, what they will see is a massive gain for people that we are employing in the department.

**HON J J BOSSANO:**

I am not asking whether he was a better or worse Branch Officer than me, I think the members of the union are in a better position to judge whether it was him or me, he certainly seemed to think that he needed my support before he took the plunge to become a union official as I remember, nor am I asking whether the number of posts are going up or coming down. I am asking a simple question to my knowledge until this point in history, it has always been the accepted position of the Government and the union holding the negotiating rights, that the negotiating rights included the need for a negotiation to take place in order to provide different posts whether it is in the Port Department, in the Generating Station or in the Buildings and Works, are Government saying that in the Buildings and Works that rule does not apply or are Government saying that that rule no longer applies throughout the public service, that is my question, the Minister should not keep on avoiding it. He should say yes or no.

**HON K AZOPARDI:**

There is a time and a place for everything and the hon Member will also recognise that there are some individual posts where clearly there are negotiations and then there is information and sometimes there is not a need to negotiate especially where one creates a post where there is a crying need and certainly no one in the public service to fill it. In this case I can certainly tell the hon Member that as part of the discussions that we held with both unions, until we reached the point of where the unions had withdrawn, T&G had withdrawn from the negotiations, they are perfectly aware of precisely what we wanted to do as to the restructure of Buildings and Works, the posts that we wanted to take in and the adjustments that we wanted to make as to the management. The view we took though subsequently is that while they withdrew from the negotiations, it was clear that they had withdrawn because they did not want to accept the package that we had put together, or at least that was the communication that they gave to us, in relation to terms and conditions of the offices, men and so on. There was in the first place no issue as far as we are aware as to recruitment of staff, no additional staff. Secondly, this is not about reduction of posts it is about increases of posts and then thirdly while of course the Government inform and consult unions as a matter of industrial practice and that is proper and appropriate and that will continue into the future, when the Government decide as a matter of practice to increase complements I do not think it is a matter of negotiations, I think the union should be happy that we have increased the workforce.

**HON J J BOSSANO:**

I am not talking about the industrial workforce and the TGWU which is presumably the reference to withdrawing from the negotiations, I am talking about the fact that I have been informed in a previous answer by the Minister that the negotiating rights for the new posts are held by Prospect and I can tell the Minister that until today, it may have been happening before, but until today the union holding the negotiating rights for a particular grade agrees and is minuted as agreeing to the creation of a post. It has nothing to do with the happiness or unhappiness, it is that that is the procedure that has always existed. I want to know whether that procedure has now been abandoned, is it such a difficult thing to find out?



**HON K AZOPARDI:**

I do not know if the hon Member is hinging something on some technical definition of holding negotiating rights, what I understand the situation to be is that when these posts are created and filled, a lot of them are new posts, those members will be entitled to join Prospect but there is no such negotiation going on as to whether the post should be created or not and as to whether Prospect agree that they should be created, these are new posts and I do not believe there is a general policy. I recall when we created the Chief Executive of the Health Authority, there was no such negotiation with any union and no union was minuted as having agreed to the creation of posts, as a matter of practice the Government can create new posts and they can be filled.

**NO. 398 OF 2002**

**THE HON DR R G VALARINO**

**HOUSING ALLOCATION COMMITTEE**

Can Government state on how many occasions since the 1<sup>st</sup> February 2002 the Housing Allocation Committee has met to date?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

Answered together with Question Nos 399 and 400 of 2002.

**NO. 399 OF 2002**

**THE HON DR R G VALARINO**

**HOUSING MEDICAL ADVISORY BOARD**

Can Government state on how many occasions since the 1<sup>st</sup> February 2002 the Housing Medical Advisory Board has met to date?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

Answered together with Question Nos 398 and 400 of 2002.

**NO. 400 OF 2002**

**THE HON DR R G VALARINO**

**SOCIAL ADVISORY COMMITTEE**

Can Government state on how many occasions since the 1<sup>st</sup> February 2002 the Social Advisory Committee has met to date?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

**Answer to Question No 398 of 2002**

The Housing Allocation Committee has met on three occasions since the 1<sup>st</sup> February 2002.

**Answer to Question No 399 of 2002**

The Housing Medical Advisory Board has met on three occasions since the 1<sup>st</sup> February 2002.

**Answer to Question No 400 of 2002**

The Social Advisory Committee has met on three occasions since the 1<sup>st</sup> February 2002.

**NO. 401 OF 2002**

**THE HON DR R G VALARINO**

**HOUSING - TERMINATED TENANCIES**

Can Government state what is the procedure followed by the Housing Department when a housing applicant has his tenancy terminated and becomes homeless?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

The hon Member has asked a question, which is a non sequitur. In other words, he has drawn conclusions from a premise, which is not logically connected with it. A housing applicant cannot have his tenancy terminated simply because by virtue of being an applicant he/she has not got a tenancy to be terminated in the first place.

**SUPPLEMENTARY TO QUESTION NO 401 OF 2002**

**HON J J BOSSANO:**

It may have escaped the analytical philosophical mind displayed by the Minister that an applicant lives somewhere and has a tenancy agreement with his landlord.

**HON J J NETTO:**

No, that is not the case as far as I am aware.

**HON J J BOSSANO:**

So when somebody applies to the Housing department he has no landlord and no tenancy agreement, where do they live up the rock with the rock apes?

**HON J J NETTO:**

There are many circumstances but any person who makes an application may be living either in the private sector or within Government but not living as a result of being authorised to reside in a tenancy but that is a different issue.

**HON J J BOSSANO:**

Is the Minister not aware that the word "tenancy" is not limited to Government tenants, that a tenancy is occupation of a residential property which has a landlord and therefore every housing applicant who is living somewhere has a tenancy and becomes homeless if that is terminated.

**HON J J NETTO:**

Not if he is living with the family.

**HON J J BOSSANO:**

If he has a tenancy then he is not living with a family. We are talking about a housing applicant who is occupying a property goes to the Housing Department, applies for a house and then is chucked out by his landlord, what is the problem with the Minister being able to answer the question?

**HON J J NETTO:**

I still maintain the view that the applicant is not a tenant. He is living in another tenancy with a family probably but obviously there is not a procedure in place because he cannot have a tenancy and then apply for a house.

**HON J J BOSSANO:**

I see, so the rules have been altered now so that persons who are not existing tenants of the Government but are tenants of another landlord cannot apply for housing anymore unless they are living with their families, is that the position?

**HON J J NETTO:**

If they are properly housed no.

**HON J J BOSSANO:**

The question does not say anything about whether they are properly housed or improperly housed, we are talking about somebody who is a housing applicant, that assumes that he has been admitted as eligible to be an applicant and who lives in a private dwelling and has his tenancy terminated by his landlord what is the procedure when that happens?

**HON J J NETTO:**

If he is in the private sector?

**HON J J BOSSANO:**

I want to know if he is in the waiting list and gets kicked out what does he do?

**HON J J NETTO:**

Well if he happens to be in the private sector of course he will fill in an application form and it will be considered according to the rules of the allocation scheme.

**HON J J BOSSANO:**

For example, there is somebody in the housing list that is living in an existing property and is waiting on the waiting list to be re-housed by the Government. That applicant has his tenancy terminated by the landlord and finds himself now homeless as a result of the landlord terminating his tenancy, what then is the procedure that is followed in dealing with that person's situation as opposed to the position that would have been followed if he had not had the tenancy terminated which means obviously he would then have had to take his turn on the waiting list with points and so forth, how does the circumstances of that applicant change?

**HON J J NETTO:**

Presumably by implication of that scenario I should imagine that the kind of example that the hon Member has in mind is the person that becomes homeless, I presume that is the case now.

**HON J J BOSSANO:**

That is the case?

**HON J J NETTO:**

No, that is not what the question says, he has made a different case there. If he becomes homeless obviously that would have to be looked into by the Social Advisory Committee as to the circumstances of his homelessness.

**HON J J BOSSANO:**

Can I draw the attention of the Minister to the fact that the last two words of the sentence of the original question says , "has the tenancy terminated and becomes homeless" so I am not introducing anything new. That is what the original question asks, now the only explanation then that he can give is that it is looked into by the Housing Department. We would like to know more specifically, what happens does that person then get put on a different list, what is the criteria for re-housing somebody that has lost their residence that they occupied previously because we know what the normal circumstances are if he does not loose his existing home then he takes his turn based on the pointage scheme. If he looses his existing home he then gets looked at by the Social Department to establish what, whether the homelessness is genuine or what?

**HON J J NETTO:**

Well in a way yes it is the Housing Allocation Committee that looks as to the level of hardship or genuineness of that particular person. Normally the Housing Allocation Committee, the members there will try to find out that it is a genuine case, that the person is actually on the streets because he has been thrown out by the landlord because we do find, not just now but historically speaking many cases were people do allege to have been thrown out by the landlord when in fact it has not been the case or perhaps they are not genuinely homeless in the manner that we are speaking of out in the streets but they are actually living with somebody else. So, to the degree and to the extent of the hardship caused by that particular person those are the merits of the case which are looked at by the Social Advisory Committee and then they will determine as we have discussed on many occasions before within that level of hardship whether it is an 'A' category, a 'B' category or 'C' category. As we know in the past if it is an 'A' category then obviously it poses more of a priority to try and find as soon as possible an adequate house for that particular person but of course a house that has to equate to the room composition of that particular family and whether that particular flat is available or not available. That is broadly speaking what members of the Social Advisory Committee will do.

**HON J J BOSSANO:**

The Minister has mentioned that it is looked at by the Housing Allocation Committee and by the Social Advisory Committee, is it looked at by both?

**HON J J NETTO:**

It is the same.

**HON J J BOSSANO:**

In terms of housing somebody that is out in the streets as a result of finding himself in these circumstances would they become eligible only to pre-war housing or would they become eligible to post-war housing and in terms of the 'A', 'B' or 'C' categories presumably given that these categories will determine how quickly accommodation is provided how can somebody, for example, on the 'C' category ever get housing in those circumstances and then what is it he stays on the streets for ever?



**HON J J NETTO:**

The hon Member will know from experience that we have discussed this in the past in this Chamber as to the categorisation of 'B's and 'C's and people in the committee will know that if they do categorise 'B' and 'C' it does not carry the weight as I said before of an 'A' and of really imposing upon themselves to look as urgently as possible something to accommodate that particular person. In fact I think that in previous debate in this Chamber we have said that we ought to really re-examine the validity of classifying not just in the social context but even in the medical context as well those historical categories of 'B's and 'C's and as to what extent there has been those particular cases. I think that is something that we really would need to look into further to review those particular concepts in the past. The other part of his question was as to whether they would be allocated pre-war or post-war. Normally they are allocated pre-war that has always been the tradition what we have done now for some time but there have been cases where there has been a bit of lee-way and we have interpreted the rules in a more liberal sense as to not necessarily imposing a pre-war all the time because Government are trying to avoid the situation as far as possible of trying to put all social cases within a particular sector of Gibraltar but of course in giving a post-war accommodation to these cases due account has to be taken that in that particular week or that particular month in the sense how many houses do Housing Department have available to allocate. A lot of factors come into it so the answer is that predominantly it is pre-war but there have been exceptions to that and a few have been given post-war.

**NO. 402 OF 2002**

**THE HON DR R G VALARINO**

**HOUSING UNITS FOR THE ELDERLY**

Can Government state whether they have now identified a site in order to build further housing units for the elderly?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

Government have identified a site for the purpose of building housing units for the elderly. Details of this, and other sites for use in connection with Government's intended housing building programme will be announced shortly.

**SUPPLEMENTARY TO QUESTION NO 402 OF 2002**

**HON DR R G VALARINO:**

Will they be announced during the budget session of the House?

**HON J J NETTO:**

It is difficult to tell. I can say it is shortly but a few details are still being discussed, it might and it might not be.

**HON DR R G VALARINO:**

I note that the other question on housing generally is probably going to be answered by the Chief Minister and I wonder whether he intends to kill two birds with one stone?

**HON J J NETTO:**

I do not know what birds the Chief Minister may or may not wish to kill.

**HON J J BOSSANO:**

Is provision being made in this year's Improvement and Development Fund for this?

**HON K AZOPARDI:**

My understanding is that there is no provision specifically for housing units for the elderly in this budget. It is clearly a project that the Government wish to do and we will make an announcement and make funds available in due course when we make such an announcement.

**NO. 403 OF 2002**

**THE HON DR R G VALARINO**

**POST OF HOUSING MANAGER**

Can Government state whether the post of Housing Manager is expected to be filled in the near future as promised by the Housing Minister?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

Departmental instructions have been issued for the purpose of having the post filled. I am informed that the vacancy will be announced amongst other HEO posts elsewhere to be recruited.

**SUPPLEMENTARY TO QUESTION NO 403 OF 2002**

**HON DR R G VALARINO:**

How long has the post been vacant for?

**HON J J NETTO:**

I could not say exactly but I would daresay just over a year.

**HON DR R G VALARINO:**

Yes it was vacant since the 11<sup>th</sup> January 2001 so it is well over a year.

**NO. 404 OF 2002**

**THE HON DR R G VALARINO**

**HOUSING WAITING LIST**

Can Government state how many applicants are in the Housing Waiting List, giving a breakdown of their flat requirements?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

A total of 238 applicants are on the Housing Waiting List. Their flat requirements are:-

1 RKB	-	113
2 RKB	-	34
3 RKB	-	53
4 RKB	-	32
5 RKB	-	6

**SUPPLEMENTARY TO QUESTION NO 404 OF 2002**

**HON DR R G VALARINO:**

On that one and on the pre-waiting list, most of them seem to be on the 1 RKB I hope the Government take this into account when they decide what new houses they will build.

**HON J J NETTO:**

Yes.

**NO. 405 OF 2002**

**THE HON DR R G VALARINO**

**HOUSING WAITING LIST**

Can Government state whether they will publish the Housing Waiting Lists on a quarterly basis during the year 2002?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

Answered together with Question No 406 of 2002.

**NO. 406 OF 2002**

**THE HON DR R G VALARINO**

**HOUSING WAITING LIST**

Can Government state whether the Housing Waiting Lists have been published since the 7<sup>th</sup> September 2001?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

**Answer to Question No 405 of 2002**

It is the intention to publish the Waiting Lists on a quarterly basis during the year 2002.

**Answer to Question No 406 of 2002**

The Waiting Lists were last published on 2<sup>nd</sup> February 2002.



**SUPPLEMENTARY TO QUESTION NOS 405 AND 406 OF 2002**

**HON J J BOSSANO:**

The breakdown that we have been given in answer to the previous question is what as at today or as at the last time that it was published?

**HON J J NETTO:**

At the date of the question.

**NO. 407 OF 2002**

**THE HON DR R G VALARINO**

**HOUSING - VARYL BEGG ESTATE**

Can Government state when they intend to provide new pitched roofs to all buildings at Varyl Begg Estate together with modifications to the rain water disposal installation giving the date of commencement of these works and the date of completion?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

Answered together with Question No 408 of 2002.

**NO. 408 OF 2002**

**THE HON DR R G VALARINO**

**HOUSING - VARYL BEGG ESTATE**

Can Government state whether they have taken any action on the points raised in their letter to Varyl Begg tenants dated the 11<sup>th</sup> December 2001?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

**Answer to Question No 407 of 2002**

As stated on numerous occasions, pitched roofs will be provided to all blocks in the Estate. With regard to modifications to the rain water disposal installation, the hon Member needs to be more specific as to which water disposal installation he is referring to, to enable me to give him an answer.

**Answer to Question No 408 of 2002**

Finally, with regard to the letter sent to tenants in the Estate, Government officials have been carrying out design and tender documents in order to initiate refurbishment of the Estate. This is expected to start soon.

## **SUPPLEMENTARY TO QUESTION NOS 407 AND 408 OF 2002**

**HON DR R G VALARINO:**

If I may refer to the letter in question of the 11<sup>th</sup> December 2001, the Minister talks about *"(1) refurbishment of the estate - The nature of the works in each block will be to install new pitched roofs and installation of lifts in every block. Along with the new roofs there will be gutters and down pipes on the external façade of buildings thereby addressing the historical collection of water within the building"*, this is basically what I meant and it continues to say, *"....already officials are working on tender documents and designs so as to be in a position to invite tenders hopefully by April 2002."*

**HON J J NETTO:**

I know what is in the letter which is the letter that I sent out but obviously I did not know whether he was referring to that particular one in terms of the water rain disposal system or some others which there are. So this is the reason why I was trying to make that clarification. That particular issue which he now raises is something that will be tackled in the latter part of the programme because as he rightly pointed out there we are firstly going to concentrate with doing the pitched roofs and the lifts. In other words we will probably be doing segmenting the estate and most probably we will be starting with the big blocks on the far end of the estate and doing that, precisely the roofs and the lifts. The hon Member also asks in what state are we, yes as I said before officials at the time were working on that, they are quite in an advanced stage I am told and I hope to have the tenders soon out so that they can start the works as soon as possible.

**HON DR R G VALARINO:**

As far as Question No 408 of 2002 on the points raised in the letter there were other things, parking, lighting, electricity of the garages, cleanliness of the estate, dog fouling and other things. As far as the cleanliness of the state and the dog fouling this is becoming increasingly worse, can the Minister reassure me that both of these will be monitored so that people tend to live in a better condition than they are at present?

**HON J J NETTO:**

I agree, it is monitored and of course we are always looking at different ways and different methodologies to try and improve. One of the things given that he is depicting some of the problems there with regards specifically to dog fouling it is a problem particularly on the road adjacent to St Paul's School and I think there is a clear need for more enforcement with regards to that. Obviously Housing Department is curtailed because as I understand the enforcement authority is either the Police or the Environmental Agency, we do not have enforcing powers to be able to control that but it is something that we discuss and not only with the Association but we discuss both with the Police and with other agencies and work towards that.

**HON DR R G VALARINO:**

I thank the Minister but could he inform the RGP and the Environmental Agency that since the 11<sup>th</sup> December 2001 little or nothing has been done as far as dog fouling is concerned and the reporting of offenders?

**HON J L BALDACHINO:**

The problem in Varyl Begg is not the actual roof but how the water disposal is situated because they run along what used to be the terrace before. May I then ask the Minister if they are doing a new pitched roof it is precisely to remove the rain water disposal that is there which creates the problem when it overflows, is it also true seeing that they are now embarking in those works the most logical thing is that when they do the pitched roofs they take into consideration the lifts that they are going to install, is that correct?

**HON J J NETTO:**

It is correct.

**NO. 409 OF 2002**

**THE HON DR R G VALARINO**

**HOUSING - BISHOP CANILLA HOUSE**

Can Government state whether any repairs are presently being carried out to flats at Bishop Canilla House on account of the re-occurrence of dampness?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

Answered together with Question Nos 410 and 411 of 2002.

**NO. 410 OF 2002**

**THE HON DR R G VALARINO**

**HOUSING - BISHOP CANILLA HOUSE**

Can Government state whether the contractor at Bishop Canilla House has now terminated their investigation into the re-occurrence of dampness in some flats at Bishop Canilla House?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

Answered together with Question Nos 409 and 411 of 2002.

**NO. 411 OF 2002**

**THE HON DR R G VALARINO**

**HOUSING - BISHOP CANILLA HOUSE**

Can Government state whether the permanent repairs to the lead flashing in some of the valley gutters on the roof at Bishop Canilla House have now been effected?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

**Answer to Question No 409 of 2002**

Only cosmetic repairs have been undertaken within some of the flats affected by the dampness problem. The possibility of having such repairs undertaken was offered to all the affected tenants but only some accepted the offer. Permanent repairs to all such flats will not be undertaken until the results of the investigation into the root cause of the problems are made available and the corresponding permanent repair works necessary have been identified.

**Answer to Question No 410 of 2002**

I can confirm that the contractor has now completed his investigation into the cause of the dampness problem affecting some of the flats at Bishop Canilla House. Government currently await a report on the findings with recommendations for the rectification of this problem.



### **Answer to Question No 411 of 2002**

Although only a small number of flats were affected by water ingress problems as a consequence of a tear in some of the valley gutters lead flashing, repairs have now practically been completed on all the valley gutters. The contractor is currently working on the last of these and I understand since this information was provided for me I believe that they have finished that part of the repairs in the valley gutters.

### **SUPPLEMENTARY TO QUESTION NOS 409 TO 411 OF 2002**

**HON DR R G VALARINO:**

When will the results of the investigation be to hand so that we can find out what was the cause in these flats, unfortunately every winter tends to have problems with rain and water penetration and dampness?

**HON J J NETTO:**

The Government engaged two separate consultants to actually see independently of each other what they came up with as to what were the problems of water penetration at Bishop Canilla. My understanding is that although we have not got the report yet, that they have finalised the report and that they both seem to coincide as to the root causes of the water penetration. It is obviously very good to see that the two consultants agree with the reasons for that particular problem. So, we are hoping to have it any time now and obviously then start to work accordingly.

**HON DR R G VALARINO:**

I thank the Minister. On what he has said I would be grateful if he could let me know who is paying for these consultants and would he make the final report available to the Opposition?

**HON J J NETTO:**

As I have said before it is the contractor who is paying for this, this question has been asked before and we have answered to that effect. The results of the report, well I am not in a position to tell the hon Member whether we can or we cannot, I will consider it once I have the report with me.

**HON DR R G VALARINO:**

On the repairs that are being done, since the Minister says that everything is being paid by the contractors I imagine there is still a bind on the contractors to pay for any such repairs and for any future such repairs because we do not know whether the problem will have been eliminated until next winter.

**HON J J NETTO:**

Generally speaking and I am not a technical professional man in the field of construction myself but obviously first of all there is a liability period and even then when the liability period which is normally 12 months after the completion of a contract there is also an obligation on the contractor that anything which has been spotted which is wrong as a result of the contractor he has to put right, that is my understanding generally speaking and obviously the Government are adhering to that and pointing the finger to the contractor to put right.

**HON DR R G VALARINO:**

And the last one which is the tear in the lead flashing which the Minister has said has practically just been completed, we may or may not have further rains this year to see whether the work carried out is successful or not?

**HON J J NETTO:**

As the Government have said many times before, one would hope that the repair works are successful but as the hon Member says one can only know when further rains come along and they are tested so we will have to wait and see and hope for the better.

**NO. 412 OF 2002**

**THE HON DR R G VALARINO**

**HOUSING - NUMBER OF APPLICANTS**

Can Government state what is the number of housing applicants who are socially recommended, their requirements and how many are classified as homeless?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

Answered together with Question Nos 413 to 416 of 2002.

**NO. 413 OF 2002**

**THE HON DR R G VALARINO**

**HOUSING - NUMBER OF 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 HOUSING**

Answered together with Question Nos 412 and 414 to 416 of 2002.

**NO. 414 OF 2002**

**THE HON DR R G VALARINO**

**HOUSING - PENSIONER EXCHANGE LIST**

Can Government state how many housing applicants are at present in the Housing Pensioner Exchange List giving a breakdown of those who are Government tenants and private sector?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

Answered together with Question Nos 412, 413, 415 and 416 of 2002.

**NO. 415 OF 2002**

**THE HON DR R G VALARINO**

**HOUSING - NUMBER OF APPLICANTS**

Can Government state how many applicants are in the pre-list for housing, giving a breakdown of their flat requirements?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

Answered together with Question Nos 412 to 414, and 416 of 2002.

**NO. 416 OF 2002**

**THE HON DR R G VALARINO**

**HOUSING - PRE/POST WAR HOUSES**

Can Government state how many pre and post-war housing units which have been allocated since the 1<sup>st</sup> February 2002 have been on a do-it-yourself basis?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

**Answer to Question No 412 of 2002**

There are a total of 15 housing applicants socially recommended as follows:

A - 10;        B - 1;        C - 4.

The housing requirement of these 15 applicants is as follows:

1 RKB - 7;    2 RKB - 2;    3 RKB - 3;    4 RKB - 3.

Two are classified as homeless.

### **Answer to Question No 413 of 2002**

There are a total of 14 applicants medically categorised as follows:

A - 4;            B - 5;            C - 5.

The housing requirement of these 14 applicants is as follows:

1 RKB - 6;    2 RKB - 4;    3 RKB - 4.

### **Answer to Question No 414 of 2002**

The number of housing applicants in the Housing Pensioner Exchange List is 282 of which 220 are Government tenants and 62 are private sector tenants.

### **Answer to Question No 415 of 2002**

The number of applicants in the pre-list for housing is 309 broken down as follows:

1 RKB	-	177
2 RKB	-	24
3 RKB	-	67
4 RKB	-	32
5 RKB	-	8
6 RKB	-	1

### **Answer to Question No 416 of 2002**

Pre-war housing units allocated since the 1<sup>st</sup> February 2002 on a do-it-yourself basis - 2.

Post-war housing units allocated since the 1<sup>st</sup> February 2002 on a do-it-yourself basis - 11.



## **SUPPLEMENTARY TO QUESTION NOS 412 TO 416 OF 2002**

**HON J L BALDACHINO:**

I understand there can be classification on medical grounds, but classification as regards homeless how is that arrived at?

**HON J J NETTO:**

Sometimes some people are classified as homeless as we understand the concept of being homeless but they are not truly in the sense of being homeless out in the streets. In other words that they are living with other family, other friends whatever it is and they are classified as homeless but without being homeless on the street and therefore probably the Committee has viewed this as saying this is not as urgent as someone on the street.

**HON J L BALDACHINO:**

Would the Minister not agree with me then that if somebody who for a particular reason has found himself homeless yet somebody, his friend, gives him shelter rather than have people on the streets because by definition what the Minister is saying is that and I do not think that is what the Minister is advocating that we are telling people *"you have a better chance of getting a Government flat if you are in the street rather than if somebody is giving you shelter."* Obviously, even with family one gives shelter to people up to a limited period because after that the person becomes a burden on that family and therefore what I am asking the Minister is could he not reconsider that homelessness immaterial of whether somebody has given one shelter or not, is still homeless and therefore there should not be a category because if people might be listening to us now and they must say *"Well I have a better chance of moving into the church than if I move with my friend for a limited period of time."* Obviously we are creating a burden for the Housing Agency that probably they would not have if they considered everybody who is homeless as homeless.

**HON J J NETTO:**

I think that there are many, many cases which differ in circumstances and one cannot just make a generalisation in the manner that the hon member has made without allowing the merits of the case being discussed thoroughly by the people who are appointed to do so under the Ordinance and the rules.

**HON DR R G VALARINO:**

I notice from the answer that the Minister has given me that the numbers of housing applicants who are socially and medically categorised have gone up in the last three months especially on the medical side. There is four on the 'A' list and five on the 'B' list and which is sad to say because medical cases and social cases are always very important to re-house. The last thing I would like to ask the Minister is, the two are classified as homeless he said at the beginning of the year, the answer now is again that two are classified as homeless, are these the same two?

**HON J J NETTO:**

I do not have that information available with me but if the hon Member wants me to I can look into that and provide him the answer at a later stage. Does the hon Member want me to do that?

**HON DR R G VALARINO:**

Yes please.

**NO. 417 OF 2002**

**THE HON DR R G VALARINO**

**HOUSING - PRE-WAR FLATS**

Can Government state how many pre-war flats are vacant giving the area, room composition and the date they became vacant?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

Answered together with Question No 418 of 2002.

**NO. 418 OF 2002**

**THE HON DR R G VALARINO**

**HOUSING - POST-WAR FLATS**

Can Government state how many post-war flats are vacant giving the area, room composition and the date they became vacant?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

I hand the hon Member a table with the data sought.

**Answer to Question 418 of 2002**

**Answer to Question 417**

There are 43 pre-war flats currently vacant; 40 in the Town and 3 in the South area as follows:-

5 x 1RKB -	14.03.98 x 2 22.01.01 15.08.01 09.04.02
16 x 2RKB -	11.05.98 01.12.00 22.01.01 29.01.01 05.02.01 04.04.01 12.06.01 20.06.01 28.08.01 01.10.01 04.11.01 26.11.01 x 4 04.02.02
13 x 3RKB -	18.10.00 05.11.00 15.11.00 13.02.01 27.02.01 17.07.01 01.10.01 25.01.02 01.02.02 15.02.02 07.03.02 12.03.02 02.04.02
7 X 4RKB -	11.06.01 01.10.01 12.02.02 X 3 05.04.02 20.04.02
2 X 5RKB -	19.03.01 09.04.02

**Cont**

**Contd Answer to Question 418 of 2002**

**Answer to Question 418**

There are 89 post-war flats currently vacant; 41 in the North, 21 in the South and 27 in the Town area as follows:-

8 x 1RKB	-	10.05.01
		15.01.02
		05.02.02
		12.02.02
		09.04.02 x 2
		20.04.02
		23.04.02
22 x 2RKB	-	19.02.01
		08.05.01 x 2
		14.09.01
		04.11.01
		08.11.01
		12.11.01
		22.01.02
		03.12.01
		22.01.02
		29.01.02 X 3
		05.02.02
		15.02.02
		19.02.02
		21.02.02
		04.03.02 x 2
		12.03.02
		19.03.02
		20.04.02 x 2
42 x 3RKB		15.03.99
		12.05.00
		14.06.00
		12.01.01
		04.04.01
		14.05.01
		12.06.01
		03.07.01
		11.10.01
		17.10.01
		23.10.01
		04.11.01
		26.11.01
		30.11.01
		07.12.01

**Cont...**

### **Contd Answer to Question 418 of 2002**

07.01.02 x 2  
15.01.01  
28.01.02  
12.02.02 x 3  
15.02.02  
16.02.02  
07.03.02  
15.03.02  
18.03.02  
19.03.02  
23.03.02 x 3  
02.04.02 x 3  
03.04.02 x 2  
15.04.02  
18.04.02 x 2  
20.04.02 x 2  
23.04.02

15 x 4RKB

12.08.00  
14.09.01  
03.12.01  
17.01.02  
12.02.02  
18.02.02  
25.02.02  
18.03.02  
23.03.02  
02.04.02  
11.04.02  
12.04.02  
18.04.02 x 3

### **SUPPLEMENTARY TO QUESTION NOS 417 AND 418 OF 2002**

**HON DR R G VALARINO:**

I can see that the numbers are about the same give or take a few to the answer the Minister gave me at the beginning of the year. There are now more pre-war flats currently vacant, the Minister has given me an answer of 43 to 38 at the beginning of the year, are these flats habitable, can they be made into habitable accommodation?

**HON J J NETTO:**

To give a proper answer to the hon Member requires much of the work that I have said that I would like to do that has never been done in the past. The hon Member has to bear in mind that not in the last 50 years has an asset of properties of Government ever been done. We have never had conditioned services of Government properties, this is very much the kind of work with a new infrastructure that I want to introduce in Housing to start doing and even then I am told that it would probably take four to five years to have a complete register of all the assets of all the properties and to the state it happens to be in order that not only we know in what conditions they are but also more importantly to be able to do a proper strategic planned programme of maintenance not just for the first six months but probably for the next 10 years.

**HON DR R G VALARINO:**

Since post and pre-war flats are given out on a do-it-yourself basis what is the response as far as pre-war flats, I know that the number of post-war flats, is greater obviously but some people if one gives them a shell they will convert it into a house, what is the response as far as pre-war?

**HON J J NETTO:**

It depends sometimes we make this sort of distinction between post and pre-war when really some pre-war are in a very good condition and they are very pretty houses, but it is also fair to mention the fact that probably the majority of the pre-war stock are in a worse condition than the post-war, so obviously it requires more refurbishment to be carried out to make them habitable. Sometimes the other aggravated problem with pre-war flats just to answer the hon member's question is that even on a do-it-yourself basis sometimes people say "*well look it is too much work to be carried out physically*" and they just do not avail themselves to that offer. There are sometimes as my Colleague says social cases who have not got the expertise or the time or a number of reasons but the reality is that sometimes as far as the refurbishment programmes of flats it is not as good as it ought to be as far as Buildings and Works, we have discussed this in the past and whether they are post-war or pre-war needs to be improved dramatically.

**HON DR R G VALARINO:**

Does the Housing Agency help these people in any way like providing certain materials for making these places habitable?

**HON J J NETTO:**

When it is on a do-it-yourself basis yes indeed.

**HON J L BALDACHINO:**

My hon Colleague asked whether they were habitable may I ask the Minister if there has been any survey done on the flats whether they are suitable for people living



there because one might have some of the flats, I think the Minister has got 43 pre-war flats, some of them might become fit for human habitation whilst others will never no matter how much money one spends become fit for human habitation. Have they done that survey and another thing is, seeing that there are 43 and they are only 15 persons recommended as homeless is it that none of the 43 can house any of the 15 people that are considered homeless?

**HON J J NETTO:**

On the first part of his question as to what extent a survey has been carried out to determine the condition of the flat in terms of being habitable or not I do not know to what extent Buildings and Works in the past has done it. It all depends what kind of service we are talking about, are we talking about an in-depth survey which is probably done by a Building Surveyor or are we talking about a superficial survey to determine a number of things that may need to be repaired without really going beyond the scope of what is definitive in terms of the state of that particular property. I do not think that Buildings and Works would have gone to the extreme extent of doing an in-depth survey of the conditions of those properties. This is what I meant before when I gave the answer that in the last 50 years of the Housing Department has never had a proper inventory of all the properties of the Government and in which state those particular properties happen to be. This is what I intend to initiate with the recruitment that I will obviously be doing for the Ministry of Housing but yet again I have to say very clearly that I am told by the professionals in the field that it will probably take four to five years to build up completely that register of Government properties to the extent that the hon Member is saying.

**HON J L BALDACHINO:**

Therefore what the Minister is saying is that the 43 flats are shown vacant under the Housing Department and they still should be collecting rent is that how it is shown?

**HON J J NETTO:**

Yes that is correct.

**NO. 419 OF 2002**

**THE HON DR R G VALARINO**

**HOUSING – ALAMEDA ESTATE**

Can Government state whether the two housing units at Alameda Estate mentioned at the last Question Time have now been allocated?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

Yes.

**NO. 420 OF 2002**

**THE HON DR R G VALARINO**

**HOUSING - POST-WAR FLATS**

Can Government state whether any post-war Government housing unit has been allocated to an applicant 18 years of age or more and the head of a family, since the 1<sup>st</sup> April 1999?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

Answered together with Question No 421 of 2002.

**NO. 421 OF 2002**

**THE HON DR R G VALARINO**

**HOUSING - POST-WAR FLATS**

Can Government state whether any post-war Government housing unit has been allocated to an applicant under the age of 21 years since the 1<sup>st</sup> April 1999?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

**Answer to Question No 420 of 2002**

Yes, 509 post-war Government units have been allocated since the 1<sup>st</sup> April 1999 where the tenant is the head of a family and is 18 years of age or more.

**Answer to Question No 421 of 2002**

No.

## **SUPPLEMENTARY TO QUESTION NOS 420 AND 421 OF 2002**

**HON J L BALDACHINO:**

On the question of 18 years of age or more how can this be the case, a person if he is single under the Housing Allocation scheme can only apply if he is 21, in the case where he is married he can only apply if he is 18. Two years waiting time that would bring one to 20 years and the other to 23 years, how is it that somebody who is 18 has been allocated a flat without meeting the criteria as set down by the Housing Allocation Scheme?

**HON J J NETTO:**

The question as understood by the department has been 18 years of age or more and head of a family and what they have done presumably is to bring out all the information of all those people who were allocated a house being 18 years of age or more and head of a family since the 1<sup>st</sup> April 1999. The figure that they have come up with is 509.

**HON J L BALDACHINO:**

How many of those are 18 years of age?

**HON J J NETTO:**

That is a separate question.

**HON DR R G VALARINO:**

I wonder if the Minister has not got the answer whether he can provide me a year by year breakdown of the 509 units since the 1<sup>st</sup> April 1999?

**HON J J NETTO:**

I think that the hon Member is asking too much, really, what I could reasonably do for him, if this is what he wants, is how many houses have been allocated to people who are 18 years of age. That would be a reasonable question to ask but to give him a year by year breakdown I think that the hon Member will understand that the staff there have a lot of work to do to try and get out all these printouts and start looking at every single age.

**HON DR R G VALARINO:**

If he does not want to give me a breakdown I will then ask at the next Question Time for a breakdown but I would have thought with the extra number of people he says he has now it would be quite easy for them to work out. If he has been able to work out 509 surely he has been adding yearly numbers.

ORAL

**NO. 422 OF 2002**

**THE HON DR R G VALARINO**

**HOUSING – 5 RKB FLATS**

Can Government state how many housing units of 5 RKB have been allocated since the 1<sup>st</sup> April 1999?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

Answered together with Question Nos 423 and 424 of 2002.

**NO. 423 OF 2002**

**THE HON DR R G VALARINO**

**HOUSING - PRE-WAR FLATS**

Can Government state how many pre-war housing units have been allocated since the 1<sup>st</sup> February 2002, broken down by month to date?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

Answered together with Question Nos 422 and 424 of 2002.

**NO. 424 OF 2002**

**THE HON DR R G VALARINO**

**HOUSING - POST-WAR FLATS**

Can Government state how many post-war housing units have been allocated since the 1<sup>st</sup> February 2002, broken down by month to date?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

**Answer to Question No 422 of 2002**

The number of housing units allocated since the 1<sup>st</sup> April 1999 is as follows:

4/5 RKB        -        16;                5 RKB        -        8.

All post-war flats.



**Answer to Question No 423 of 2002**

The number of pre-war housing units allocated since the 1<sup>st</sup> February 2002, broken down by month to date is as follows:

February - 1;            March - 2;    April - 1.

**Answer to Question No 424 of 2002**

The number of post-war housing units allocated since the 1<sup>st</sup> February 2002, broken down by month to date is as follows:

February - 13;            March - 11;    April - 7.

**NO. 425 OF 2002****THE HON DR R G VALARINO****HEAD 101 – SUBHEAD (1)**

Can Government state what amount of Head 101, subhead (1) has been spent to date and on what projects?

**ANSWER****THE HON THE MINISTER FOR HOUSING**

The total amount of £2,226,997 has been incurred for the financial year 2001/02 under Head 101 of Subhead 1. The analysis is as follows:-

Miscellaneous Works	£129,758
Window Replacements	£209,883
Scaffolding	£251,695
Laguna Estate	£341,311
Heathfield House	£387,262
Anderson House	£274,831
Glacis Estate	£155,930
MacMillan House	£252,147
Re-conversion works for disability purposes/Edinburgh House and Bishop Canilla House	£117,448
Demolition and construction of retaining wall – Tankerville and Prison Quarters:	£146,732
<b>Total</b>	<b>£2,266,997</b>

The total amount incurred in Financial Year 2002/2003 is as follows:-

Window Replacements	£19,539
Private Estate Loans`	£ 6,494
	<hr/>
<b>Total</b>	<b>£26,033</b>
	<hr/>

**SUPPLEMENTARY TO QUESTION NO 425 OF 2002**

**HON DR R G VALARINO:**

If one compares this with the figure that the Minister gave me at the beginning of the year there are a few items which show a surprising increase. Scaffolding £155,000 almost three months ago and the figure now is over £250,000 and some of the others are static, does that mean completion has now been taken as far as Anderson House is concerned?

**HON J J NETTO:**

Whether the works are completed in Anderson House to the best of my knowledge it should be finished. Perhaps it is some of the last payments which have been made after the completion of the works but I would need to check it out and I will pass that information to the hon Member.

**HON DR R G VALARINO:**

As regards to the scaffolding, the increase from £155,000 to £250,000?

**HON J J NETTO:**

Well it is just an increase in the use of scaffolding in different places. As I have said on previous occasions it is a measured term contract we have it for the whole year and obviously we make use of it throughout Gibraltar.

**NO. 426 OF 2002**

**THE HON J J BOSSANO**

**HOUSING – KING’S BASTION**

Can Government say whether the scaffolding at King’s Bastion is on hire and if so for how long, at what cost and from whom is it hired?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

The Government can confirm that this scaffolding has been on hire from Haymills since June 1999. The cost for the hire is £750.40 per month.

**SUPPLEMENTARY TO QUESTION NO 426 OF 2002**

**HON J J BOSSANO:**

If I am saying for how long and at what cost, then obviously I can get a calculator and work it out but I want the Minister to tell me what is the cost to-date?

**HON J J NETTO:**

Indeed that is actually why I paused in the middle of the answer, to-date the total cost of this hire inclusive of the initial installation and monthly inspection specification is £31,304.84.

**HON J J BOSSANO:**

Would Government not agree that for that sum of money they could have bought several times the amount of scaffolding that there is in King's Bastion?

**HON J J NETTO:**

I agree to that statement because when I actually saw these figures myself even though we all understand that the erection of the scaffolding is for safety reasons as we have discussed previously, that for that particular price we might as well buy it at the beginning and stop incurring monthly instalments towards hiring this particular scaffolding. Yes, I think that what we will be doing is to draw this attention of the other department which is actually incurring this financial cost which is not the Housing Department and tell them that this is indeed a more logical and sensible thing to do which is for that price to actually purchase it rather than continue with the hiring.

**HON K AZOPARDI:**

Can I just add that although at the time it was set up for safety reasons some time ago now I do not think it was envisaged that it was going to take that long and that this cost would accrue because it was a safety measure but in the context that we expected that the refurbishment works for a development to take place near or on that site soon and that that would address the issues. What has transpired subsequently is that there has been some delay clearly and it needs to be there for safety reasons and the matter will be looked at as my hon Colleague has indicated.

**HON J J BOSSANO:**

What is the nature of the contractual arrangement with Haymills, for example, if the Government come to the conclusion that £750 a month is something that they do not want to continue paying, do they give notice to Haymills and then Haymills removes the existing scaffolding or what?

**HON J J NETTO:**

I really could not possibly answer that question because as I have said before in the previous answer this is not something which is coming out of the Housing vote. There are a number of issues which arise from there, do we buy it? If we buy it that is the end of the story that is scenario one, scenario two is, do we sort of dismantle it just to erect later on scaffolding that the Government may own in various Government departments. The important thing is as the Leader of the Opposition rightly pointed out, is that we have a continuing recurrent expenditure there from the taxpayers point of view and that is what needs to be addressed. How we address this within the various scenarios is something that Government will have to take back within the relevant department and take a decision.

**HON J J BOSSANO:**

Since we do not choose who should answer the question presumably the Minister whose department's budget is paying for this must know what the contract says?

**HON K AZOPARDI:**

We do not have that information with us today indeed that was not really the Question that was asked, fine, we take on board the hon Member's point. My hon Colleague has said that we will assess the issue with a view to see whether this matter can be rectified not from a safety point of view but from an expenditure point of view and we will do that. We are grateful for the hon Member raising that question and we will look into the matter.

**HON J J BOSSANO:**

Presumably when they look into the matter they will be able to then answer what is the nature of the contract which they do not seem to know now and we will be told?

**HON K AZOPARDI:**

It follows that when we look into the matter we will be told whether we are bound into a particular contract whether we have the right to get out of it or whether we have an option to purchase it, clearly all that will come out in the wash.

**HON J J BOSSANO:**

No, but the Minister is not able to provide the information now because he does not know it himself, I take it that he will provide it when he knows it.

**HON K AZOPARDI:**

Yes if the hon Member is really interested in whether we are going to buy the scaffolding or not certainly the information can and will be made available to him when we look into the matter.

**NO. 427 OF 2002**

**THE HON DR R G VALARINO**

**DANGEROUS DOGS LEGISLATION**

Can Government state when they propose to introduce legislation to prohibit persons in relation to dogs which present a serious danger to the public and having in their possession or custody dogs belonging to types bred for fighting?

**ANSWER**

**THE HON THE MINISTER FOR PUBLIC SERVICES, THE ENVIRONMENT, SPORT & YOUTH**

Answered together with Question No 428 of 2002.

**NO. 428 OF 2002**

**THE HON DR R G VALARINO**

**DANGEROUS DOGS LEGISLATION**

Can Government state who is drafting legislation as regards the proposed Dangerous Dogs Ordinance?

**ANSWER**

**THE HON THE MINISTER FOR PUBLIC SERVICES, THE ENVIRONMENT, SPORT & YOUTH**

The Government have no intention of introducing legislation to prohibit persons for any reason, be it in relation to dogs or otherwise. However, the Dangerous Dogs legislation, which is being produced by Government legal resources, is currently in its final stages of preparation and it is intended to introduce this when this process is finalised.

**SUPPLEMENTARY TO QUESTION NOS 427 AND 428 OF 2002**

**HON DR R G VALARINO:**

As to Question No 428 of 2002 I asked who was drafting the legislation. I do not think that the Minister has answered, is it somebody in his department or is it the AG's Chambers?



**HON LT COL E M BRITTO :**

I have said Government legal resources which is the Legislation Unit.

**HON DR R G VALARINO:**

Does anybody who is not legally trained helping to draft this legislation?

**HON LT COL E M BRITTO:**

I do not understand the question, the Government have handed the legislation for preparation to the Legislation Unit who are people who are legally trained. I do not know who is actually presumably a secretary is helping in typing I do not understand the question. It is being prepared by people who are legally qualified.

**HON J C PEREZ:**

May I take it from the original answer that the Minister gave that the basis of the legislation is more putting impediments on conditions of the ownership of a dog rather than banning the type of dogs or banning persons from owning types of dogs?

**HON LT COL E M BRITTO:**

It would be inappropriate for me to answer that question because the legislation has not yet been approved at ministerial level so until other colleagues have been consulted it would be inappropriate for me to disclose details of what that drafting is.

**HON J C PEREZ:**

I accept that the drafting of the legislation is not ready but the Government have already taken a policy decision and have already taken their policy to the Legislation Unit. Obviously Government know which way they have told the Legislation Unit to draft it whether it is banning dogs from being in Gibraltar or banning the ownership of certain dogs or whether it is putting conditions of dangerous dogs or owners of dangerous dogs. I cannot see why the Minister cannot answer that because the legislation is not yet ready.

**HON LT COL E M BRITTO:**

Obviously the hon Member did not appreciate what I said. The Government through me has given instructions to the Legislation Unit in consultation with some of the Ministers but the final draft has not yet been seen never mind being given formal approval by Ministers as a whole and therefore it is subject to change so it would be inappropriate for me to make any comment on what the legislation is until such formal approval has been given at ministerial level.

**HON J C PEREZ:**

So what the Minister is saying is that he has told the Legislation Unit to draft it on the basis of the instructions that he has given and when the Legislation Unit finish he goes back to his colleagues and it might all have to be changed and it might all have to be brought back to the Legislation Unit because someone has a different idea, should the discussion on policy not be taken first before the instructions are given to the Legislation Unit?

**HON LT COL E M BRITTO:**

We are where we are. The discussion on policy has been taken and the instructions have been given and until such time as there is formal approval by Ministers I am not prepared to disclose the contents of the legislation.

**HON DR R G VALARINO:**

Since the Minister does not wish to give any information regarding the legislation, I hope that this legislation will encompass not only specific dogs but dogs which have been crossbred for fighting and are likely to be dangerous to the public.

**HON LT COL E M BRITTO:**

Yes, I take on board what the hon Member is saying and I can assure him that we will do exactly that.

**HON J L BALDACHINO:**

Has the Minister consulted anybody other than his colleagues?

**HON LT COL E M BRITTO:**

Yes, there has been a relative wide process of consultation which has included the RSPCA in the UK, the GSPCA in Gibraltar, the Animal Welfare Clinic and the Kennel Club of Gibraltar as well as individuals.

**NO. 429 OF 2002**

**THE HON J C PEREZ**

**ELECTRICITY AUTHORITY**

Can Government confirm that they have agreed with the Union a retrospective date for the application of new pay rates in anticipation of setting up an Electricity Authority?

**ANSWER**

**THE HON THE MINISTER FOR PUBLIC SERVICES, THE ENVIRONMENT, SPORT & YOUTH**

The Government have informed the TGWU of their decision to proceed with the Authority as from 1<sup>st</sup> April 2002. Since the legislative and other implementation structures are yet not in place, the Government have indicated that they would backdate any arrangements to the 1<sup>st</sup> April 2002.

**SUPPLEMENTARY TO QUESTION NO 429 OF 2002**

**HON J C PEREZ:**

Has the union agreed already the setting up of the Electricity Authority?

**HON LT COL E M BRITTO:**

Yes, with some reservations about certain sections of the Electricity Department.

**HON J J BOSSANO:**

Is it the position of the Government that all sections need to move for the Authority to go ahead?

**HON LT COL E M BRITTO:**

The Government would prefer all sections to move but it is not the position of the Government that the Authority cannot go ahead unless everybody moves.

**NO. 430 OF 2002**

**THE HON J C PEREZ**

**ELECTRICITY AUTHORITY**

Are Government now in a position to state how many employees in the Electricity Department have indicated their unwillingness to move into the proposed Electricity Authority?

**ANSWER**

**THE HON THE MINISTER FOR PUBLIC SERVICES, THE ENVIRONMENT, SPORT & YOUTH**

The number of employees who have unreservedly indicated their unwillingness is two. Following a consultation process, which was organised by the TGWU, a majority of technical and industrial employees indicated a willingness, in principle, to consider the introduction of an Electricity Authority. There was a negative response from those in shift work at Waterport Power Station. Subsequently, the TGWU have advised the Government that the shift workers "have decided to accept in principle the negotiations to see if a satisfactory agreement can be reached to move to the Authority".

**SUPPLEMENTARY TO QUESTION NO 430 OF 2002**

**HON J C PEREZ:**

So the position is that the shift workers did not say no unreservedly but are now negotiating to see the possibility of coming into the Electricity Authority and there are two who have adamantly said that they will stay out of the Authority, is that the situation?

**HON LT COL E M BRITTO:**

Yes with a slight adjustment to that. Two unreservedly said “no”, the shift workers have not agreed to what is being proposed up to now and that is why I quoted from the TGWU’s letter because I am not sure that I understand what they mean but my interpretation is that they are prepared to come back to the table and continue negotiating. That is my understanding.

**HON J C PEREZ:**

In the event that some of the staff do not want to move what would be the status in the structure, would they remain imposed as they are and would there be different salary scales between people who are in the Authority and people who are not in the Authority and what would be the status in the new structure.?

**HON LT COL E M BRITTO:**

That is almost a hypothetical question and I honestly do not think that I can answer that because we have not addressed that situation yet. We are still hopeful of bringing the negotiations to a conclusion by which all employees transfer. If they do not they will remain in Government, what the difference will be would still need to be worked out.

**HON J C PEREZ:**

Surely it is not a hypothetical question to those that have unreservedly said “no” which are two. Will they remain in Government, will they remain doing the work that they are doing now or would they be moved out of the department?

**HON LT COL E M BRITTO:**

I do not know the answer to that question. It would have to be considered once the position is clarified whether they move out of the Electricity Department altogether or whether they stay in place and if they stay in place under what conditions.

**NO. 431 OF 2002**

**THE HON J C PEREZ**

**WATERPORT POWER STATION**

Can Government state whether they have plans to extend Waterport Power Station and install more engines?

**ANSWER**

**THE HON THE MINISTER FOR PUBLIC SERVICES, THE ENVIRONMENT, SPORT & YOUTH**

Yes. Although the details have not yet been worked out it would be the Government's intention to proceed swiftly in this direction once the generating division is within the proposed New Electricity Authority.

**SUPPLEMENTARY TO QUESTION NO 431 OF 2002**

**HON J C PEREZ:**

Can the Minister say what is the expected capacity that the extended generating station can take and what is the proposed capacity in generating capacity?

**HON LT COL E M BRITTO:**

No. I would need separate notice of that question, there is in-process a study of the technical needs taking place but I do not have that information with me.

**HON J C PEREZ**

Would the capacity to be installed be replacing the OESCO contract once it expires or would there be a need for extra capacity once the extension is complete and there would be a need to look up OESCO or another contract for extra supply of electricity?

**HON LT COL E M BRITTO:**

As the hon Member knows because he is aware of the contents of the OESCO contract, OESCO would have to be consulted in whatever changes are made and therefore again it would be inappropriate for me to anticipate what changes would be required to be made.

**HON J C PEREZ:**

The Minister should know that OESCO would have to be consulted only if they are still operational and the contract of OESCO comes up for expiry in one or two years time according to the Minister's answer to me in the previous House, 2004, when is it then?

**HON LT COL E M BRITTO:**

The contract with OESCO comes up to an option point at 2004 but that option point is not an option point for termination.

**HON J C PEREZ:**

The option is whether the Government take over the installations themselves or renews the contract for them to operate it so it is the end of the contract. The Government can take the option of taking over the engines and running the station themselves or renewing the contract for OESCO. What I am saying is whether it is one thing or the other or both, I am asking whether the option of renewing the contract of OESCO would still be open even if they extend the capacity which will not be ready for two or three years at least anyway?

**HON LT COL E M BRITTO:**

I am telling the hon Member in my previous answer that that situation has not yet been addressed and therefore a decision has not yet been taken by Government.

**HON J J BOSSANO:**

When the possibility of extending Waterport Power Station was last looked at, a study presumably which is still around identified that there would be a substantial



requirement for new reclamation in that area for extra engines, is that still on the basis upon which the extension is being looked at?

**HON LT COL E M BRITTO:**

No the hon Members are far ahead of where the Government are on this issue but again speaking purely from memory I do not know what report the hon Member is referring to.

**HON J J BOSSANO:**

Pre 1988 before we were in Government.

**HON LT COL E M BRITTO:**

I am not aware of the contents of that report but I am aware that there is land set aside in the proximity of the generating station with a view to possible expansion of the station. Land which was set aside in the original planning when the station was first built, I am advised, but we are nowhere near this situation the hon Members are painting. The situation is still at the consideration stage.

**HON J J BOSSANO:**

Is it that the extension is conditional on the successful launching of the Authority and would not happen if that did not come about?

**HON LT COL E M BRITTO:**

Government have not crystallised the situation that clearly but it would be fair to say that it is an option, it is a possibility but again I stress what I am saying, in principle the decision has been taken to accept that Gibraltar needs greater generation capacity. How that decision is put into place I am not in a position to say, not because I do not want to but because the full consideration of all the factors have not yet been made and therefore the decisions have not been taken.

**HON J J BOSSANO:**

I think the Minister's original answer said something about a technical study taking place, is that something that Government have contracted somebody to do?

**HON LT COL E M BRITTO:**

Not the original answer but I did mention technical study in one of the supplementaries. In answer to the question from the other hon Member on how much generation capacity was being estimated and what I said was that there are people from within the Electricity Department who have studied and are studying how much extra generation capacity is necessary, but there is no formal consultancy in place.

**NO. 432 OF 2002**

**THE HON J C PEREZ**

**WATERPORT DISTILLER**

Can Government state what is the life of the equipment at the Waterport Distiller?

**ANSWER**

**THE HON THE MINISTER FOR PUBLIC SERVICES, THE ENVIRONMENT, SPORT & YOUTH**

The design life of the Multi Stage Flash Desalination Plants situated at Waterport expires during the Financial Year ending 2005.

**SUPPLEMENTARY TO QUESTION NO 432 OF 2002**

**HON J C PEREZ:**

Is this the initial expected lifespan or have the distillers undergone major repairs to extend the initial lifespan when they were installed?

**HON LT COL E M BRITTO:**

I think that I am right in saying that it is the end of the initial lifespan as it were of the machinery but it does not follow that it is at the end of its useful life, there are a number of factors that need to be taken into account one of the them being reverse osmosis is more cost effective but it is also an effect on jobs in reverse osmosis plants. There is at the moment a study being undertaken by consultants for Lyonnaise into the future of the plant and a number of factors are being examined. The report is expected before the end of the year.

**NO. 433 OF 2002**

**THE HON J C PEREZ**

**WATERPORT DISTILLER**

Can Government make available to the Opposition the figure showing the cost per ton of water produced by the new reverse osmosis plants recently commissioned by Lyonnaise Des Eaux and the comparative figure for water produced by the Waterport Distiller?

**ANSWER**

**THE HON THE MINISTER FOR PUBLIC SERVICES, THE ENVIRONMENT, SPORT & YOUTH**

No. This information is commercially sensitive and therefore cannot be made public.

**SUPPLEMENTARY TO QUESTION NO 433 OF 2002**

**HON J C PEREZ:**

In a previous question in supplementaries the Minister said that it could be that it is commercial-in-confidence and that is why I am asking the Minister to make it available to the Opposition on a confidential basis on the basis that we can ourselves do our comparison in order to have the information available and look towards the future.

**HON LT COL E M BRITTO:**

I will not give that undertaking at this moment because as much as anything else it needs the agreement of our partners, Northumbrian Water who are obviously in a majority shareholding in the company. What I will do is I will ask the company to take this up with our partners and follow it up. Is the information the hon Member seeks only as enshrined in that question or would the hon Member like to write to me specifying further information?

**HON J C PEREZ:**

The more information we can get the better, I am specifically asking the lowest common denominator given that the Minister said that there might be difficulties in getting. Obviously if the company in a confidential basis is prepared to offer more information we would gladly have it.

**HON LT COL E M BRITTO:**

As I said I will consult our commercial partners I have to say that the company is being particularly cagey at this moment in time because there are prospects of a competitor entering the market and therefore it is obviously guarding its commercial information very jealously. I undertake to follow that up and I would let the hon Member know eventually what the result is.

**HON J C PEREZ:**

Would any competitor need licensing from the Government?

**HON LT COL E M BRITTO:**

We are talking about the MOD water supply and the MOD moving ahead and although they have been negotiating with the company for a very long time, I am not sure if back to the hon Member's time or not, but certainly for a long time in my case. There are more than indications that we know that a competitor of Lyonnaise has a bid in competition with Lyonnaise to take over the MOD water supply so that is why the information is particularly sensitive at this moment in time.

**HON J J BOSSANO:**

I can understand the nature of the argument but this is not like telecommunications that the distribution system has to be made available to a competitor, there are no such requirements under EU law are there? That is to say that if a competitor comes in he can only supply the homes or the businesses that are connected to its own which is what happens with MOD now presumably.

**HON LT COL E M BRITTO:**

Yes, the hon Member is right, MOD as the hon Members know have their own desalination plant which is at the end or very near the end of its life and MOD is

looking at a number of options to continue having water for its own resources. It has been negotiating with Lyonnaise for some time, it has been a little bit of a tennis match but the playing fields or the goal posts have been changed by the MOD over the years several times but in the current process where Lyonnaise are now at an advanced stage of bidding, a competitor has entered the market, but entirely for the MOD water supply not for any clients outside.

**NO. 434 OF 2002**

**THE HON J C PEREZ**

**WATER SUPPLY**

Can Government state what is the standard level of chlorine in the potable water supplied by Lyonnaise Des Eaux nowadays, and what is the comparative level prior to the events of the 11<sup>th</sup> September 2001 in the United States?

**ANSWER**

**THE HON THE MINISTER FOR PUBLIC SERVICES, THE ENVIRONMENT, SPORT & YOUTH**

The chlorine dose given to potable water pumped into service reservoirs on supply is currently set so as not to exceed 0.03 mg/litre, which is identical to the level set prior to 11<sup>th</sup> September 2001. Immediately after the 11<sup>th</sup> September 2001 and for the time taken for the additional security measures to be brought into effect, the dose was set so as not to exceed 0.3 mg/litre.

**SUPPLEMENTARY TO QUESTION NO 434 OF 2002**

**HON J C PEREZ:**

Well I am glad to hear that the level is back to what it used to be because the Minister said at the last time that we raised it that although the level would come down it would not come down to the level that we were accustomed to and I am glad to hear that this has been possible. This is what the Minister said in supplementaries when I raised the issue of the very high level of chlorine in the water supplied by Lyonnaise at the last meeting of the House. Can the Minister state what are those exceptional

circumstances when the level of chlorine has to go up in a normal situation quite apart from when security precautions are taken?

**HON LT COL E M BRITTO:**

No that is a technical matter and I would need notice of that question and ask for advice. Common sense and nothing else tells me that if for some reason it was suspected that the water was not in the pure condition that it is required to be that that might require chlorination but I cannot give an authoritative answer without advice. I cannot remember having said that it would not go down to the previous levels because that information was never given to me. What I may have said is that chlorination levels would be reduced slowly and that at the first drop it would not come down to what it was prior to the 11<sup>th</sup> September 2001 which is in fact what has happened, the reduction started in early March and I do not know how long it took but it was spread out over a number of weeks. I am told there were technical reasons why they could not just cut it by ten times down to the normal level immediately but that is what .....

**HON J C PEREZ:**

It is not important but if the Minister cares to check back it was said that although it would decrease the level of chlorine in our water supply would remain just a little bit higher than what we were accustomed to.

**HON LT COL E M BRITTO:**

Fine. I will check that out of academic interest, if I did say that it would have been on the strength of the advice I was given at the time which is obviously different to what I have been told now.

**NO. 435 OF 2002**

**THE HON J C PEREZ**

**WELLINGTON FRONT**

Can Government state whether they have received claims for damages from affected parties following the flooding of Wellington Front?

**ANSWER**

**THE HON THE MINISTER FOR PUBLIC SERVICES, THE ENVIRONMENT, SPORT & YOUTH**

Government have received a number of claims from affected third parties following the recent flooding of Wellington Front.

**SUPPLEMENTARY TO QUESTION NO 435 OF 2002**

**HON J C PEREZ:**

Have Government accepted liability?

**HON LT COL E M BRITTO:**

These claims are covered by insurance which the Government have and it is therefore a matter for the insurance company and not for the Government to accept or not accept liability. There are a number of claims I understand which are being rejected, there are a number of claims which I understand are still in the pipeline and the whole matter is if not technically sub-judice but certainly on-going and therefore not one on which I would care to comment too much at this stage. Certainly not in identifying claims or amounts.



**NO. 436 OF 2002**

**THE HON J C PEREZ**

**GENERAL POST OFFICE**

Can Government say when it is now expected that the works at the General Post Office in Main Street will be completed given that the scheduled completion date of January 2002 has now come and gone?

**ANSWER**

**THE HON THE MINISTER FOR PUBLIC SERVICES, THE ENVIRONMENT, SPORT & YOUTH**

The estimated new completion date is the end of October. The works on the top floors of the Central Post Office are now complete. The works on the General Counters have been delayed for various reasons. Some of the workforce had to be redeployed to other more urgent works especially schools in the summer months and unexpected works during the winter months. During delay periods, opportunity was taken to improve the layout with clearer access and queuing areas and at the same time include better provisions for the elderly and persons with special needs. In so far as the counters themselves are concerned, it was decided to await new counter developments and designs that are being introduced in the UK and worldwide in 2002 prior to making any purchases. Over the last month the staff have also been consulted and involved in the development of the new counters and the new Electronic Point of Sale system. Although original plans only envisaged the provision of postal services we now plan to provide a more convenient one-stop shop for many Government services.

## **SUPPLEMENTARY TO QUESTION NO 436 OF 2002**

**HON J C PEREZ:**

Can the Minister say whether the lower part of the Post Office is expected to remain there and whether that part will be refurbished in parallel to what is being refurbished now or whether the Government expect to open the Main Street Post Office and then decant the lower part and repair that?

**HON LT COL E M BRITTO:**

I presume by the lower part the hon Member means the Sorting Office and the Postman's Room. The plan is subject to agreement with the workforce and the unions. The plan is to move out the Sorting Office and the Postman's Room from Main Street into a new location. The PO Boxes are expected to remain there but that is subject to negotiations that are still continuing with the union on the whole matter of the Post Office.

**NO. 437 OF 2002**

**THE HON J C PEREZ**

**DIRECTOR OF POSTAL SERVICES**

Can Government state what is the latest position in the negotiations with the employees of the Post Office and whether they intend to fill the post of Director of Postal Services?

**ANSWER**

**THE HON THE MINISTER FOR PUBLIC SERVICES, THE ENVIRONMENT, SPORT & YOUTH**

The situation remains as given in answers to Question Nos 923, 924 and 925 of 2001 and 89 and 90 of 2002.

**SUPPLEMENTARY TO QUESTION NO 437 OF 2002**

**HON J C PEREZ:**

Given that there seems to be no progress at all in the negotiations, then what do Government intend to do?

**HON LT COL E M BRITTO:**

That question is based on a false premise that there is no progress in negotiations.

**HON J C PEREZ:**

The Minister says that the situation is the same as it was in the previous questions I put and in the previous questions to the previous questions I put let the Minister explain what is the progress?

**HON LT COL E M BRITTO:**

I do not have to explain what is the progress I have to take the hon Member back to the answers that I have given which are basically that as long as the negotiations are on-going, I am not prepared to discuss industrial relations publicly in this House whilst they are being discussed privately with the workforce. It has to be agreed with them, it has to be agreed with the unions and then we will make a statement saying what the situation is.

**HON J C PEREZ:**

I am glad that the Minister subscribes to that position because the Chief Minister seems to prefer to conduct industrial relations on the Post Office in the annual general meeting of the Chamber of Commerce and I do not think it is very helpful to the negotiations but let me ask the Minister given that the negotiations he says are on-going and he does not want to discuss them here, when does he expect the on-going negotiations to come to a satisfactory conclusion?

**HON LT COL E M BRITTO:**

That is the \$64,000 question.

**NO. 438 OF 2002**

**THE HON J C PEREZ**

**SCADA CONTROLLER LINK PROJECT**

Can Government state whether the Electricity Department have now finalised discussions with the suppliers of the equipment of the SCADA Controller Link Project, and if so, are they now in a position to give a firm completion date for the project which was first announced by the Government in 1996?

**ANSWER**

**THE HON THE MINISTER FOR PUBLIC SERVICES, THE ENVIRONMENT, SPORT & YOUTH**

Following the damage caused to all the SCADA's software and control equipment due to the flooding that occurred last year and which was the subject of Question No 1095 of 2001, there has been a need to renegotiate the supply and testing of the replacement equipment. Negotiations are on-going.

Part of the equipment has to be returned to the UK for factory works testing. The delivery period quoted is 12 to 14 weeks from receipt of the returned equipment and the placing of the order for testing and reprogramming works. It is estimated that subject to manpower resources being available to the Department, the control side of the SCADA could be ready in February 2003.

## **SUPPLEMENTARY TO QUESTION NO 438 OF 2002**

**HON J C PEREZ:**

Can the Minister state whether there are any clauses in the contract with the suppliers of the equipment that will allow the Government to, because the Minister said the last time that although the flooding had taken place that there had been problems with the supply of the equipment and that the specific design for Gibraltar was one which had been planned by the suppliers, have we got a recourse to claim from the supplier because of the mistakes that they might have done?

**HON LT COL E M BRITTO:**

No. I think we are beyond that stage whether we have had in the past or not I do not know because I have certainly never been advised that we have been in a situation of trying to obtain financial recourse from the supplier but at the moment the situation is different. At the moment the situation is that the equipment that was here, supplied, finished, tested and ready to be installed was held up for a number of reasons mainly because of the electricity department restructure and extra personnel that needed to be employed but now after the flooding we have gone back three steps, now I understand the problem is mainly with the software although other items were involved as well and we have had people in the UK as recently as last month. The problem seems to be, that a decision has to be made whether to update the software but if we had updated the software it would have meant going back not three steps but another ten steps and delaying the whole project by much more. So that has not been done but the software that needs to be replaced now needs to be tested and the point that I am making is that it is not really the fault of the supplier anymore, it is an act of God.

**NO. 439 OF 2002**

**THE HON J C PEREZ**

**ROSIA ROAD-SEWERS**

Can Government state what is the cost of the consultancy by Entec UK Ltd in preparing the documents and specifications for works on the sewer at Rosia Road, and can they also state whether this company is still engaged by Government and in what capacity?

**ANSWER**

**THE HON THE MINISTER FOR PUBLIC SERVICES, THE ENVIRONMENT, SPORT & YOUTH**

Entec UK Ltd were appointed by Government to prepare the tender documents and specifications for works on the Rosia Road sewer. The fee cost for this commission was £7,731. Entec UK will continue to be involved during the construction stage providing the services of the 'Engineer' under the contract.

**SUPPLEMENTARY TO QUESTION NO 439 OF 2002**

**HON J C PEREZ:**

The services of the "Engineer" are not covered by the £7,000, has the Minister got a figure?

**HON LT COL E M BRITTO:**

No because until such time as the tender is awarded and we know where we are then we cannot really negotiate with anything.

**NO. 440 OF 2002**

**THE HON J C PEREZ**

**ROSIA ROAD - SEWERS**

Can Government confirm that the contract for the works on the sewer in Rosia Road has now been awarded and can they say which contractor has been chosen, what is the estimated cost of the works and when are they scheduled to be completed?

**ANSWER**

**THE HON THE MINISTER FOR PUBLIC SERVICES, THE ENVIRONMENT, SPORT & YOUTH**

This tender has not yet been awarded and consequently I am not presently in a position to release any of the requested information.

**SUPPLEMENTARY TO QUESTION NO 440 OF 2002**

**HON J C PEREZ:**

I presume from the replies to the other question I presume that the matter of awarding the contract is in its final stages, am I right?

**HON LT COL E M BRITTO:**

I hope so. I say I hope so because there have been a number of unexpected complications that have led to the delay but I will try to summarise it by saying that the initial conditions of the tender as specified by the Government were not met by the six people who were supposed to tender and only two actually tendered and the conditions of the tender were not met exactly by either. This needed coming back to them and discussing the specifications. The problem is that the collapse of the sewer is different to anything that people had dealt with elsewhere and the two



tenderers were saying, "we can do it this way but we would rather do it another way," and they both came back with different answers. So there has been a process of on-going negotiations which is now hopefully I am told at its end and we are now I think at a stage of, nothing to do with me, but I understand we are at a stage of trying to decide who the successful tenderer will be if no further complications and I have no indications that there are further complications.

**NO. 441 OF 2002**

**THE HON J C PEREZ**

**INCINERATOR**

Can Government state whether the independent consultants engaged by them to assess the proposals over the incinerator have now concluded their work, and if so, what has been the cost of the consultancy and is Government now in a position to decide over which is the preferred proposal?

**ANSWER**

**THE HON THE MINISTER FOR PUBLIC SERVICES, THE ENVIRONMENT, SPORT & YOUTH**

The consultants engaged by Government, to advise them on the two proposals received for the incinerator, have already completed the work that they were commissioned to undertake. The total cost of this commission was £18,792.52. Government are currently assessing all their options for the future disposal of their domestic refuse taking into consideration the two proposals in their possession together with the consultant's comments in respect of each of these.

**SUPPLEMENTARY TO QUESTION NO 441 OF 2002**

**HON J C PEREZ:**

So the Government are not limiting their options to the two proposals, they are open to other proposals or to other options?

**HON LT COL E M BRITTO:**

Over the time that the incinerator has been closed, there have been a number of other options that have come forward but invariably Government have always returned to the two that we are talking about because the others were not really of the same scale or importance. So, although technically or theoretically we are still in a position where we could discard both and go for a third one I think that is extremely unlikely in view of the amount of money that has already been spent and the length of time that has passed and that it would mean starting the whole process again.

**NO. 442 OF 2002**

**THE HON J C PEREZ**

**PUBLIC WORKS CONTRACTS**

Can Government state what is the total number of public works contracts awarded since they came into office in 1996, and how many of these did not meet their original completion dates listing the company involved and the length and reason for the delay?

**ANSWER**

**THE HON THE MINISTER FOR PUBLIC SERVICES, THE ENVIRONMENT, SPORT & YOUTH**

A total of 110 public works related contracts have been awarded since 1996 by the Government's Technical Services Department. Of these, 40 such contracts were completed after the originally stipulated contract completion date with such delayed completion being for any one, or several, of a variety of reasons. The remaining extensive and factual information requested by the hon Member is set out in the written schedule that I hand to him.

**Answer to Question 442 of 2002**

<b><u>Contract Name</u></b>	<b><u>Contractor</u></b>	<b><u>Period Delayed</u></b>	<b><u>Reasons for Delay</u></b>
Beautification Winston Churchill Avenue	Amco Ltd	5 weeks	Difficulties caused by traffic also additional works to Car Park and difficulties in sourcing of specified materials.
Promenade North Mole	Amco	5 weeks	General interference caused by passenger liner and traffic generally and also additional works required by others.
Conversion Buena Vista Barracks to Hostel	H L Wilkie		Request for extra work by Client & Moroccan Works Association – Electrical Sub-Contract.
Road Widening Sir Herbert Miles Road Phase 2	Sharrock Shand	22 weeks	The main cause of the delay was dealing with unforeseen ground conditions. Excavation into the sand slopes progressed at a much slower pace than anticipated because, contrary to expectations based on the geological data available, cemented sands were not found along all the site. Other contributing factors to the delay were dealing with existing utility services.
Road Widening Sir Herbert Miles Road Phase 1A	Profield	26 weeks	The main cause of the delay was dealing with unforeseen ground conditions in that excavations for new services encountered solid bed rock along most of the length of the new road.
Road Widening Sir Herbert Miles Road Phase 1B	Sharrock Shand	32 weeks	Delays mainly caused in having to work around existing services in order to lay new services and dealing with an increased scope of temporary works to stabilize the sand slopes as a result of variable ground conditions. Further delays were caused by late possession of part of the site pending relocation of an existing business and by the need to divert existing services.
Residential Development for the Elderly	Profield	22 weeks	Lack of available labour was the major issue. Poor design liaison.
External refurbishment Edinburgh House Est.	Mackley/Cubiertas	20 months	Increase in the scope of works to include internal repairs, drainage and External works.
Promenade Harbour Views	Amco	2 weeks	Vandalism of work constructed. Materials rejected due to poor quality.
Casemates Beautification	Sharrock Shand	33 weeks	Substantial additional works requested. Archeological excavation liaison. Relocation of residents.
Extension to MVTC	Shelly	-	Financial difficulties which led to eventual liquidation of company.
Desilting of Main Sewer	MetroRod	Contract rescinded	Inadequate equipment and poor organisation.

Answer to Question 442 of 2002

<u>Contract Name</u>	<u>Contractor</u>	<u>Period Delayed</u>	<u>Reasons for delay</u>
Replacement of Balconies MacFarlane Hse	JBS (Home Care Contractor)	11 months	Adequate resources were not deployed by the original contractor. Financial difficulties were encountered.
Replacement of Balconies Willis's House	Home Care Contractors		Finally JBS took over.
Road Widening and ancillary works Line Wall Road	Sharrock Shand	8 weeks	Extra works were instructed including the provision of new cover slabs for the main sewer and changes in client requirements.
Proposed entrance to Botanic Gardens	Budget Tradesmen	40 weeks	Contractors lack of resources also inefficiency and financial difficulties.
Resurfacing works and footpath and Drainage Coach Park Phase 2	Mackley Tricon	8 weeks	Stoppage due to inclement weather. Delay in procurement and resurfacing area left by contractor working in adjacent site who went into liquidated.
Refurbishment Frontier Building	Sharrock Shand	30 weeks	Delays due to unchartered services. Lack of available design details.
RGP/Customs Marine Section	H L Wilkie	2 weeks	Additional works and inclement weather.
Extension St Annes School	Profield	10 weeks	Completing stipulated works to Sports Hall and undertaking additional resurfacing works to playground
Road Widening and Associated Works North Mole	Amco	32 weeks	Original scope of work extended considerably. Removal of Porta Cabins delayed.
Construction Coach Terminus	Whatley & Fosdike/ JBS	26 weeks	Original Contractor went into liquidation. New Contractor needed to complete the works.
MOT Extension	Amco	20 weeks	Original Contractor went into liquidated. New Contractor had to be appointed. Additional works required.
Construction Security Cabin Western Arm	Fitzpatrick	21 weeks	Contractor's inefficiency to complete in time.
Stabilisation Retaining Wall Road to the Lines	Profield	8 months	Heritage concern at the use of buttresses to retain wall. Contractor encountered access problems to transport materials.
Skate Park Coaling Island	Amco	2 weeks	Inclement weather mainly.

**Answer to Question 442 of 2002**

<b><u>Contract Name</u></b>	<b><u>Contractor</u></b>	<b><u>Period Delayed</u></b>	<b><u>Reasons for delay</u></b>
Terrace Extension Schomberg	Calpe Construction Services	10 weeks	Delay caused by contractor's lack of resources and poor management.
Ferry Terminal	H L Wilkie	8 weeks	Extra works required by client.
Road Widening Waterport Road	Blacktop	56 weeks	Underground obstacles contractor's lack of resources and poor organisation.
Infrastructure & Resurfacing Works Rosia Road	Blacktop	30 weeks	Contractor's lack of resources and lack of organisation to proceed with the works.
Repaving & Refurbishing Rosia Steps	Calpe Construction	10 weeks – still to Complete	Contractor's lack of resources and initially employing unsuitable and incompetent personnel – additional works for Gib Elec./Nynex and Lyonnaise
Realignment of the Black Spot	Blacktop	19 weeks	Delays to this contract have been caused by the Contractor not deploying sufficient resources on site to allow the works to progress at the required rate, also inclement weather.
Electrical Installation Workers Hostel Devils Tower Road	Calpe Construction Services		Decanting of residents to allow electrical contractor to proceed with the works. Difficulty in obtaining demolition permit.
Demolition 10 Fish Market Lane	Rock Haulage	6 months	Considerable problems experienced in obtaining demolition permit. RGP request closure of roads and for works to be executed during weekends.
Retaining Wall Loreto Convent/The Mount	Profield	26 weeks	The configuration of the existing retaining wall was different to that anticipated at design stage. Revised method of working.
Road Widening Europa Road	Amco	15 weeks	Delays in obtaining demolition permit unchartered services. Considerable extra work to stabilize existing retaining wall adjacent to The Mount.
Demolition of Building Naval Hospital	Rock Haulage	8 weeks	Contractors inefficiency to organise and proceed with the works.
Industrial Park North Mole	Fitzpatrick	26 weeks	Extra works requested, inclement weather. Materials delay.
Industrial Park Lathbury Barracks	Amco/Profield	8 weeks- still to Complete	Inclement weather, delay in transportation of materials due to tunnel closure. Additional works required.
Construction of Lay-By at 35 Devils Tower Rd	Profield	1 week	Increase in the scope of the works resulting from additional unforeseen deterioration of adjoining areas occasioned from works to services and since the time the initial survey was undertaken to the start of Contract.

**NO. 443 OF 2002****THE HON J C PEREZ****ELECTRICITY – POWER FAILURES**

Can Government state the number of power cuts experienced since 1<sup>st</sup> January 2002, their duration, the areas affected and the reason why they occurred?

**ANSWER****THE HON THE MINISTER FOR PUBLIC SERVICES, THE ENVIRONMENT, SPORT & YOUTH**

Since 1<sup>st</sup> January 2002 there have been eight power failures which have affected whole districts. I hand the hon Member a written schedule providing all the information he has requested.

<b>Incident No</b>	<b>Date</b>	<b>Duration</b>	<b>Areas Affected</b>	<b>Reason</b>
<b>1.</b>	5 <sup>th</sup> January	4 – 21 mins	All the eight districts supplied from Waterport Power Station	Fault in generator set No 4 at OESCO
<b>2.</b>	12 <sup>th</sup> January	14 mins	As above	Fault in generator set No 2 at Waterport Station
<b>3.</b>	21 <sup>st</sup> January	5 mins	Five districts supplied from Waterport Power Station	Fault in generator set No 5 at OESCO
<b>4.</b>	18 <sup>th</sup> March	1 hr 20 mins	Cornwall's Lane district supplied by King's Bastion Distribution Centre 6600V	Circuit breaker found tripped at the 6600 V Switchboard at Kings' Bastion - cause unknown as yet.
<b>5.</b>	28 <sup>th</sup> March	1 – 6 mins	All the eight districts supplied from Waterport Power Station	Fault in generator set No 4 at OESCO



<b>6.</b>	29 <sup>th</sup> March	5-9 mins	As above and Bayside district supplied from Kings Bastion Distribution Centre 11000V.	Fault in generator set No 2 Waterport Power Station.
<b>7.</b>	3 <sup>rd</sup> April	2hrs 52 mins	All the four districts supplied from Kings Bastion Distribution Centre 6600V	660 Volt feeder cable damaged by contractor at Devil's Tower Road.
<b>8.</b>	16 <sup>th</sup> April	1 to 19 mins	All the eight districts supplied from Waterport Power Station	Fault in generator set No 2 at Waterport Power Station

**NO. 444 OF 2002**

**THE HON J C PEREZ**

**RADIATION**

Can Government state whether radiation readings from transmissions of aerials and mastheads around Gibraltar are being taken, and if so, how is this being done and who does it?

**ANSWER**

**THE HON THE MINISTER FOR PUBLIC SERVICES, THE ENVIRONMENT, SPORT & YOUTH**

Gibtel has carried out initial tests at its GSM and TETRA base stations and the emission levels were found to be well within the thresholds set by the International Commission on Non-ionising Radiation Protection (ICNIRP). It should be noted that emission levels are a licensing matter under Part IV of the Telecommunications Ordinance and as such, a representative of the Gibraltar Regulatory Authority observed one of the tests carried out on 22 February 2002. A further programme of tests are to be carried out. Government are in the process of appointing independent consultants to carry out full surveys of selected sites and to report and make recommendations on their findings. The consultants will also be required to undertake a review of all licensed electromagnetic field emissions and advise on any possible areas of concern, monitoring, corrective procedures et cetera.

**SUPPLEMENTARY TO QUESTION NO 444 OF 2002**

**HON J C PEREZ:**

Is this consultancy a Government consultancy which is going to be independent to what the Regulatory Authority of Telecommunications does or which department is going to carry that consultancy, the Public Health?

**HON LT COL E M BRITTO:**

I am not sure what the Regulatory Authority has done whether they have done anything at all, what has been done so far has been done by Gibtel in consultation with the Regulatory Authority but the initiative and the cost have been met by Gibtel following letters in the press and concerns that are normally expressed on these matters. What the Government are doing now is in reaction to I think I am right in saying because it is not directly my department or any of my departments doing it, it is handled from No 6, but I understand that the Government are reacting to concerns expressed by staff at The Haven mainly and therefore although Government are aware of what Gibtel has done Government are appointing through the Environmental Agency and in consultation with the Regulatory Authority I think are appointing independent consultants to carry out their own tests and in fact Gibtel welcoming that has offered complete co-operation to whoever is appointed because they are obviously interested in having an independent assessment.

**HON J C PEREZ:**

Would the Minister ensure that the consultancy includes training for someone in the Environmental Office to be able to do this on a regular basis so that we do not have to fall back on consultancies if we are going to monitor these things on a regular basis which is how it is done everywhere else in the world?

**HON LT COL E M BRITTO:**

I understand that the Gibraltar Regulatory Authority is planning to purchase radio emissions and audit equipment to carry out its own independent testing in a routine basis. I have just noticed supplementary information given to me here I was not aware of it, so presumably if the GRA are going to be in a position to do their own testing and I understand that it is their statutory duty to monitor this as well, then no doubt we will have trained people to do it.

**HON J C PEREZ:**

I think that the Government have to take a decision on whether the monitoring of this is a health matter or it is not, perhaps the Regulatory Authority has the obligation of doing this but surely the readings that they take must then be passed on to the Environmental Health or to a similar body so that the public interest is protected in some way. Can the Minister tell us whether this is so or whether the readings that the Regulatory Authority will take are kept confidential by the Regulator or whether those readings are made public or who makes sense of those readings?

**HON LT COL E M BRITTO:**

There was a difficulty in identifying who would answer this question because it covers three different fields, it covers Gibtel itself which was obviously pointed in my direction, it covers the GRA which points at my Colleague the Hon Mr Azopardi but there is also a third element in that at the moment, the initiative to appoint these independent consultants has been taken by the office of the Chief Minister. I have given what information I have regularly available from a Gibtel point of view, I can only give the No 6 viewpoint and the GRA viewpoint from hearsay and from the

information that I have been given but what I can certainly say is that the Government's main concern is not just regulatory but health and that the primary thrust behind the appointment of consultants is to make sure that there are no health concerns to members of staff at The Haven or anybody else living in any building that has aereals near them or on them. So the answer in principal to the hon Member's question is yes, the Government will seek to obtain the information from the GRA which I am sure will be shared if there are health reasons then there is no reason why it should be kept confidential to the GRA and the company itself will be very interested in learning if an independent consultant carries out tests different to its own which proves anything different to what they have already assessed. I should also add, I am reading just now another piece of information that Gibtel itself are acquiring more sophisticated equipment. I have said that they have already carried out tests but they themselves are carrying out more sophisticated equipment in order to avoid the problem rather than have to cure it subsequently. I have given a long answer but in a nutshell the Government's main concern is the health aspects of this and we will do whatever is necessary to make sure that health is safeguarded. The company is interested in avoiding the creation of a problem and eliminating any problem which may exist which at the moment I stress no problem has been identified. Levels of radiation are well below the thresholds that are set. There is no concern within the company at the moment and thirdly I cannot speak for the GRA but I have no doubt that my Colleague will ensure that any information that reaches the GRA that is of concern will be passed to the Government for action if necessary.

**HON J C PEREZ:**

I understand everything that the Minister has said but he does not seem to have understood the gist of my former supplementary which was if we are going to have a consultancy let us widen the scope of that consultancy so that the monitoring of this can be done on a regular basis from a health point of view and that is, let us wait in the scope of the consultancy to be able to cover future monitoring or training for future monitoring in my view within the environmental health department or authority or whatever because the continued monitoring of this has to be done from a health point of view in pursuance of protection in the public interest. Now, if the Minister has said that there is an obligation in the Regulatory Authority to take these readings obviously someone in the Environmental Health Department must either make use and sense of those readings or must make sure that those readings are being taken in accordance with what the health requirements are in respect of that area. I am asking the Minister that if we are now going to go for a consultancy to look at the problem specifically of The Haven which is what I understand is being looked at, is it not desirable to widen the scope of the consultancy so that we cover all these aspects and we have got a clear picture of what is going to happen in the future with monitoring radiation levels?

**HON LT COL E M BRITTO:**

Yes, but let me clear one thing first. The independent consultancy that is being appointed by the Government as I said in my original reply will carry out a full survey of selected sights and make recommendations on the findings not just The Haven. It will look at all the sights where there are aereals. The scope of the consultancy covers the whole spectrum of frequencies that are being transmitted from Gibraltar. What I would certainly do is pass on the hon Member's comments to the people who are organising the consultancy from within No 6 Convent Place and make the suggestions because the hon Member refers to the Environmental Agency but again my understanding is that this is not strictly speaking an Environmental Agency's concern

or responsibility or an area where they have little or no expertise. So if there is a need I will put the suggestion to No 6 Convent Place that the scope be widened to look at the feasibility of continuing monitoring or as against periodic monitoring by people from outside, because at the moment there are no concerns and my understanding is that concerns only arise when there are changes in transmission levels or changes of frequency or installation of new aerals. Once an aerial is working and in place and it is established to be okay one does not need to monitor it on a daily basis, but I am subject to correction from technical sources on that.

**NO. 445 OF 2002**

**THE HON J C PEREZ**

**NYNEX – PAY-PHONES**

Are Government aware that many of the Nynex public pay-phones are out of order?

**ANSWER**

**THE HON THE MINISTER FOR PUBLIC SERVICES, THE ENVIRONMENT, SPORT & YOUTH**

No.

**SUPPLEMENTARY TO QUESTION NO 445 OF 2002**

**HON J C PEREZ:**

Would the Minister check with the company given that certainly we have received complaints very recently, about a week ago that most of the coin boxes in the centre of town that is the public ones not the ones inside establishments, the ones open to the public from the Convent down to Casemates and in the area of Marina Bay were said to be out of order and I would like the Minister to check with the company to see whether this is so and whether it can be corrected and see whether there can be a regular check of coin boxes so that we can continue to give a public service.

**HON LT COL E M BRITTO:**

Obviously I did consult the company in preparation of this answer and the company tells me that there are no at this moment in time there are no significant problems with the pay-phones other than the normal occasional faults which they tell me are repaired as a matter of routine. What has been identified and it may or may not have

been what has been reported to the hon Member is that there has been an increase in I do not know whether it is a new form but I had not heard of it before, a new form of pay-phone vandalism and that is mainly in the Main Street area. Vandals or thieves have discovered a novel method of stealing which is basically to block the chute through which the return coins are sent so if one makes a phone call and one is supposed to get money back one does not because it is blocked. When the person who has blocked it comes later and unblocks it, a whole stream of coins comes down. I am told that the incidents of these thefts have been reported to the Royal Gibraltar Police and that it is being investigated. If this is what the hon Member is referring to it is because of the blocking that the phones themselves have not been working properly but the company is not aware of any significant or out of the ordinary faults in pay-phones.

**HON J C PEREZ:**

The information we get is not from one source alone is that for whatever reason whether it is vandalism or whatever that particularly the coin boxes are not operational in the middle of town. It could be the reason given by the Minister but be as it may people need the service.

**HON LT COL E M BRITTO:**

Let me put it this way, either the hon Member is right and there are lots of pay-phones that do not work or the company is right and there are only a few that do not work. Like in all these things the answer probably lies somewhere in the middle. I will certainly go back to the company after this session and ask them to ensure that whatever system they have in place for checking these phones is working.

**NO. 446 OF 2002**

**THE HON J C PEREZ**

**PABX SYSTEM**

Do Government have any plans to re-introduce PABX's in Government departments in order to release more telephone lines?

**ANSWER**

**THE HON THE MINISTER FOR PUBLIC SERVICES, THE ENVIRONMENT, SPORT & YOUTH**

Government are currently considering various options in an on-going re-assessment of their own telephony systems. One such option under consideration, which would release a very high percentage of their existing telephone numbers, is the introduction of a PABX system.

**SUPPLEMENTARY TO QUESTION NO 446 OF 2001**

**HON J C PEREZ:**

But Government have not yet taken a decision to do this as suggested in the Chamber of Commerce bulletin that was published recently?

**HON LT COL E M BRITTO:**

No. It is implicit in my answer that the decision has not been made, releasing numbers desirable as it is for the companies is obviously only one of the factors from the Government's point of view. There are a number of other factors, costs, sufficiency, the disturbance if any of needing to put in the PABX systems, the staffing of those PABX's and once again I am answering this question because of the telephony aspect but the Government decision on whether to change or not change is entirely a matter for No 6 Convent Place and one in which I am not involved because



obviously there would be a conflict because I am obviously aware of what Nynex has proposed and I understand there is another proposal from somewhere else and that is being assessed elsewhere so I cannot really give much information on that.

**HON J J BOSSANO:**

Have we got enough spare capacity to say, "well we can still look at the options for x number of months before a decision has to be taken of something like this to release more numbers."

**HON LT COL E M BRITTO:**

The decision on the shortage of numbers can be put off for a few more months and there are a number of numbers, there are some other solutions of a technical nature that are being considered of which the hon Members are probably already aware. So it is not urgent for the Government to make a decision it would help the company if we delayed the introduction of such measures if these numbers were released and also to be honest I do not know how long it would take to make any changes that were used to put this into place because obviously equipment has to be purchased, installed, tested, et cetera. In answer it is not urgent from the company's point of view at this stage.

**NO. 447 OF 2002**

**THE HON J C PEREZ**

**COMPANY ACCOUNTS**

Can Government state when the company accounts of Gibtel, Nynex and Lyonnaise Des Eaux will be made public?

**ANSWER**

**THE HON THE MINISTER FOR PUBLIC SERVICES, THE ENVIRONMENT, SPORT & YOUTH**

Company accounts are filed at Companies House, where they are available for public inspection. Gibraltar International Telecommunications Limited and Lyonnaise des Eaux (Gibraltar) Ltd have filed their accounts for the year 1<sup>st</sup> April – 31<sup>st</sup> March 2001 with the Registrar of Companies, in compliance with their statutory obligations. Gibraltar Nynex Communications Ltd is expected to file its accounts for the year ending 31<sup>st</sup> December 2001 at Companies House later this year following completion of their annual audit.

**NO. 448 OF 2002**

**THE HON J C PEREZ**

**NYNEX**

Can Government state what is the revenue derived by Nynex each month, since 1<sup>st</sup> December 2001, in respect of internet calls?

**ANSWER**

**THE HON THE MINISTER FOR PUBLIC SERVICES, THE ENVIRONMENT, SPORT & YOUTH**

Answered together with Question Nos 449 to 453 of 2002.

**NO. 449 OF 2002**

**THE HON J C PEREZ**

**NYNEX**

Can Government state what is the revenue derived by Nynex each month, since 1<sup>st</sup> December 2001, in respect of local traffic excluding internet calls?

**ANSWER**

**THE HON THE MINISTER FOR PUBLIC SERVICES, THE ENVIRONMENT, SPORT & YOUTH**

Answered together with Question Nos 448, 450, 451, 452 and 453 of 2002.

**NO. 450 OF 2002**

**THE HON J C PEREZ**

**NYNEX**

Can Government state what is the revenue derived by Nynex each month, since 1<sup>st</sup> December 2001, in respect of Nynex's share of international calls?

**ANSWER**

**THE HON THE MINISTER FOR PUBLIC SERVICES, THE ENVIRONMENT, SPORT & YOUTH**

Answered together with Question Nos 448, 449, 451, 452 and 453 of 2002.

**NO. 451 OF 2002**

**THE HON J C PEREZ**

**NYNEX**

Can Government confirm that the revenue derived by Nynex from calls made from fixed telephones to Gibtel mobile phones produces a profit, and to what extent this is used to subsidise the cost of local telephone services?

**ANSWER**

**THE HON THE MINISTER FOR PUBLIC SERVICES, THE ENVIRONMENT, SPORT & YOUTH**

Answered together with Question Nos 448, 449, 450, 452 and 453 of 2002.

**NO. 452 OF 2002**

**THE HON J C PEREZ**

**NYNEX**

Is it the position that as a result of the increase in local charges by Gibraltar Nynex, the cost of local telephone calls are no longer subsidised by the profits made on international calls?

**ANSWER**

**THE HON THE MINISTER FOR PUBLIC SERVICES, THE ENVIRONMENT, SPORT & YOUTH**

Answered together with Question Nos 448, 449, 450, 451, and 453 of 2002.

**NO. 453 OF 2002**

**THE HON J C PEREZ**

**GIBTEL/NYNEX**

Can Government state whether there has been a large increase in 0034 originating telephone traffic, and if so, when did this occur?

**ANSWER**

**THE HON THE MINISTER FOR PUBLIC SERVICES, THE ENVIRONMENT, SPORT & YOUTH**

In November last year, in answer to Question No 918 of 2001, I pointed out that the Government no longer consider it appropriate to provide information that could be commercially sensitive in answers to questions in this House. The Telecommunications Ordinance was brought into operation on 19<sup>th</sup> July 2001 and the Gibraltar Regulatory Authority has been appointed to regulate the telecommunications industry. In a liberalised market providing information on particular traffic volumes, or profits of particular business streams for selected companies could give commercial advantage to their competitors and thereby be detrimental to the interests of the Companies concerned. However, the hon member is free to approach the Companies themselves, or the Regulator, on these matters and it would be for them to decide whether they are prepared to release any information.



**SUPPLEMENTARY TO QUESTION NOS 448 TO 453 OF 2002**

**HON J C PEREZ:**

The Regulator has already told us it is not matters that he can release to us and then we are expected to accept the arguments of increases in local charges at face value without the information available to us. I must say that there is one question which is over the 0034 originating telephone traffic which has been answered in this House on a previous occasion and where indeed the Chamber of Commerce bulletin says that thanks to the increase in 0034 originating traffic they have been able to cope quite well with telecommunications, that is why I am asking the Minister whether given that the answer that we got in the last House was that there had not been any change in the balance of calls from one source and from the other whether this has changed and and this is why the Chamber of Commerce was saying this or whether the Government thought the Chamber was inventing this but certainly in that area the Government have answered questions before.

**NO. 454 OF 2002**

**THE HON J C PEREZ**

**GOVERNMENT LOTTERY**

Can Government state what is the number of unsold lottery tickets in the last Financial Year ending 31<sup>st</sup> March 2002?

**ANSWER**

**THE HON THE MINISTER FOR PUBLIC SERVICES, THE ENVIRONMENT, SPORT & YOUTH**

The number of returned tickets during the year ended 31<sup>st</sup> March 2002 was 174,000 out of a total of 515,000, that is, 33.8 per cent.

**SUPPLEMENTARY TO QUESTION NO 454 OF 2002**

**HON J C PEREZ:**

Would the Minister know off hand how this reflects with the year previously because I think there have been more tickets sold in fact?

**HON LT COL E M BRITTO:**

No in fact I can give him the figures for the last four years, the current one is 33.8 per cent, last year it was 34.1 per cent, the previous year 33.7 per cent and the previous year to that which was 1998/1999, 34.3 per cent.

**NO. 455 OF 2002**

**THE HON J C PEREZ**

**GOVERNMENT LOTTERY**

Can Government state whether they have now completed their review of the structure of the Gibraltar Government Lottery?

**ANSWER**

**THE HON THE MINISTER FOR PUBLIC SERVICES, THE ENVIRONMENT, SPORT & YOUTH**

No, but to be clear it is not that we will not state but that it is not finished.

**SUPPLEMENTARY TO QUESTION NO 455 OF 2002**

**HON J C PEREZ:**

Can the Minister state whether he is consulting any specific party even that he said that he would welcome participation or ideas from the public the last time he mentioned the matter.

**HON LT COL E M BRITTO:**

What is happening is that the Treasury are leading on this and they have consulted the Lottery Committee, they have consulted the Lottery Agents, I am not sure whether they have gone further afield but they are carrying out their own assessment and they have not presented me with any concrete findings or proposals or through me to the Government, so, that is what I am waiting for, for them to produce such proposals.

**NO. 456 OF 2002**

**THE HON MISS M I MONTEGRIFFO**

**VICTORIA STADIUM**

Can the Minister for Sport confirm whether or not there has been any water ingress to the squash courts at the Victoria Stadium after the recent rains?

**ANSWER**

**THE HON THE MINISTER FOR PUBLIC SERVICES, THE ENVIRONMENT, SPORT & YOUTH**

There were no visible signs of water ingress to the squash court after the recent rains, despite the fact that the repair works had not been fully completed at the time.

**SUPPLEMENTARY TO QUESTION NO 456 OF 2002**

**HON MISS M I MONTEGRIFFO:**

Could the Minister then be in a better position to confirm when the actual works are due to finish or when the squash courts will be up and running?

**HON LT COL E M BRITTO:**

Yes, JBS have now been instructed to carry on and complete the internal works that need to be done, the replastering of the internal walls which is the one of obvious concern to the hon Member. I cannot give her a date for the completion because I do not have it but obviously we want to do it as quickly as possible but the problem as the hon Member knows with JBS is that they are overcommitted in works and invariably other things come along that play precedence like for example the schools, hospitals and they may be committed to do a work and then they have to put it off but we are certainly now moving down the path of finishing the work and it will be done as soon as JBS are able to do it.

**NO. 457 OF 2002**

**THE HON DR J J GARCIA**

**DEVELOPMENT APPEALS TRIBUNAL**

Can Government say when and on what dates the Development Appeals Tribunal has met in February and March 2002 and whether any decision has been taken on the cases pending before it?

**ANSWER**

**THE HON THE MINISTER FOR PUBLIC SERVICES, THE ENVIRONMENT, SPORT & YOUTH**

Answered together with Question No 458 of 2002.

**NO. 458 OF 2002**

**THE HON DR J J GARCIA**

**DEVELOPMENT APPEALS TRIBUNAL**

Can Government list whether there are any new appeals before the Development Appeals Tribunal in February, March and April 2002 to date?

**ANSWER**

**THE HON THE MINISTER FOR PUBLIC SERVICES, THE ENVIRONMENT, SPORT & YOUTH**

Three new appeals have been received since the answer to Question No 296 of 2002.

1. On 18<sup>th</sup> February 2002, for an appeal against refusal to grant permission for re-roofing works.
2. On 26<sup>th</sup> February 2002, for an appeal against refusal to grant permission for the construction of a residential development.
3. On 8<sup>th</sup> March 2002, for an appeal against refusal to grant permission for the construction of a toilet building.

As explained in answer to Question No 296 of 2002, the Tribunal met on Wednesday 6<sup>th</sup> February 2002 to consider one of the original five appeals listed in answer to Question No 1140 of 2001. The Tribunal deferred its final decision pending receipt of further and better particulars from one of the parties. To date this has not been received. None of the other nine appeals have at the date this answer was written yet reached the stage at which the Tribunal can be convened for a hearing.

## **SUPPLEMENTARY TO QUESTION NOS 457 AND 458 OF 2002**

**HON DR J J GARCIA:**

What is it that the various appeals have to do in order to reach that stage or the various applicants before it is ready to come to the Tribunal?

**HON LT COL E M BRITTO:**

I will list the reasons, there are 10 pending appeals, one is the one I have mentioned waiting further where the appeals board has already met and is waiting the receipt of those inverted particulars in order to reach its final position, three others are pending responses from the appellants to the Development and Planning Commissions Conference. Five are pending receipt of comments by the Tribunal from the Development and Planning Commission and one is caught up in bilateral discussions and presumably negotiations being held between the legal representatives of either side.

**HON DR J J GARCIA:**

At the last Question Time we heard that there were seven appeals and that the Tribunal had met only to consider one of them for various reasons, and that two of these appeals dated back to December of 2001 and five came from before, is the Government satisfied with the way in which this procedure is working.

**HON LT COL E M BRITTO:**

Well so far no one has complained so I suppose that that must indicate that no one is unhappy. I must say that I am not comfortable to put it mildly that appeals that date back I cannot remember the date of the first one but certainly back to September, October are still pending but I stress they are not pending because the Tribunal has not met. They are pending because the Tribunal cannot meet because what the appellant and the "defendant" in this case DPC either one or both of them have not completed what they have to do and until they sort themselves out between themselves and all the information is before the Tribunal I cannot call a meeting of the Tribunal to hear the appeal.

**HON DR J J GARCIA:**

I notice that since tabling the two questions a couple of legal notices appeared in the Gazette, one appointing the secretary to the Tribunal and the other appointing the actual Members of the Tribunal, is this the case that the people that were there before are simply being reappointed or are these new appointments to the two bodies as Secretary and to the Tribunal itself?

**HON LT COL E M BRITTO:**

I do not think I have quite understood the question could the hon member repeat?

**HON DR J J GARCIA:**

Yes. I am referring to the two legal notices which appeared in the Gazette, one appoints the Secretary to the Tribunal, this was on the 11<sup>th</sup> April, the other one appoints the members of the Tribunal on the 18<sup>th</sup> April, are these the same people who are sitting before at the meeting in February?

**HON LT COL E M BRITTO:**

Yes, I thank the hon Member for repeating the question. This is a statutory requirement to reappoint both the Secretary and the Members but I can confirm that there has been no change in the composition, it is the same people.



**NO. 459 OF 2002**

**THE HON DR J J GARCIA**

**SEA OUTFALL STUDY**

Can Government say when they expect the first and second phases of the Wastewater Treatment Works Sea Outfall Study to be completed?

**ANSWER**

**THE HON THE MINISTER FOR PUBLIC SERVICES, THE ENVIRONMENT, SPORT & YOUTH**

The first phase of the Wastewater Treatment Works Sea Outfall Study is due for completion by mid September 2002. The timescales for Phase II negotiations will depend on the outcome of Phase I and extent of discussions required to reach an agreement. An indicative timescale of two months, which could overlap with Phase I, is currently envisaged.

**NO. 460 OF 2002**

**THE HON J J BOSSANO**

**GIBTEL/ NYNEX**

What was the price/earnings ratio at which the shares in Gibtel were sold to Gibraltar Nynex Communications Ltd?

**ANSWER**

**THE HON THE MINISTER FOR PUBLIC SERVICES, THE ENVIRONMENT, SPORT & YOUTH**

The Government believe it is inappropriate to apply the historical price/earnings ratio normally used for listed companies to the sale of a private company, Gibtel, to another, GNC. Nevertheless, as the hon Member wishes to know the ratio it is approximately 2.6.

**SUPPLEMENTARY TO QUESTION NO 460 OF 2002**

**HON J J BOSSANO:**

When the Minister has said historic would that be on the accounts that are about to be published, the 2001 accounts?

**HON LT COL E M BRITTO:**

I profess complete ignorance on the subject and therefore I do not know the answer to that question.

**HON J J BOSSANO :**

Well the price and its ratio is basically the multiple by which the price of the share is in excess of the profits per share so obviously the 2.6 must be based on the profits of a particular year, does the Minister have the year on which it is based?

**HON LT COL E M BRITTO:**

Looking at my initial notes here the price of the sale of shares was reached obviously after the extensive negotiations and before making the offer KPMG who were commissioned by GNC to carry out the pricing analysis and determine a valuation range based on the discounted cash flow methodology, all of which does not tell me the date but speaking now from memory the original valuations that have been done on both companies were updated roundabout November/December 2000 and those valuations must have been the ones used to carry out this. I assume we are talking of that year, the sale was subsequent to that so it must have been the trading years that encompass the year 2000.

**HON J J BOSSANO:**

From the reply given before the trading year for Gibtel is earlier than December I take it because the Minister said that the accounts had already been Tabled.

**HON LT COL E M BRITTO:**

The trading year for Gibtel has traditionally ended and may already have changed but has traditionally ended in December. The financial accounts for GNC ends in December that is why we have not presented the accounts yet and Gibtel ended in March last year. So these have now been brought into line.

**HON J J BOSSANO:**

I accept that, but in order to establish the year that we are talking about, presumably then we are talking about the year ending March 2001 for Gibtel.

**HON LT COL E M BRITTO:**

I do not know, if the hon Member is interested I can find out the answer for him and let him know but I do not have that information.

**NO. 461 OF 2002**

**THE HON S E LINARES**

**YOUTH SERVICE**

Can Government state at what pay scale are the part-time youth workers analogued to?

**ANSWER**

**THE HON THE MINISTER FOR PUBLIC SERVICES, THE ENVIRONMENT, SPORT & YOUTH**

The part-time youth workers engaged by the Gibraltar Youth Service have since 1979 been analogued to the Soulbury Scale applicable to such workers.

**SUPPLEMENTARY TO QUESTION NO 461 OF 2002**

**HON S E LINARES:**

Can the Minister then confirm that the part-time youth workers who are currently being enrolled by the Youth Office are being paid at this scale at the moment?

**HON LT COL E M BRITTO:**

Yes.

**HON S E LINARES:**

Is the job description of the part-time youth worker the same as the full-time youth worker, obviously not the same hours?

**HON LT COL E M BRITTO:**

I would need notice of that question.

**HON S E LINARES:**

Is the Minister aware of how many hours more or less the part-time workers do in relation to the full-time workers?

**HON LT COL E M BRITTO:**

No, I know that they work in what are called sessions and they are paid for each session worked, each session consists of three hours and that they earn £22.92 per session but how many sessions they work in a week or a month I cannot say at this moment.

**HON S E LINARES:**

Then I presume that the £22.92 that they are getting per session is the price that has been worked out via the scale that the Minister has just stated, is that correct?

**HON LT COL E M BRITTO:**

Yes, the hourly rate is calculated by dividing the annual salary of the grade by the number of annual hours of the grade's full-time workers, whatever that means.

**NO. 462 OF 2002**

**THE HON J C PEREZ**

**SHIP TO SHORE RADIO SERVICE**

Do Government have any plans for restoring the Ship to Shore Radio Service?

**ANSWER**

**THE HON THE MINISTER FOR TOURISM AND TRANSPORT**

The Government have never operated a Ship to Shore Radio Service, so the question of restoring such a service does not arise.

**SUPPLEMENTARY TO QUESTION NO 462 OF 2002**

**HON J C PEREZ:**

Although the Government have not operated one it is common knowledge that Gibtel used to operate it and can the Minister state whether the report commissioned by the Government into the Port Department did not mention the restoration of the Ship to Shore Service to be carried out instead of by Gibtel by the Port Department or whatever replaces it?

**HON J J HOLLIDAY:**

The operation of the Ship to Shore service is no longer a major issue in the sense that going back three years when Gibtel used to operate the service they decided that it would discontinue the service as the result of the fact that they did not make commercial sense to them in that the service was incurring losses. Obviously the use of mobile phones and the difficulties in collecting funds from those that use the service basically brought the system into question and therefore Gibtel decided to discontinue the service and approached the Government with a view of the Government taking on the service as part of the new Port Authority services. At the time the Government approached the staff side of the then Port Department and they agreed that they would accept to operate the Gibraltar Radio Services as part of their duties and as a diversification of their role. Subsequent to that the transfer of equipment was made from Gibtel to the Government on a free of charge basis, in fact Gibtel offered to train personnel as well, however when it came to the crunch Port Staff refused the training and the system was never operational. The equipment as it stands today we are informed by Gibtel is now obsolete in any case so Government have taken a view that it is no longer a service which is a requirement, in any case we would only have been using the service to conduct Ship to Shore of local calls and not international calls. With the use of mobile phones now that becomes rather impractical and so therefore there is no longer a service which we really wish to restore at this stage.

**HON J C PEREZ:**

Is the Minister aware that shipping agents would like it restored notwithstanding the fact that he says that the service is nearly obsolete and is he not aware that it was not two years ago that Gibtel took the decision that it was losing money it was many years ago and I insisted with the shareholders of Gibtel that the service should continue and that they continued it at a loss until the time that the Minister has mentioned, and could the Minister not say whether the restoration of the service is or is not part of the negotiations that he is currently involved in in relation to the conversion of the Port Department to a Port Authority?

**HON J J HOLLIDAY:**

I believe that answering some of the questions that have been made in order. The fact that Ship to Shore Service has been discontinued became an issue initially with Ship Agents, they have subsequently adopted other means of communication and as I say the use of mobile phones has basically questioned whether the system is worth operating. It is still on the agenda as part of the diversification programme of the Port Authority to include that in the service but in actual fact whether the service is restored or not will not be a major issue and if it can be restored without any major setbacks then it will be restored but it is not something that is at the forefront of negotiations at this moment in time.

**NO. 463 OF 2002**

**THE HON J C PEREZ**

**PORT AUTHORITY**

Have Government now put their final proposals to the staff association representing Port employees for the creation of the proposed Port Authority?

**ANSWER**

**THE HON THE MINISTER FOR TOURISM AND TRANSPORT**

Yes.

**SUPPLEMENTARY TO QUESTION NO 463 OF 2002**

**HON J C PEREZ:**

Has the Minister had a reply from the Staff Association to the final proposals?

**HON J J HOLLIDAY:**

The latest proposals or the final proposals were given to the Staff Side on the 20<sup>th</sup> March 2002 and this consisted of conditions of pay and conditions of service not just for matters of conditions of service but of change of structure, job descriptions and the fact that we wanted to see employees join the Port Authority. The staff side rejected the proposal and therefore the Government have been left with a number of options.



One is for us to leave the Port Department as it stands today the other is to obviously introduce the type of Port Authority to fall in line with modern practices but at the end of the day leaving the Port Department as it is to-date with certain changes in order to meet today's requirements and then the transfer to the Port Authority which was the Government's preferred option. There has been an exchange of correspondence with the Union as a result and after the latest final proposals that were turned down and we have agreed to meet again on the 9<sup>th</sup> May to reconsider the whole package. Government wish to be flexible but at the same time there are certain parameters which the Government want the staff side to agree to in order for them to proceed with the full implementation of the Port Authority. I am still hopeful that the meeting on the 9<sup>th</sup> May 2002 which is the day after tomorrow subject to House of Assembly requirement will pave the way for us to reopen negotiations in this respect.

**HON J C PEREZ:**

If I understand the Minister correctly the situation is that the final offer has been rejected but there is now scope for the Government to move somewhat further in new negotiations and that the bottom line is that if there is no resolvment of the issues at hand then the Government would be prepared to continue with the Port Department as it is and separately a Port Authority without including the Port Department in it, is that the position?

**HON J J HOLLIDAY:**

No that is not the position. What has happened is that up to recently the implementation of the Port Authority was basically being achieved by the Chief Secretary was handling the actual pay and conditions in order to ensure that they were in line with other areas within the civil service and general statutory bodies within the Government and my Ministry was basically handling negotiations in terms of job descriptions, structure, the commercial aspect of it, pay and conditions. What we realised after a while was that it was better to bring both together and try and bring a package of conditions together which would address all the issues and therefore I have subsequently taken over that role of bringing both things together and therefore we are still hopeful that the Port Authority will eventually come to fruition and that the staff side will accept the conditions that have been offered by the Government. I think subsequent to our last offer or our final offer certain representations were made by the staff side to my Ministry and I believe that there is some mileage in exploring some of the points that have been made and therefore this is why we have decided that we ought to meet on the 9<sup>th</sup> May 2002 and consider those in a positive and pro-active way.

**HON J C PEREZ:**

But if I did not understand the Minister wrongly he did say that the options open to the Government were that if those negotiations failed they would keep the Port Department and they might proceed with the Port Authority in parallel with the Port Department and independently of the Port Department, is that not what he said in his original answer?

**HON J J HOLLIDAY:**

No but if I did I will clarify it for the record. There are basically three options open to the Government at the moment, one is to remain as the Port Department and leave things as they stand today, the other was to introduce the title of Port Authority following the line of modern practices but substantially what it would mean is that there would be another Port Department by another name and the third option was to obviously adopt the transfer of Port Department into Port Authority. So the second option which may have been confusing was mainly a cosmetic one because I feel that in order for us to portray ourselves as a commercially minded sector within the maritime world I think that we need to move away from the Gibraltar Government Port Department brand to a more Port Authority brand.

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**HON J C PEREZ:**

Surely the second option that the Minister says the Government have which would come into being if the negotiations were to fail, and I hope he succeeds, is one where the Port Department and the Port Authority would have a division of responsibilities, is that not the case? The Port Department would continue without having come into the Authority. It would be the Port Department for all intents and purposes. The only aspect of the Port Department that would actually be outside or possibly in parallel to that would be the Chief Executive who would be running a commercial one man operation basically as it stands today in order to adopt a more proactive commercial stand on the Port but nothing else.

**HON J J BOSSANO:**

I take it that the Government accept that there is no way the conditions of the employees can be changed without their agreement?

**HON J J HOLLIDAY:**

Absolutely that is why the negotiations have been taking place. That is how we are hoping that the new package of measures will be attractive enough for them to consider the change.

**NO. 464 OF 2002**

**THE HON J C PEREZ**

**PORT DEPARTMENT**

Can Government confirm that there are five vacant posts in the complement of the Port Department grades, and if so, what are the grades?

**ANSWER**

**THE HON THE MINISTER FOR TOURISM AND TRANSPORT**

No the Government cannot confirm that there are five vacant posts.

**SUPPLEMENTARY TO QUESTION NO 464 OF 2002**

**HON J C PEREZ:**

Does the Minister not recall that he suggested this to me in the budget last year when I looked at the complement and he said that some of those posts were pending the creation of the Authority and if the Authority was created they would not exist but if the Authority would not be created they would continue in the complement of the Port Department, can the Minister recall that he said that in the budget last year?

**HON J J HOLLIDAY:**

I cannot recall having said that but it would have been the sort of answer that I would have been able to give assuming what the hon Member is saying.

**HON J C PEREZ:**

What is the Minister saying that none of the five posts exist or that some of the five posts exist if it is not five?

**HON J J HOLLIDAY:**

There has been some recruitment in some of the posts that he is referring to at last year's budget session, also the fact that one of the posts of Senior Boarding Officer has now been renamed as Marine Officer in order to be able to recruit a senior officer with a Masters ticket and be a Master Mariner in this respect and therefore there are obviously some developments that have taken place and therefore five vacancies as he puts it do not exist today.

**HON J C PEREZ:**

Can the Minister say how many exist and what are they?

**HON J J HOLLIDAY:**

Well there is a vacancy at the moment which I believe was advertised for one Marine Officer which hopefully will be filled and then there is one Port Maintenance Supervisor which is the post that would be abolished under the new structure as would the post of Department Shipwright and one Port Department Fitter. These are posts that will no longer form part of the new Port Authority complement and therefore the Government are unwilling to recruit these whilst negotiations are taking place.

**HON J C PEREZ:**

The point being that the vacancies still exist in the complement and if the negotiations are not successful these posts still exist and would need to be recruited?

**HON J J HOLLIDAY:**

I really cannot confirm to the hon Member whether these posts will be recruited even though the posts may in theory be available as obviously the department has moved on from the days when we had a maintenance crew which no longer would form part of the new Port Department or Port Authority, obviously there would be negotiations with the staff side in order to reconsider the requirements in this area.

**HON J J BOSSANO:**

What the Minister is saying in terms of the final bit is that the posts would be there unless and until as part of the negotiations with the Union they were replaced by something else even if unfilled?

**HON J J HOLLIDAY:**

I do not want to refer back to the estimates which are confidential at this stage but these posts are there subject to the final details as to whether we go one way or the other.

**NO. 465 OF 2002**

**THE HON J C PEREZ**

**PORT AREA – SECURITY**

When did the contract for the security of the Port area commence and what is the cost of the contract per week?

**ANSWER**

**THE HON THE MINISTER FOR TOURISM AND TRANSPORT**

Consequent on the award of a tender for the provision of security in the Port, a contractor was appointed in the sum of £10,000 per month with effect from 18<sup>th</sup> March 2002. The contract sum is not calculated on a weekly/basis.

**SUPPLEMENTARY TO QUESTION NO 465 OF 2002**

**HON J C PEREZ:**

Does the Minister know how many employees were expected to cover the security of the Port area in the contract?

**HON J J HOLLIDAY:**

I do not have the details here with me but if my memory does not deceive me I believe it covers two security guards 24 hours a day, seven days a week, 52 weeks a year.

**HON J C PEREZ:**

Was this not something that was being negotiated with the Port Department as part of the negotiations for the Port Authority?

**HON J J HOLLIDAY:**

This issue has been raised in the negotiating process, however the Government's view is that the security of the Port is not an existing operation and so therefore it is a management decision as to the implementation which is now an international requirement in order to safeguard some of the commercial activities which are undertaken in the Port.

**HON J C PEREZ:**

Can the Minister say whether the contract is being enforced?

**HON J J HOLLIDAY:**

Can you repeat that?

**HON J C PEREZ:**

Whether the contract is being enforced, whether the security of the Port is being undertaken by the contractor at the moment?

**HON J J HOLLIDAY:**

No. It is not at the moment.

**HON J C PEREZ:**

The Minister is saying that we have given a tender, we are spending £10,000 a month for the security of the Port but the security of the Port is not being carried out and we are still expending the money I presume?

**HON J J HOLLIDAY:**

That is correct.

**HON J C PEREZ:**

Can the Minister explain why that is so?

**HON J J HOLLIDAY:**

The contract was awarded and came into effect on the 18<sup>th</sup> March 2002 when we were right in the middle of the final stages of negotiations with the Union and we thought that because we were reaching the end of this that we would not implement the security measures because in any case the security company needed to carry out certain basic training and requirements in the area because this is not ordinary security, it needed an element of training within different spheres that needed to be undertaken. Because the negotiations have been postponed for a meeting on the 9<sup>th</sup> May 2002 we thought that it was prudent that we would not encounter any setbacks because the Union's position is that security is part of the negotiating process even though we do not agree with this. I can say that if by the 9<sup>th</sup> May 2002 we come to no headways in this respect security will be implemented irrespective.

**HON J C PEREZ:**

Irrespective of the training that the Minister says that the company has to do, since the 18<sup>th</sup> March 2002 we have been paying £10,000 to a company and we have asked them not to effect the contract, basically the Government have asked them, have given them a tender and since the 18<sup>th</sup> March 2002 is telling them, "You have got a tender but do not execute it and you are being paid," is that the situation?

**HON J J HOLLIDAY:**

That is the situation, I have already said so.

**HON J J BOSSANO:**

Would it not have been wiser for the Government not to put a commencement date on the tender until they knew they were in a position to overcome the problem with the Union, rather than say "we will pay you." Did the Minister say they were being paid from 18<sup>th</sup> March which is when it was awarded?

**HON J J HOLLIDAY:**

That is correct the tender was awarded to commence on the 18<sup>th</sup> March 2002.

**HON J J BOSSANO:**

There was nothing to have stopped the Government awarding the tender without a commencement date surely?

**HON J J HOLLIDAY:**

The Leader of the Opposition may be right but it was not done in that way and the tender was awarded and a date was set for commencement.



**HON J J BOSSANO:**

The two security guards employed 24 hours a day for which the Government are paying, are they actually being provided to the Government to use somewhere else or not?

**HON J J HOLLIDAY:**

I could not say I do not know. They may well be but I would have to check that.

**HON J J BOSSANO:**

It may be that the Minister himself may not be the person that can answer but I do not know. It strikes me that there may be something to do with things like Treasury instructions or rules or whatever that one cannot pay public money over to somebody for nothing I would have thought, would he look into the legality of this, the terms of paying and not getting any kind of service back?

**HON J J HOLLIDAY:**

I will definitely look into that. I would not like to make a statement and mislead the House, I am just trying to recall whether there may have been the case that the company concerned was asked to provide services elsewhere within the requirements of the Government but to be honest I cannot really confirm this. I have to check this out and let the hon Member know because I would see it totally unacceptable that a contractor be paid without actually providing any service especially at the beginning of its contract. I really would not be able to confirm one way or another at this moment.

**NO. 466 OF 2002**

**THE HON J C PEREZ**

**WATERPORT ROAD**

Can Government state whether the works related to the renewal of pavements at Devil's Tower Road and Waterport Road have been passed over to Government by the contractor, and if so, when?

**ANSWER**

**THE HON THE MINISTER FOR TOURISM AND TRANSPORT**

Yes, on 22<sup>nd</sup> December 2000.

**SUPPLEMENTARY TO QUESTION NO 466 OF 2002**

**HON J C PEREZ:**

Does that mean that the Government are now fully responsible for the state of the works or is there a contractual obligation on the part of the contractor for a period of time to cover any deficiencies in the work?

**HON J J HOLLIDAY:**

I assume that the contractors will have some form of responsibility to rectify any sort of faults in the works but I cannot actually give a categorical answer in respect of this particular project. I can say that some of the works that have yet not been completed

in respect of the zebra crossing in Devil's Tongue is to do with the availability of staff to do the works by the Electricity Department.

**HON J C PEREZ:**

Is the Minister aware of the large amount of loose tiles that there are in both works in the Waterport side and in the Devil's Tongue side and can he state whether he thinks the responsibility of repairing that lies now with the Government or the contractor?

**HON J J HOLLIDAY:**

I am not aware of the number of loose tiles in the area of Waterport but obviously if that is the case I would say it is the responsibility of the contractor as in practice this contract was only terminated a few months ago unless obviously the tiles have become loose as a result of some other reason and not actual workmanship.

**HON J C PEREZ:**

Could the Minister please check?

**HON J J HOLLIDAY:**

Absolutely, I will go down there myself.

**HON J C PEREZ:**

It is not only that we have received complaints, it is an area which I pass every day and there are a lot of loose tiles and people are tripping over them, elderly ladies are tripping over them and a lot of this has been like that since the works were finalised.

**HON J J HOLLIDAY:**

I have said I will have a look at this myself because it is something that I enjoy doing, to ensure that works have been carried out properly but obviously I will report it to the relevant officers in the department to ensure that this is looked at with immediate effect.

**NO. 467 OF 2002**

**THE HON J C PEREZ**

**MAIN STREET**

Will Government consider converting into two way traffic the upper part of Main Street, from the Convent to Referendum Gate, whenever there is a need to close Lover's Lane to vehicular traffic?

**ANSWER**

**THE HON THE MINISTER FOR TOURISM AND TRANSPORT**

This has been considered but found to be too disruptive because it would also require the diversion of traffic from the Upper Town which presently exits via Convent Place.

**SUPPLEMENTARY TO QUESTION NO 467 OF 2002**

**HON J C PEREZ:**

Does the Minister not consider given that we are talking about the area being closed to vehicular traffic as a result of works and normally at night time that someone that needs to drive to say Red Sands Road from Hospital Hill needs to go all the way to Winston Churchill Avenue and come round, that there is no way to get to the South District unless one goes right to the North district if one is in the Upper Town and two way traffic in that area would not impede the convergence of traffic from the south into the areas the Minister says.

**HON J J HOLLIDAY:**

That may be possible when the area of Cathedral Square has undertaken its beautification programme but unfortunately with the closure of the end of George's Lane the exit of Library Street into Cathedral Square makes it impossible for that to be considered as an option.

**HON J C PEREZ:**

I do not understand the Minister's objection to it. If one opens it to two-way traffic so that traffic converging down Convent Place can travel southwards to Referendum Gate, then the works at Cathedral Square have nothing to with it because there would only be one line of traffic coming down to Cathedral Square which is the line of traffic that comes down from the south. It is converging two-way traffic from the Convent to Referendum Gate only.

**NO. 468 OF 2002**

**THE HON J C PEREZ**

**EUROPA ROAD**

Can Government confirm that the three month delay to the completion of works at Europa Road will now not be further delayed and that the road will be open to vehicluar traffic by the end of April as scheduled?

**ANSWER**

**THE HON THE MINISTER FOR TOURISM AND TRANSPORT**

No. It is now anticipated that Europa Road will be open to one way traffic by 10<sup>th</sup> May 2002 followed by a full reopening two weeks later thereafter.

**SUPPLEMENTARY TO QUESTION 468 OF 2002**

**HON J C PEREZ:**

Does the Minister not think that it is unacceptable to first announce that the works will be ready by the end of February and then to say that there have been complications and that we are now sure that if they are going to be opened by the end of March and then issue a press release saying "well now it is not going to be the end of March it is going to be the end of April," and now come to the House and say that one-way traffic will be on the 8<sup>th</sup> or 10<sup>th</sup> May 2002 and the road opened two weeks later. Even if there are complications like the Minister said there were at the beginning, clearly they are not being told by the contractor the true picture given that in short instances of time the opening of the road has been changed from one month to another to another. Does the Minister not think that this is unacceptable?

**HON J J HOLLIDAY:**

Yes I think it is unacceptable and let me say that I am one of the affected parties seeing that I live about 50 metres away from it and my mother is probably the worst critic that I have of the delay but unfortunately circumstances have led to delays after delay as a result of structural problems that there had been with the retaining wall and the wall both to the east and to the west of the road and unfortunately that is the explanation that I am given.

**NO. 469 OF 2002**

**THE HON J C PEREZ**

**SIGNAL STATION ROAD**

Can Government confirm that part of Signal Station Road in the Upper Rock has been closed to vehicular traffic due to the collapse of a section of the road and if so, can they state when they expect repairs to be effected?

**ANSWER**

**THE HON THE MINISTER FOR TOURISM AND TRANSPORT**

No section of Signal Station Road has been closed due to a collapse of any section of this road.

**SUPPLEMENTARY TO QUESTION NO 469 OF 2002**

**HON J C PEREZ:**

Can we then say that the Minister is not aware that any section of this road has been closed?

**HON J J HOLLIDAY:**

The question has asked whether the Signal Station Road in the Upper Rock has been closed to vehicular traffic due to the collapse of a section. There has been no collapse but the road has been closed, what has actually happened is that following a routine inspection of this road there was visual evidence of settlement of a section of



the road pavement which was then identified at a location near 'Poca Roca' area and this prompted the Government Highway Section to consider the closure and carry out investigations.

**HON J C PEREZ:**

Can the Minister say whether those investigations have now been completed and when is it expected that the repairs will be effective so that the road can be opened again.

**HON J J HOLLIDAY:**

The investigations have shown that there has not been any further significant movement apart from the initial movement that was detected and so the Highway Section has decided to leave the road closed for a further period of time to see if there is any further movement before the road is opened again.

**HON J C PEREZ:**

So the only investigation that is being undertaken is to see if there is any further movement and if there is any further movement then repairs will be effected and if there is not it will be deemed to be safe, is that what the Minister is saying?

**HON J J HOLLIDAY:**

In a simplistic way "yes" but I am sure that there are some technical investigations that are being carried out at the same time. It is not a matter of just going up to see whether the cracks are opening or not, there has been some technical investigations being carried and that will show whether to open the road or not.

**HON J C PEREZ:**

When the Minister says that it will be closed for a further month, I think I heard him right....

**HON J J HOLLIDAY:**

For a further period.

**HON J C PEREZ:**

For a further period, he does not know for how long it is expected that the road should continue closed?

**HON J J HOLLIDAY:**

No because in addition to the sort of normal possible movements it also depends on weather conditions, rain et cetera which can have a factor on the time that it needs to be under examination.

**NO. 470 OF 2002**

**THE HON J C PEREZ**

**NUMBER OF VEHICLES REGISTERED**

Can Government state how many new vehicles have been registered in the last financial year ending 31<sup>st</sup> March 2002?

**ANSWER**

**THE HON THE MINISTER FOR TOURISM AND TRANSPORT**

Answered together with Question No 471 of 2002.

**NO. 471 OF 2002**

**THE HON J C PEREZ**

**NUMBER OF VEHICLES REGISTERED**

Can Government give a breakdown of total vehicle registrations as at 31<sup>st</sup> March 2002, giving a breakdown between commercial vehicles, public service vehicles, private vehicles and motor cycles?

**ANSWER**

**THE HON THE MINISTER FOR TOURISM AND TRANSPORT**

The factual and statistical information requested by the hon Member is set out in the written schedule that I hand to him.

**Answer to Question No 470 of 2002**

The number of new vehicles registered in the year ended 31<sup>st</sup> March 2002 was 2768.

**Answer to Question No 471 of 2002**

A breakdown of the total active vehicles on the register as at 31<sup>st</sup> March 2002 is as follows:-

Private	-	12,311
Motorcycle	-	5,575
Goods	-	1,180
PSV	-	203
Special	-	44
Self Drive	-	99

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19,412

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**NO. 472 OF 2002**

**THE HON J C PEREZ**

**TRANSPORT – DISABILITY DISCS**

Are Government aware that the Traffic Commission have decided to temporarily refrain from considering applications for disability discs in respect of non-drivers and is currently conducting a review into such applications?

**ANSWER**

**THE HON THE MINISTER FOR TOURISM AND TRANSPORT**

Yes.

**SUPPLEMENTARY TO QUESTION NO 472 OF 2002**

**HON J C PEREZ:**

Is the Minister aware that there are people who have recently become paralysed and that they have a need to be considered particularly since their whole lives have changed and that there is a great need for them to be able to acquire a disc and can the Minister state whether the review will take a very long time or the Commission will be in a position to be able to look at applications shortly?

**HON J J HOLLIDAY:**

The disc system that was operational until recently was stopped by the Traffic Commission because they felt that there was an element of abuse in the system and obviously like in everything when one tries to tackle a problem because of abuse there

are some innocent parties that suffer the consequences of that. However the Commission has not laid idle and subsequently the Commission had been looking at reforming the system and introducing the 'Orange Card' system which has been used within the European Union and the UK and this will be introduced together with enabling EU regulations. I am aware that there are a number of serious cases and I have asked them to give me the relevant information available so that I can make representations to the Chairman of the Traffic Commission so that an interim system can be put in place in order to take care of these cases which unfortunately have sort of fallen through at the time when the system is being reviewed.

**HON J C PEREZ:**

Would the Minister explain what the 'Orange System' is all about?

**HON J J HOLLIDAY:**

It is a European Union system for the disabled in order for them to standardise the requirements and criteria in order for affected parties to form part of the system. It is a system that is operated throughout the European Union and there is reciprocity in recognition as to the use of disabled parkings, tickets, there is an orange badge which gives them certain privilege use of the badge in certain areas and therefore those that are issued with the badge in Gibraltar should theoretically be able to enjoy the same privileges if they go into Spain and those in Spain with the orange badge should be able to enjoy and will probably enjoy the system in Gibraltar, it is a far more extended system than we have had here in the past and I think that in the long term those that come under this category will see the advantages of being able to operate under the system.

**HON J C PEREZ:**

But how does that do away with the supposed abuse that there has been and how does that solve the problem of those having a disc who are disabled themselves and drive and those that are relatives of disabled who have the disc because they drive a disabled person to different locations and this is what the Commission was reviewing which they term none drivers. How does this new system solve or ease that problem for the Commission?

**HON J J HOLLIDAY:**

I do not think that the problem will be solved, it will probably be eased, I am told that the criteria under which these 'Orange Card system' are made available makes it far more difficult for abuse. Whether in practice that will be the case I really do not know, it is something that I have asked the Chairman of the Traffic Commission that once they have undertaken a complete review of the system to meet me because I would personally like to make sure that the concerns of the Government are taken care of when that system is implemented.

**HON J C PEREZ:**

Finally, I would ask the Minister that I have a particular case of a person who recently suffered an accident or recently became paralysed as a result of an incident and I would like to if possible contact his office and send him the details to see whether he could find an exception to be done for this case.

**HON J J HOLLIDAY:**

I am very happy for that but the hon Member is probably talking about the same case who I met only a few days ago and I have asked for all the information because obviously I need to make representations to the Traffic Commission with the relevant documentation but I would appreciate if the hon Member would do so because if there are two cases then they can be sorted out at the same time.

**NO. 473 OF 2002**

**THE HON J C PEREZ**

**UPPER ROCK FIREBREAKS**

Have Government now ascertained from the Emergency Services what is the preferred month in which to clear the firebreaks in the Upper Rock, and if so, can they state when this is scheduled to commence?

**ANSWER**

**THE HON THE MINISTER FOR TOURISM AND TRANSPORT**

The Government do not consult the Emergency Services in this regard. The primary matter on which consultation is required is in respect of environmental issues which impact on the flora which grows on the firebreaks. Accordingly GONHS were consulted and their advice in respect of the timing for clearing firebreaks has been accepted by the Government. The clearing of the firebreaks is scheduled for the second week of June 2002.

**SUPPLEMENTARY TO QUESTION NO 473 OF 2002**

**HON J C PEREZ:**

I am glad to hear that but the Minister should recall that the last time that GONHS said this I told the Minister that there was an exigency from the Fire Brigade that the best months to do this from a fire safety point of view was May/June and the Minister said that he was going to check with the Emergency Services that is why I have asked. In fact if I recall the Minister said that the tender had been issued last year but since it was now the autumn it was the same tender that would be doing the work this year because they would have not been able to carry it out last year.



**HON J J HOLLIDAY:**

The hon Member is correct, there has not been any consultation with the Emergency Services for the matter of on-going practice but after this particular exchange the Fire Brigade in respect of other issues to do with the Upper Rock and other Emergency Service there was a co-ordinating meeting in order to address a number of issues and this matter was touched on but I wanted to clarify that because there has not been any formal consultation in an on-going basis but the matter was addressed at the time and the hon Member is perfectly right the tender was awarded last year and it is actually going to be undertaking the works this year as the hon Member clearly pointed out.

**NO. 474 OF 2002**

**THE HON DR J J GARCIA**

**BUNKERING CODE OF PRACTICE**

Can Government list the parties who were consulted and when they were consulted over the decision to draw up a Bunkering Code of Practice for Gibraltar's Port?

**ANSWER**

**THE HON THE MINISTER FOR TOURISM AND TRANSPORT**

The Government felt that there was a need to regulate the industry and thus decided to implement a Bunkering Code of Practice. All bunkering operators have been consulted on this policy decision.

**SUPPLEMENTARY TO QUESTION NO 474 OF 2002**

**HON DR J J GARCIA:**

When do Government foresee the code being in place?

**HON J J HOLLIDAY:**

The Government did not wish to introduce this code of practice until all bunkering operators had signalled their agreement in writing before doing so and it was only a few days ago that the last of the bunker operators confirmed in writing that they would be able to confirm with their requirements. The hon Member should remember that there is an element of not just code of practice in terms of actual practical implications today but there is also a number of issues in terms of standard which will have to be reached over a period of time and one particular operator wanted to be sure that it

could meet those requirements within the specified time before confirming the acceptance of this to the Government. This has now happened and so we will soon see the implementation of this applied.

**HON DR J J GARCIA:**

Is the code an EU or an International requirement of some kind?

**HON J J HOLLIDAY:**

No not at all, not as we speak today this might be something of the future, we are led by the fact that Gibraltar has increased its importance as a bunkering port, the level of bunkers supplied has been increased significantly over the last few years and therefore we felt that there was a need now to set certain standards and certain code of practices in order to ensure that we are shown to be proactive in health/safety issues. We have based our code of practice on the Singapore code of Practice which is renowned world-wide to being the bench mark for this sort of operation. However, our code of practice has been very much tailor made to Gibraltar's requirements but using the Singapore rules as a benchmark and as a reference point.

**HON DR J J GARCIA:**

As I understand this one of the things this code would do is transfer liability in terms of an accident from the bunker operator to the Government, if it is not an EU or international requirement why would the Government want it?

**HON J J HOLLIDAY:**

I think that the hon Member has misunderstood, that is not the case, far from it. The Government will never accept responsibility and it is always the operator that has to negotiate with the affected party or the affected party between them commercially as to who the honours fall on. The Government definitely are not a party at all.

**HON DR J J GARCIA:**

I am glad the Minister has clarified that point because in an interview which was given to the Shipping Newspaper, the Lloyd's List the current Chief Executive of the Port says that once the code is implemented and I quote, ".....liabilities when accidents take place would transfer from the bunker operator to the Port Authority so we want to ensure that the risks on the part of the Port are if not eliminated certainly minimised as much as possible." Is it that this was the case at that time but now it has changed?

**HON J J HOLLIDAY:**

This has never been the case and the hon Member is probably referring to an article in the Lloyd's List, was it? I have missed that but it is incorrect, the liability is always with the party and the operator itself and in fact the culprit always pays and then we will try and investigate who the culprit of an incident may be.

**HON J J BOSSANO:**

Is the Minister going to establish whether in fact the Chief Executive of the Port Authority does not know this and thinks that it will be the Port Authority's liability because it is a direct quote?

**HON J J HOLLIDAY:**

Absolutely I have taken a note already to take it up with him but I can assure the House that that is not the case. It is the Chief Executive of the Port Authority who has actually been at the forefront of seeing this code of practice to fruition and he has been the one involved with getting the details and putting all this together. He would have not been in his job for very much longer if he would have come up with this suggestion.

**NO. 475 OF 2002**

**THE HON DR J J GARCIA**

**SHIP AGENTS REGISTRATION BOARD**

At what stage is the application for a port operator licence from a new party that was being considered in February and have any new applications been submitted since?

**ANSWER**

**THE HON THE MINISTER FOR TOURISM AND TRANSPORT**

I presume that the application in question is that of an entity seeking a ship agent operator licence. The application was considered by the Ship Agents Registration Board and refused, and is now the subject of an appeal. There are two further applications for operator licences and these are under consideration.

**NO. 476 OF 2002**

**THE HON DR J J GARCIA**

**NUMBER OF PRIVATE MOTOR VEHICLES IMPORTED**

What was the value and number of private motor vehicles imported by:

- (a) Individuals;
- (b) licensed dealers;
- (c)

on a monthly basis since January 2002 inclusive?

**ANSWER**

**THE HON THE MINISTER FOR TOURISM AND TRANSPORT**

Answered together with Question No 477 of 2002.

**NO. 477 OF 2002**

**THE HON DR J J GARCIA**

**NUMBER OF GOODS VEHICLES IMPORTED**

What was the value and number of goods vehicles imported by :

- (a) Individuals;
- (b) licensed dealers;

on a monthly basis since January 2002 inclusive?

**ANSWER**

**THE HON THE MINISTER FOR TOURISM AND TRANSPORT**

The extensive factual and statistical information requested by the hon Member is set out in the written schedule that I hand to him.

**Answer to Question No 477 of 2002**

**THE VALUE AND NUMBER OF VEHICLES IMPORTED INTO GIBRALTAR SINCE  
JANUARY 2002**

	PRIVATE MOTOR VEHICLES			
	Imported by Individuals		Imported by Dealers	
	Number	Value (£ thousands)	Number	Value (£ millions)
January	25	51	622	7.5
February	22	52	408	3.7
March	19	58	673	8.9

	GOODS VEHICLES			
	Imported by Individuals		Imported by Dealers	
	Number	Value	Number	Value (£ Thousands)
January	-	-	3	23
February	-	-	1	0.03
March	-	-	-	-



**NO. 478 OF 2002**

**THE HON DR J J GARCIA**

**UPPER ROCK ADMISSION FEES**

Can Government say how much revenue has been raised in admission fees to the Upper Rock in February and March 2002?

**ANSWER**

**THE HON THE MINISTER FOR TOURISM AND TRANSPORT**

Answered together with Question No 479 of 2002.

**NO. 479 OF 2002**

**THE HON DR J J GARCIA**

**COACH PARK CHARGES**

Can Government say how much revenue has been raised by charging coaches that used the coach park in February and March 2002?

**ANSWER**

**THE HON THE MINISTER FOR TOURISM AND TRANSPORT**

Upper Rock revenue for the period in question was £281,407.90. Coach park revenue was £14,210.

**SUPPLEMENTARY TO QUESTION NOS 478 AND 479 OF 2002**

**HON DR J J GARCIA:**

Can the Minister supply those figures as for February and March separately?

**HON J J HOLLIDAY:**

Yes. Coach park in February was £5,865 and March £8,670. For the Upper Rock in February 2002, £106,447.50 and in March £174,960.

**NO. 480 OF 2002**

**THE HON DR J J GARCIA**

**AIRLINE ASSISTANCE SCHEME**

How much has been paid from the airline assistance scheme and to what airlines since March 2002, giving the amounts and dates when the payments were made?

**ANSWER**

**THE HON THE MINISTER FOR TOURISM AND TRANSPORT**

The only payment made is £63,780 paid to GB Airways on 13<sup>th</sup> March 2002.

**NO. 481 OF 2002**

**THE HON DR J J GARCIA**

**FLIGHTS – GIBRALTAR/LONDON HEATHROW**

Can Government say whether there is any prospect of flights between Gibraltar and Heathrow airport being restarted by the same airline or taken on by a new one after GB Airways ceased to operate from there at the end of March?

**ANSWER**

**THE HON THE MINISTER FOR TOURISM AND TRANSPORT**

Answered together with Question Nos 482 to 485 of 2002.

**NO. 482 OF 2002**

**THE HON DR J J GARCIA**

**AIRLINES**

Can Government say whether any of the four new airlines who were interested in flying to Gibraltar in February intend to do so from outside the London area or from outside the United Kingdom?

**ANSWER**

**THE HON THE MINISTER FOR TOURISM AND TRANSPORT**

Answered together with Question Nos 481 and 483 to 485 of 2002.

**NO. 483 OF 2002**

**THE HON DR J J GARCIA**

**AIRLINES**

Are any new airlines interested in operating from Gibraltar having discussions with the Government other than the four who were interested in February?

**ANSWER**

**THE HON THE MINISTER FOR TOURISM AND TRANSPORT**

Answered together with Question Nos 481, 482, 484 and 485 of 2002.

**NO. 484 OF 2002**

**THE HON DR J J GARCIA**

**AIRLINES**

What is the reason for the delay in the statement from Fly Europa?

**ANSWER**

**THE HON THE MINISTER FOR TOURISM AND TRANSPORT**

Answered together with Question Nos 481 to 483 and 485 of 2002.

**NO. 485 OF 2002**

**THE HON DR J J GARCIA**

**AIRLINES**

What steps are Government taking to renew air links between Gibraltar and Morocco?

**ANSWER**

**THE HON THE MINISTER FOR TOURISM AND TRANSPORT**

The Government are always hopeful that a Heathrow-Gibraltar service will be resumed. However, the decision whether or not to do so in the future is a purely commercial decision which only the airlines can take. Of the four new airlines with whom the Government continues in discussions, three are interested in commencing routes from outside the UK and two non-London UK routes. Two further entities have since made very initial enquiries, but they have not yet formally entered into discussion with the Government. Insofar as Morocco air links are concerned, the Government is in discussion with one airline and is aware of interest in the provision of a Gibraltar-Tangier service by another entity. The Government would welcome a resumption of air links with Morocco, but ultimately it is a commercial decision on the part of the operator. With regard to Fly Europa, it is not for the Government to explain why the airline should choose to delay making a statement.

**SUPPLEMENTARY TO QUESTION NOS 481 TO 485 OF 2002**

**HON DR J J GARCIA:**

Can the Government then say whether the CAA has granted the licence to Fly Europa to be able to start a licence in Gibraltar?



**HON J J HOLLIDAY:**

The CAA has not granted a licence for Fly Europa to operate the UK/Gibraltar route but this has not been the fault of the CAA, I believe that Fly Europa has still to provide certain documentary evidence required by the CAA for them to consider their application. Fly Europa has been in discussions with me recently and it is not for the CAA to be blamed for any delay in this however they were waiting for certain new regulations that were going to be issued sometime in mid April which made and facilitated their position in respect of this application and Fly Europa are now optimistic that as a result of this they can now meet the requirements set up by the CAA and the latest information that is available but without any commitment on the Government's part because I am fed up of saying when this is going to start and does not start is that they want to start at the beginning of July. I am hoping to have a meeting with them in the next fortnight when hopefully they will be making a formal announcement but whether this happens or not will remain to be seen as has happened in the past and not materialised.

**HON DR J J GARCIA:**

The reason why this was brought to the House was because of what the Minister has just said. He made certain announcements and gave certain dates as to when this would start, I believe this was March 2001, but is it the case then that Fly Europa has not even submitted an application to the CAA at this stage?

**HON J J HOLLIDAY:**

My understanding is that they have submitted an application and that the CAA has asked for certain documentary evidence or information that was required which Fly Europa was not able or not willing to supply at the time. The new set of rules if I can loosely call them that which were announced in mid-April by the CAA make those requirements slightly more relaxed for them and therefore they were waiting for that to happen for them to process and supply the relevant information. I believe that they have already done so and are now awaiting confirmation of the application.

**HON DR J J GARCIA:**

The Minister said that discussions continued with the four new airlines and that there are also two new ones making a total of six, three would be from outside the UK and two would be from the UK but not the London area which leaves us with one more where is this one intending to have flights to?

**HON J J HOLLIDAY:**

The extra one is from a particular party who I believe we have even discussed in the House before as having made an application for European Union funding and then withdrew as a result of the 11<sup>th</sup> September, they have now come back and said that they wish to review the negotiations and look at the possibilities of operating a Tangier/Gibraltar flight. However, we are in negotiations with another operator who is looking at that particular route as well and we are at an advanced stage of those negotiations so whether one or the other will come on route, I do not think there is a

big enough market for both but I think whoever reaches there first will operate the route.

**HON DR J J GARCIA:**

With respect to Question No 485 of 2002 which was to do with the Gibraltar/Morocco route which the Minister has just alluded to, is there any further information as to when the memorandum of understanding with Regional Airlines will be signed?

**HON J J HOLLIDAY:**

I can tell the hon Member that one thing that the Government are not willing to do is to sign a memorandum of understanding covering the Casablanca/Gibraltar route because we do not feel that there is sufficient market there considering the level of subsidy the airline expects in this respect. We felt that in order to open up links with Morocco that Tangiers was a more appropriate point of entry into Morocco and negotiations are very much at an advanced stage. They definitely have an aircraft available now and so they could start very quickly but we are talking pounds, shillings and pence at the moment and negotiations are not that easy.

**HON DR J J GARCIA:**

The Minister has said that negotiations are now at an advanced stage, in November of last year he said that it was close to being agreed, is there any reason to be more hopeful this time than last time?

**HON J J HOLLIDAY:**

Yes I would say so considering the time that has elapsed but with all due respect to Regional if the hon Member knew them he would not be too surprised of the delay.

**NO. 486 OF 2002**

**THE HON DR J J GARCIA**

**NUMBER OF HOTEL BEDS**

Can Government indicate with how many parties interested in increasing the number of hotel beds in Gibraltar it is currently in discussions, and:

- (a) what star rating of hotel does each of the parties have in mind;
- (b) what location for the hotel is each of the parties looking at?

**ANSWER**

**THE HON THE MINISTER FOR TOURISM AND TRANSPORT**

As stated in reply to Question Nos 135 and 136 of 2002, the Government continue in discussions with eight parties who have expressed an interest in new hotel developments in Gibraltar. These discussions have not progressed to the point where the potential operator of the new hotel has firmly stated the star rating the new property aims to achieve. Insofar as locations for new hotels are concerned, some are in the public domain, such as the East Side, but other locations are presently being discussed on a confidential basis with the developers and I am unable to give the information openly in this House. In some cases, more than one developer is looking at the same site.

## **SUPPLEMENTARY TO QUESTION NO 486 OF 2002**

**HON DR J J GARCIA:**

In relation to these potential hotel developments, is the Minister aware of the comments made by the Gibraltar Hotel Association in relation to this and particularly they felt that with a 33 per cent capacity of hotel beds currently unsold it was perhaps unwise to proceed down this route?

**HON J J HOLLIDAY:**

I assume as in the same way as the hon Member has probably read the comments made by the Hotel Association I presume that he has also read in my opinion as to what the realities of life is all about and really the Government take a medium to long term view in this matter. One cannot supply and promote bringing new hotels into Gibraltar once the need is there. One has to look forward and if the hon Member looks at the way hotel occupancy has been rising and the prospects of increases in the next two to three years, we realise that there is a need for additional accommodation in that sort of lifespan and if he actually talked to tour operators in the UK and in other places in Spain he would find out that they are looking for larger number of hotel beds for them to really seriously consider Gibraltar as a destination that they can promote. Therefore the Government are quite confident that the idea of bringing in new hotels in the medium to long term is the answer and so therefore it needs to create a scenario which, the last thing that I want to do is to undermine the present hotels where the Government have actually provided the hotel assistance scheme which has been at the same time a vote of confidence on behalf of the hoteliers themselves because these loans have to be repaid in years to come and therefore one would not want to create a scenario where this situation would undermine the present hotels in Gibraltar. However I think looking forward and looking openly one has to realise that we need to attract new hotels to come in and that is Government policy and will continue to be so.

**NO. 487 OF 2002**

**THE HON DR J J GARCIA**

**TOURISM – PERSONS INTERVIEWED**

Can Government say how many interviews with persons who said that they had stayed at a hotel have been carried out since 1 January 2002, inclusive, on a monthly basis, stating where they were interviewed and the number interviewed at each location?

**ANSWER**

**THE HON THE MINISTER FOR TOURISM AND TRANSPORT**

Answered together with Question Nos 488 and 489 of 2002.

**NO. 488 OF 2002**

**THE HON DR J J GARCIA**

**TOURISM – PERSONS INTERVIEWED**

Can Government state of the number of persons who have been interviewed since January 2002 inclusive, who said that they had stayed at a hotel, how many were interviewed at the airport, how many were interviewed at the land frontier, and how many were interviewed elsewhere, and in each case what was the average length of stay in hotels?

**ANSWER**

**THE HON THE MINISTER FOR TOURISM AND TRANSPORT**

Answered together with Question Nos 487 and 489 of 2002.

**NO. 489 OF 2002****THE HON DR J J GARCIA****TOURISM – PERSONS INTERVIEWED**

Can Government state how many interviews with persons who said that they had not stayed at a hotel have been carried out since 1 January 2002 inclusive, on a monthly basis, stating where they were interviewed and the numbers interviewed at each location?

**ANSWER****THE HON THE MINISTER FOR TOURISM AND TRANSPORT**

The information sought in this question is too voluminous to be read out in this House, nor would the hon Member be able to note the information given for the purposes of formulating supplementaries if it were read out. I hand the hon Member a table giving the information requested.

**INTERVIEWS WITH PERSONS WHO STAYED AT HOTELS**

Month	No of Interviews	Place of Interview				Average Length of Stay
		Airport	Frontier	Coach Park	Waterport	
January 2002	12	12	-	-	-	4.8
February 2002	10	10	-	-	-	3.8

**INTERVIEWS WITH PERSONS WHO DID NOT STAY AT HOTELS**

<b>Month</b>	<b>No of Interviews</b>	<b>Place of Interview</b>			
		<b>Airport</b>	<b>Port</b>	<b>Frontier</b>	<b>Coach Park</b>
January 2002	1,222	20	-	777	425
February 2002	1,240	20	8	705	507

The information for March 2002 is not yet available.



**NO. 490 OF 2002****THE HON DR J J GARCIA****HOTEL ARREARS**

What amounts are due and owing to Government by hotels broken down by item and in respect of which period these monies become due as at the end of March 2002?

**ANSWER****THE HON THE MINISTER FOR TOURISM AND TRANSPORT**

The arrears due by hotels stood at £498,000 as at 31<sup>st</sup> March 2002. These arrears are in respect of amounts due over a number of years, dating back as far as 1991.

The breakdown is as follows:

Social Insurance	-	£ 78,000
PAYE Tax	-	£177,000
Electricity	-	£204,000
Rates	-	£ 38,000
Rent	-	£ 1,000

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£498,000

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These figures include amounts due in the current billing period. The historical arrears now stand at £429,000.

**NO. 491 OF 2002**

**THE HON DR J J GARCIA**

**TOURISM ADVISORY COUNCIL**

How often and on what dates has the Tourism Advisory Council met since 7<sup>th</sup> February 2002?

**ANSWER**

**THE HON THE MINISTER FOR TOURISM AND TRANSPORT**

The Council has met once, on Thursday 18<sup>th</sup> April 2002.

**SUPPLEMENTARY TO QUESTION NO 491 OF 2002**

**HON DR J J GARCIA:**

The previous meetings were on the 7<sup>th</sup> February 2002 and the 19<sup>th</sup> November 2001, are Government satisfied that the frequency of meetings are enough for the Council to perform its function?

**HON J J HOLLIDAY:**

The contention of the Tourism Advisory Council is that it should meet four or five times a year depending on requirements, so far we have met twice this year, last year we met on I believe four occasions and so therefore we feel satisfied with the level of meetings that we have been undertaking.

**NO. 492 OF 2002**

**THE HON DR J J GARCIA**

**MINISTER'S OVERSEAS VISITS**

Can the Minister for Tourism give the dates when he has been away from Gibraltar on Government business from 1<sup>st</sup> February 2002 to date, 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 been away only once, on 4 and 5 March to attend a UKGTA, meeting in London together with other meetings on that day.

**NO. 493 OF 2002**

**THE HON DR J J GARCIA**

**GIBRALTAR OFFICE IN MADRID**

How many persons applied for the post of administrator at the Gibraltar Office in Madrid which was advertised on 2<sup>nd</sup> February 2002?

**ANSWER**

**THE HON THE MINISTER FOR TOURISM AND TRANSPORT**

Sixteen persons applied.

**SUPPLEMENTARY TO QUESTION NO 493 OF 2002**

**HON DR J J GARCIA:**

Can the Minister say whether anybody has been selected for the job at this stage?

**HON J J HOLLIDAY:**

Seven people were interviewed and no appointment has been made as yet.

**HON DR J J GARCIA:**

Can the Minister say of the 16 persons who applied and the seven who were interviewed how many were from Gibraltar?

**HON J J HOLLIDAY:**

I am afraid I do not have this information with me at the moment but I think that there may have been one that was not Gibraltarian, and may have been a person who has had connections with Gibraltar before in the media, I believe he was a junior journalist or something to that effect but I would not be so sure because I do not get involved in the selection of candidates but I think I heard that one of them had been somebody who had interviewed me before. I stand to be corrected but I think the rest were all Gibraltarian?

**HON DR J J GARCIA:**

Is that one of the 16 or one of the final seven?

**HON J J HOLLIDAY:**

I would not know whether he was actually given an interview or not. I can let the hon Member know if he wishes but I am not sure.

**HON DR J J GARCIA:**

I would be grateful for that information if the Minister could supply it and finally can he explain what the job description of an administrator in this case is and what the functions and duties would be.

**HON J J HOLLIDAY:**

I do not have a copy of the job description here but the post of administrator is to administer the office. I am happy to provide him with a copy of the job description if he so wishes.

**NO. 494 OF 2002**

**THE HON DR J J GARCIA**

**FITUR**

How many persons made up the Gibraltar Tourist Board Delegation to FITUR this year and who were they?

**ANSWER**

**THE HON THE MINISTER FOR TOURISM AND TRANSPORT**

Answered together with Question Nos 495 to 497 of 2002.

ORAL

**NO. 495 OF 2002**

**THE HON DR J J GARCIA**

**FITUR**

Did persons other than Government employees attend FITUR this year at public expense and if so who were they?

**ANSWER**

**THE HON THE MINISTER FOR TOURISM AND TRANSPORT**

Answered together with Question Nos 494, 496 and 497 of 2002.

**NO. 496 OF 2002**

**THE HON DR J J GARCIA**

**FITUR**

What meetings and with whom were held in FITUR by the GTB with a view of exploiting new business potential, and what does this new business potential entail?

**ANSWER**

**THE HON THE MINISTER FOR TOURISM AND TRANSPORT**

Answered together with Question Nos 494, 495 and 497 of 2002.



**NO. 497 OF 2002**

**THE HON DR J J GARCIA**

**FITUR**

Can Government give the total cost with a breakdown of attending FITUR earlier this year?

**ANSWER**

**THE HON THE MINISTER FOR TOURISM AND TRANSPORT**

The information sought in this question is too voluminous to be read out in this House, nor would the hon Member be able to note the information given for the purposes of formulating supplementaries if it were read out. I hand the hon Member a table giving the information requested.

### Answer to Question 497 of 2002

### Answer to Question 494

- (a) The GTB delegation at FITUR:

Hon J J Holliday, Minister for Tourism  
Mr P R Canessa, GTB Chief Executive  
Mr M Sanguinetti, GTB Sales and Marketing Manager  
Mr D Ferrar  
Ms M G Macedo

### Answer to Question 495

- (b) Non-Government employee who attended FITUR at Government expense:

Miss Luann Richardson, Miss Gibraltar 2001

### Answer to Question 496

- (c) Meetings held at FITUR:

Mas Viajes	Fernando Valmaseda	Advertising and PR
RV Edipress	Eva San Pablo	PR
Power Comunicacion	Maria Asenjo	PR
Aero Club	Pedro Sanchez Pacheco	Flying Club
Mancomunidad President	Sr Manuel Manella	Mancomunidad
Winner Premio Periodistico	Ms Pilar Galan Trenado	
Economia 3	Juan Ignacio Company	Advertising
Cemedia	Eckart May	Advertising
Ocean 2002	Alvaro Navarra	Jet Ski challenge
Paisajes desde el tren	Mila Vazquez Vallejo	Editorial and advertising
Lo Mejor de las Autonomias	Jose Carlos Duque	Editorial and advertising
Viajeros	Conchita Arregui	Editorial and advertising
Nomadas	Nieves Torres	Editorial and advertising
Expo Turismo	Virtudes Rodrigo	Editorial and advertising
Business Week	Melinda Snider	Editorial and advertising
La Linea	Tourism councillors	Joint promotions
La Razon	Jose Ma Cano	Editorial and advertising
Latitud 4	Antonio Wanguemert	Cruising
Transporte Aereo y Turismo	Ma Fernanda Fernandez	Editorial and advertising
Economia y Turismo	Paloma Aviles Martinez	Editorial and advertising
Open comunicacion	Enrique Sancho	PR
De Jong	Leon Staallekker	Tours
Localia TV	Celso Bustos	TV
Fira de Barcelona	Viviane Salsas	Trade Fair organizer
Luxury Travel Market	Ronan McCarthy	Tours
Diving a Fondo	Eduardo Salette	Editorial and advertising
Turismo y Aventura	Oscar San Martin	Editorial and advertising
Telecinco	Angel Marco	TV
Alcala Media/Newsweek	Monica Van der Eb	Editorial and advertising
Dialogo Mediterraneo	Pedro Martinez Seiquer	Editorial and advertising
Ocean Ventures	Fraser Cairns	Media Reps
Interdeco	Dolores Zorrilla	Editorial and advertising
Infotrade	Paul Leahu	Editorial and advertising

Contd Answer to Question 497 of 2002

Answer to Question 497

FITUR Costs.

The costs are as follows:

	£
<i>Stand Costs:</i>	
Hire of space	2,661.53
Stand construction	11,666.00
<i>Literature and Promotional Costs:</i>	
Promotional material	1,385.78
Literature specifically for FITUR	720.00
Freight	342.20
Stand animation (including ape costume)	2,165.53
Uniform sweatshirts	152.00
<i>Travel Expenses:</i>	
Air Tickets	756.00
Travel Expenses (including tolls and Parking)	227.65
Travel insurance	53.50
Hotel and Subsistence	4,570.86
	<hr/>
	£24,701.05
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SUPPLEMENTARY TO QUESTION NOS 494 TO 497 OF 2002

**HON DR J J GARCIA:**

The latter part of Question No 496 of 2002 which asks what the new business potential entails, the reason for that is because in its own promotion of the event here it was announced that the GTB would be meeting other travel trade professionals with a view to exploiting new business potentials, we are trying to identify what the new potential is as opposed to the existing one?

**HON J J HOLLIDAY:**

Whenever we have meetings in trade fairs or anywhere else we always exploit and try to look for new opportunities and some of the meetings which are listed in the answer that I have given were held not just by me but by Gibraltar Tourist Board personnel. I was only in Madrid for a day, some of my colleagues like the sales and marketing manager was actually in Madrid for the duration of three or four days and

therefore he was able to exploit some of the meetings but I can tell the hon Member that, for example, one of the meetings that I had was with a tour operator. That same tour operator today has now included Gibraltar in its itinerary and has actually started to bring in because they have the 'Circuito' around Spain and was able to do that. That is a possible business potential that was developed as a result of our meeting in Madrid but I think it is the company known as "De Jong" the Scandinavian tour operator. They are now calling at Gibraltar as a result of the meeting we had in Madrid, but we had had previous communications before, the fact that we had met in Madrid may or may not have been the meeting that actually convinced them to come to Gibraltar but it happened to be that that was one of the meetings that I had at the fair but we could go down the list and the hon Member will probably find that it was quite an extensive list covering a wide cross section of activity both in the area of advertising, tour operators, editorials, interviews with the media et cetera. I can guarantee that my staff do not give me an easy time when I go away.

**HON DR J J GARCIA:**

One of the meetings the Minister refers to, is the question of joint promotion and it is a meeting with the Tourism Counsellors from La Linea, can the Minister tell the House what exactly that entails?

**HON J J HOLLIDAY:**

That meeting was not with La Linea but with the President of the Mancomunidad de Municipios. I had a meeting with the President which he requested and basically we discussed the possibility of joint promotion for the area and I agreed to pursue the issue and explore opportunities and in fact I believe that some of the management in the Gibraltar Tourist Board have held meetings at official level with them in order to explore opportunities but nothing has ever come back to me in a tangible way for me to consider.

**HON DR J J GARCIA:**

In terms of the actual business that it attracts, are the Government aware of the criticism again made by the Hotel Association in reference to FITUR that no hotelier attending FITUR for the past five years has ever come back with any business except for one meeting room for four people in those five years, are Government aware of that and is there any way in which this is actually monitored?

**HON J J HOLLIDAY:**

Government are aware of the statement but do not agree with it and neither do I think that it is right or true.

**HON DR J J GARCIA:**

Whether Government were aware of the statement made by the Hotel Association and secondly whether there is any way in which the Government monitors which of these meetings actually produce any results and which of them do not.

**HON J J HOLLIDAY:**

I am aware of the statement, I do not think it is correct and to the best of my knowledge and memory the Hotel Association or the Members of the Hotel Association have attended FITUR on a number of occasions. However if no business has come their way as a result of FITUR there is no need to make a judgement on that. The only thing that I can say is that when we decide whether we are going to exhibit or not in a particular event and let me say that if the hon Member asks the Hotel Association whether they would be willing to support the Gibraltar Tourist Board's attendance in FITUR they would probably turn round today and say, "no we do not want you to." I have to take a wider view and there are a lot of other interested parties and not just the hoteliers that benefit from our presence at FITUR. The hon Member can ask the Chairman of the Gibraltar Licensed Victuallers and he will realise that he thought that FITUR was very productive. If the hon Member talks to the Taxi Association they came back with very fruitful business from FITUR as well. So, the feedback does not have to be negative and the reality is that Gibraltar Tourist Board has to promote Gibraltar at an event looking after the interests of a wide cross-section of the tourism community and not just specifically at the hotels. It may not be for the benefit of a hotel but it is for the benefit of many others and so Gibraltar will continue to be at FITUR.

**NO. 498 OF 2002**

**THE HON DR J J GARCIA**

**SEATRADE CRUISE CONVENTION**

What did the major promotional campaign conducted by Gibraltar at the Seatrade Cruise Convention in Miami consist of?

**ANSWER**

**THE HON THE MINISTER FOR TOURISM AND TRANSPORT**

Answered together with Question No 499 of 2002.

**NO. 499 OF 2002**

**THE HON DR J J GARCIA**

**SEATRADE CRUISE CONVENTION**

What was the total cost, with a breakdown, of attending the Seatrade Cruise Convention in Miami?

**ANSWER**

**THE HON THE MINISTER FOR TOURISM AND TRANSPORT**

I hand the hon Member a table giving the information requested

.

**Answer to Question No 499 of 2002**

The campaign conducted at the Seatrade Cruise Convention in Miami consisted of

1. The dedicated Gibraltar stand in the Seatrade exhibition hall;
2. the launch of the new Gibraltar Port information pack; and
3. the participation of Gibraltar as a delegate in the cruise convention.

The total cost of attendance was £25,122.94 made up as follows:-

Cost of stand	£14,094.82	
Conference passes	£ 828.93	
Air fares	£ 4,348.45	
Hotel	£ 3,490.72	
Subsistence	£ 1,694.21	
Incidentals	£ 665.81	(inc Taxi fares)
	<hr/>	
	£ 25,122.94	
	<hr/>	



**NO. 500 OF 2002**

**THE HON DR J J GARCIA**

**TOURIST SITES**

Can Government say what the procedure is with regard to the opening of the tourist sites when a large cruise liner arrives after the normal site closing hours?

**ANSWER**

**THE HON THE MINISTER FOR TOURISM AND TRANSPORT**

When a cruise ship's Shore Excursion agent advises the Gibraltar Tourist Board of the pre-booked tours for a cruise call, the GTB arranges if necessary for the late closing of the Government's visitor attractions.

**SUPPLEMENTARY TO QUESTION NO 500 OF 2002**

**HON DR J J GARCIA:**

Can Government then explain why on the 11<sup>th</sup> April when the cruise liner 'Norwegian Dream' arrived at eight in the evening with 1700 passengers on board, the tourist sites were closed?

**HON J J HOLLIDAY:**

The information that I have on this particular incident was that this was not an expected call, it was a last minute call at Gibraltar and the fact was that the shore excursion agent confirmed to the Tourist Board that there were no tours pre-booked. Therefore the Government took the view that at such short notice it was difficult or in fact I was told that it was impossible to get staff to man the sites on the odd chance that passengers would make their way up to the Upper Rock. Therefore the sites were not opened. This is not common practice as the hon Member can well imagine but it did happen on that particular day basically due to short notice and the fact that no tours had been pre-booked by the ship itself.

**HON DR J J GARCIA:**

Even if there was no pre-booked tours is there not an option for passengers in the ship to take a non pre-booked tour in a taxi or whatever up to the sites?

**HON J J HOLLIDAY:**

Absolutely and the sites would have been opened if there had been more time given but the notice of time that we were given made it absolutely impossible for the staff at the Upper Rock to remain open but under normal circumstances that is not the case.

**HON DR J J GARCIA:**

Is it possible for the Minister to say what notice they had of this cruise call?

**HON J J HOLLIDAY:**

The information I have available does not state so but I do remember the incident on that particular day and we are talking of maybe not even a few hours it was less than that it was sometime during the course of the afternoon when the ship was arriving at 7.00 pm or 7.45 pm and leaving at midnight and therefore the notice that we were given may have been less than a couple of hours but that was just the recollection of the day and not based on notes that I have here on the incident.

**NO. 501 OF 2002**

**THE HON DR J J GARCIA**

**CRUISE SHIP 'ODYSSEUS'**

Can Government say whether any Government or EU assistance has been sought or given in respect of the cruise venture from Gibraltar by the cruise ship 'Odysseus' ?

**ANSWER**

**THE HON THE MINISTER FOR TOURISM AND TRANSPORT**

None has been sought or given.

**NO. 502 OF 2002**

**THE HON J J BOSSANO**

**BUNKERING SALES**

Can Government say with which other Mediterranean port Gibraltar's oil bunkering sales have been compared and the source of the information in respect of these other ports?

**ANSWER**

**THE HON THE MINISTER FOR TOURISM AND TRANSPORT**

Answered together with Question No 503 of 2002.

**NO. 503 OF 2002**

**THE HON J J BOSSANO**

**BUNKERING SALES**

Can Government state in respect of which year they have calculated that Gibraltar became the largest oil bunkering port in the Mediterranean and was this based on the value or the volume of oil bunkering sales?

**ANSWER**

**THE HON THE MINISTER FOR TOURISM AND TRANSPORT**

Gibraltar is regarded by the industry as the largest bunkering port in the Mediterranean based on the volume of bunkers sold. It is not a claim which Gibraltar has created for itself but one which the industry media coined. The Government are not aware when this accolade was first given to Gibraltar by the media. The Government do not compare Gibraltar's bunkering sales with other Mediterranean ports, and are unaware of the source of information in respect of other bunkering ports.

**SUPPLEMENTARY TO QUESTION NOS 502 AND 503 OF 2002**

**HON J J BOSSANO:**

I do not know what media the Minister is talking about, all I have seen is quoted in speeches by the Chief Minister and they were made recently in London and I think if

in a speech made by the Chief Minister of Gibraltar which talks about the gross domestic product, the number of visitors and so on, one would expect it to be based on something more scientific than an accolade by the media, I suppose that if it is in the media the accolade may be directly related to the number of adverts that the media has obtained from the Government. Do Government know whether in fact we are the largest or the smallest supplier of oil bunkers in the Mediterranean?

**HON J J HOLLIDAY:**

Let me clarify, the Government do keep tab of supplies of bunkers with neighbouring ports, that is something that is available, information is available and therefore we keep tabs with the port of Algeciras and the port of Ceuta which are our direct competitors in this side of the Mediterranean. There is no official source of information where port supplies of bunkers in the Mediterranean are actually collated for comparison but I can tell the House that it is known in the industry that the leading ports in the western Mediterranean are probably Pareos and Genoa and these fluctuate between 2.5 - 2.8 million tonnes a year, Gibraltar in the year 2001 was just short of 3 million tonnes and so although we tend to be able to classify ourselves as the leading port in the Mediterranean when I am interviewed by a number of leading journalists and I actually give them figures of what we have done in Gibraltar and try and sell our wares, that normally results in them reporting that Gibraltar is the leading port in the Mediterranean. I can understand his point but I can assure the hon Member that it is something that I have wanted to try and see whether there was anything I could put myself into in order to try and compare our performance with other ports in the Mediterranean and see what the trend is in the Mediterranean whether the trend is up for everybody or down or whether we are up and they are down, but that information they tend to keep very much to themselves. It is only as a result of personal contacts that we have in the leading ports that I have mentioned, that we have been able to find out for the sake of supplementary for this question as to see where we lie and therefore I think that we are comfortable in being able to make that sort of statement in that we can compare ourselves with that sort of port. If we actually compare ourselves with the port of Singapore one would actually get a figure of something like 20 million and so therefore we are outside that league but Singapore in itself is way up any other port in the world, it is the leading port in the world by far but definitely within the Mediterranean and definitely in the western Mediterranean we are the leading port and that is how our cliché has come about. If there is any other information that comes about because I have tried to generate quite a number of enquiries, I will be very happy to let the hon Member have it because it is something that I think interests all of us without wanting to shout it from the rooftops for obvious reasons, but we do keep tabs on our friends around the bay of Gibraltar because obviously they are our main competitors and it is something that would concern us if we see that there was a trend that did not follow our own.

**HON J J BOSSANO:**

I think that the Minister said that Ceuta and Algeciras publish figures, am I correct?

**HON J J HOLLIDAY:**

No I do not believe that they do publish it but there is a website which compares the port of Algeciras, Ceuta and Gibraltar exclusively and the figures are available going back to 1980 and they make interesting reading and one can see how the trends have

developed over the years in the three ports where we have it right and they have it wrong. I can let the hon Member have that information .

**HON J J BOSSANO:**

I am grateful for that offer.

**NO. 504 OF 2002**

**THE HON S E LINARES**

**CULTURAL GRANTS**

Can Government state why they take so long after Cultural Grants are approved for the sums of monies to reach the different entities it has been awarded to?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE AND HEALTH**

Answered together with Question No 505 of 2002.



**NO. 505 OF 2002**

**THE HON S E LINARES**

**CULTURAL GRANTS COMMITTEE**

Can Government state who forms part of the Cultural Grants Committee and in what capacity they are in the said Committee?

**ANSWER**

**THE HON THE MINISTER FOR PUBLIC SERVICES, THE ENVIRONMENT, SPORT & YOUTH**

**Answer to Question No 504 of 2002**

During the last Financial Year, the Cultural Grants committee met on 4<sup>th</sup> October in order to consider requests for cultural grants. Successful applicants were informed by letter on 18<sup>th</sup> October 2001. Consequently, there was no delay, apart from the time lapse in preparing letters and making the necessary arrangements for payments with the Treasury Department.

**Answer to Question No 505 of 2002**

The members of the Cultural Grants Committee are as follows:

The Minister for Education & Culture -	Chairman
Director of Culture -	Secretary
Mr C Chiappe -	Representing the Arts Advisory Council
Mr S Levy -	" " "
Mrs O Valverde -	" " "
Dr L Zammit -	" " "
Mr P Lyon -	Representing the Education Department

**SUPPLEMENTARY TO QUESTION NOS 504 AND 505 OF 2002**

**HON S E LINARES:**

In relation to Question No 504 of 2002 I have had complaints from certain groups about the delay of the monies going to them, I would suggest that the Minister looks into after the letter is written to them because there might be complications or something from Treasury. I think maybe the delay is coming from Treasury rather than from the Culture Grants Committee or the Ministry of Culture because the monies although approved on the 4<sup>th</sup> and written to the groups on the 18<sup>th</sup> are not getting to them and this is what I would like the Minister to look into.

**HON DR B A LINARES:**

I will look into that but as the hon Member has acknowledged there is certainly no delay in processing the matter by the Ministry of Culture and the Cultural Grants Committee.

**HON S E LINARES:**

In the question I asked why the Cultural Grants are taking long not that it was the fault of the Ministry of Culture.

**NO. 506 OF 2002**

**THE HON S E LINARES**

**ARTS ADVISORY COUNCIL**

Can Government state who forms part of the Arts Advisory Council and in what capacity they are in the said Council?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE AND HEALTH**

Answered together with Question No 507 of 2002.

**NO. 507 OF 2002**

**THE HON S E LINARES**

**ARTS ADVISORY COUNCIL**

Can Government state how many times the Arts Advisory Council met in the years 1998, 1999, 2000, 2001, 2002 to date?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE AND HEALTH**

**Answer to Question No 506 of 2002**

The Members of the Arts Advisory Council are as follows:-

The Minister for Education & Culture – Chairman  
Director of Culture – Secretary  
Senior Education Adviser  
Senior Youth & Community Officer  
Mr C Chiappe  
Mrs M Chiappe  
Mrs G Finlayson  
Mr M Finlayson  
Mrs P Napoli  
Mr C Gomez  
Mrs G Henshaw  
Mr S Levy  
Mr J Rosado  
Mrs O Valverde  
Mrs W Vasquez  
Dr L Zammit

The above members have been appointed, not as representing specific organisations or institutions, but based on their experience in the different fields of the Arts in Gibraltar.

### **Answer to Question No 507 of 2002**

The Arts Advisory Council met on four occasions in 1998 and once in 1999. It has not met formally in 2000 and 2001. It is due to meet by September this year.

### **SUPPLEMENTARY TO QUESTION NOS 506 AND 507 OF 2002**

**HON S E LINARES:**

Can the Minister give an explanation why in two years they have not met?

**HON DR B A LINARES:**

Yes, the Arts Advisory Council in its constitution does not specify the regularity of meetings. We have revived the Arts Advisory Council in 1998 after the eight fallow years of the previous administration when it never met. It was intended to boost the Arts generally in Gibraltar that we found at a very low ebb and the aim was actually to encourage and promote and foster the creation of individual associations and societies in each of the particular fields of the Arts. Having succeeded in doing this in 1999 with the creation of the Gibraltar Dance Organisation and the Arts and Crafts Association, the Philharmonic Society, the Fine Arts Association and lately the Drama Association, the Live Music Association it was felt by the members of the Council and by the Ministry of Culture that it was now possible to deal directly with these representative bodies and I can put on record my appreciation especially of the offices of the Ministry of Culture who have been instrumental with the associations of giving a tremendous boost to the Arts generally in Gibraltar and showing a vibrancy which has not been witnessed for many years before. Since then now the Ministry of Culture and the different associations have made representations that what we should now do is to reconstitute the Arts Advisory Council, this time representing the different associations with elected representatives of the different associations as opposed to the original thrust which was to pretty well scout around and appoint people who have shown commitment and experience in the Arts. I think I have given the hon Member a general view of the thrust, policy and the strategies which are now carried by the Ministry of Culture with respect to the Arts Advisory Council.

**HON S E LINARES:**

In reference to the swipe the Minister has given to my Colleagues of the GSLP it is sad to hear the Minister standing up and saying that it is being revised when they have only met five times in the past five years. An Arts Advisory Council that the Minister constitutes meets in 1998 four times, in 1999 once and does not meet after. I am glad that the Minister is reviving all this, I am glad that the Minister is doing all this but it goes to show that it is all hot air, all hot air.

**HON DR B A LINARES:**

That is five times that the Council has met during the last few years, five times more than it met during the eight years of the previous administration.

**HON S E LINARES:**

They did not even meet once it was not even constituted.

**HON DR B A LINARES:**

It shows the lack of knowledge that the hon Member has in that respect, the Arts Advisory Council was constituted in 1986 it was chaired by the Minister for Education at the time, it ceased and became well and truly defunct after 1988.

**NO. 508 OF 2002**

**THE HON S E LINARES**

**MINISTRY OF CULTURE**

Do Government envisage any staff increases in the Ministry of Culture once the Theatre Royal is functioning?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

Answered together with Question Nos 509 and 510 of 2002.

**NO. 509 OF 2002**

**THE HON S E LINARES**

**THEATRE ROYAL**

Can Government state what fee arrangements will be put in place for the use of the Theatre Royal to :

- (a) Professionals
- (b) Amateurs?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

Answered together with Question Nos 508 and 510 of 2002.



**NO. 510 OF 2002**

**THE HON S E LINARES**

**THEATRE ROYAL**

Can Government state whether the works at the Theatre Royal are on schedule or will it be delayed in any way?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

**Answer to Question No 508 of 2002**

This matter is presently being examined. Obviously it is envisaged that there will be a need to employ more staff in order to run the Theatre Royal. The Government have not yet decided how, what structure, or by whom the theatre will be operated. We have not reached that point in our structuring exercise.

**Answer to Question No 509 of 2002**

The matter will be considered by Government in due course.

**Answer to Question No 510 of 2002**

As I informed the House in reply to the Hon Dr R Valarino's Question No 155 of 2002, it is expected that refurbishment works on the Theatre Royal will be completed by January 2004. This will be followed by a period of 2/3 months in which essential commissioning of the theatre's facilities and equipment will be undertaken, with the proposed official opening scheduled to take place in April 2004.

**NO. 511 OF 2002**

**THE HON S E LINARES**

**HEALTH PROMOTION GROUP**

Can Government state whether the anomalies that appeared in the information leaflet relating to healthy eating have been rectified?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

There are no anomalies in the leaflet produced by the Health Promotion Group.

**SUPPLEMENTARY TO QUESTION NO 511 OF 2002**

**HON S E LINARES:**

In the last House I actually stated what the anomaly was, there was one that I can remember of the top of my head and it was that the “Healthy Eating” leaflet had suggested to parents to put in peanuts for children whilst the school were not allowing the children to carry the peanuts, that is the anomaly.

**HON DR B A LINARES:**

It is quite amazing, the school lunches were started in January just about three months ago, everything is now settled, everything has fallen into place, everything is running smoothly to the general satisfaction of parents, children and teachers, where are all those prophecies of doom once uttered by the hon Member.....

**HON S E LINARES:**

Mr Speaker a point of order.

**MR SPEAKER:**

Yes, that is not really relevant.

**HON S E LINARES:**

There is no relevance to the question of rectifying.

**HON DR B A LINARES:**

It is relevant Mr Speaker in that.....

**HON S E LINARES:**

It is a point of Order.

**MR SPEAKER:**

He has pointed it out. I have already said that do you wish to continue?

**HON DR B A LINARES:**

I can point out what the relevance is Mr Speaker but after all those prophecies of doom it appears that it has all been reduced to a question of peanuts.

**HON S E LINARES:**

What is the answer on the peanuts?

**HON DR B A LINARES:**

The answer on the peanuts is that peanuts according to the Director of Health is dangerous only from the point of choking for children under three years, so that is before they come into school. It is not considered generally dangerous in terms of choking after that age. In terms of allergies to peanuts it is actually one of the minor allergies there are more important allergies bread, dairy products et cetera, and indeed parents are usually quite conscious of these situations and inform the school accordingly. In any case it is the parents who prepare the packed lunches so they can avoid whatever they think is dangerous.

**HON S E LINARES:**

It is neither to do with allergies or the danger of children under three years old. The Minister does not seem to have realised and I am telling him that it is that the Heads have written to parents of children over the age of three who, the relevance of the allergies is not there it is that they have written saying that the children are not allowed to bring peanuts into school. This is the point, why has this not been rectified? The Heads have written to the parents saying, "This is what your child is allowed to bring and this is what your child is not allowed to bring," this is what I am saying and we are on the peanuts but there are a few more but let us carry on on the peanuts and the Heads tell the parents do not bring peanuts and the leaflet says that one can put peanuts in the lunch box, that is all that I am asking for.

**HON DR B A LINARES:**

The question was referring to the leaflet and anomalies in the leaflet. To say that there are anomalies in the leaflet in the context of what the hon Member is now explaining is really an exaggeration in extremist. In terms of the Heads having told parents whatever they think is wise within the context and the guidance that they offer to parents it is still irrelevant to the question that the ideas leaflets, it is an ideas, it is a guideline concerning healthy diets that the Department of Health has issued. It is absolutely nonsense really to try to create an issue, a mountain out of a molehill in the issue of peanuts.

**NO. 512 OF 2002**

**THE HON S E LINARES**

**MEETING SPECIAL EDUCATIONAL NEEDS - BOOKLET**

Can Government state who were the printers of the "Meeting Special Educational Needs: Guidelines for Gibraltar" booklet?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

Answered together with Question No 537 of 2002.

**NO. 513 OF 2002**

**THE HON S E LINARES**

**INDIVIDUAL EDUCATIONAL PLANS**

Are Individual Educational Plans (IEP) prepared with parents of children who are suspended from school during the time the child does not attend school?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

I think the hon Member is confused about the nature and purpose of Individual Educational Plans. Individual Educational Plans are prepared for children with special educational needs while they are attending school and not necessarily to pupils who are excluded or suspended. If the hon Member is seeking to know what provision is made in collaboration with parents for pupils who are suspended or excluded then the answer was given to him in September 2000 in answer to Question No 472 of 2000.

**SUPPLEMENTARY TO QUESTION NO 513 OF 2002**

**HON S E LINARES:**

A child who is suspended from school could well be a special needs child, usually they are, and that is why I have asked the question I do understand the nature of Individual Educational Plans myself since I have worked for 12 years on them, what I am stating is that children with special educational needs are usually children who

have behavioural problems and therefore because they have behavioural problems they need an individual educational plan sorted out. If an Individual Educational Plan is sorted out in school and whilst they are suspended does that plan continue or is it revised, evaluated again so that the parents are brought in because the suspension is supposed to be bringing in parents or getting the involvement of parents for the child's misbehaviour.

**HON DR B A LINARES:**

Again the hon Member is confusing the issue further that is why in my answer I said that Individual Educational Plans are not necessarily given to pupils who are suspended, the pupil could be suspended and he could be a high-flyer. He would not have an Individual Educational Plan as is intended for special academic needs, he will be given nevertheless if the child is suspended who is already taking with him an Individual Educational Plan prepared whilst he was attending in school then of course he will take that IEP with him and it will be monitored as I said in collaboration with parents in setting a work programme that that pupil will have to carry out whilst away from school.

**NO. 514 OF 2002**

**THE HON S E LINARES**

**BEHAVIOUR SUPPORT TEAM**

Can Government state whether they are currently considering the setting up of a Pupil Referral Unit?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

The Department has already set up a Behaviour Support Team made up of three peripatetic teachers highly qualified in supporting children with emotional and behavioural problems. These teachers work in mainstream closely with special needs co-ordinators in each school and are supported by the Special Needs Adviser in the Department and by the Principal Educational Psychologist as a team effort, a collaborative team effort and in the case of pupils who may be suspended or excluded from school the headteachers will also attend to them on the basis of off-site arrangements.

**SUPPLEMENTARY TO QUESTION NO 514 OF 2002**

**HON S E LINARES:**

So the Minister is not intending to put a Pupil Referral Unit as such, not a behavioural team, I know he has a Behavioural Team I have been campaigning for an extra peripatetic teacher which fortunately has been employed. I am saying a Pupil Referral



Unit and has there been any request from that team that he is saying that a Pupil Referral Unit should be set up?

**HON DR B A LINARES:**

We have had this debate before. I have tried previously to explain an enlightened positive approach to the problems of children with behavioural difficulties which is certainly a far cry from the sin bin concept that the hon Member seems to have and the Pupil Referral Unit segregated away from the ambience and from the spirit of the school. In that sense I have no hesitation in saying that it is not the intention of the Government to create a Pupil Referral Unit in that context.

**HON S E LINARES:**

It is not me who has been enlightened it must have been the Minister who has been enlightened himself. He as a Headteacher was campaigning for a Pupil Referral Unit he must have been enlightened since he became a Minister.

**HON DR B A LINARES:**

That is not true I never campaigned in any way of .....

**HON S E LINARES:**

The Minister did campaign I was the GTA President and he used to campaign with his Deputy Head for a Pupil Referral Unit and now he has changed track he does not want a Pupil Referral Unit fine, he does not believe in it now but do not say that I have been enlightened, he has been enlightened because he has changed his mind.

**NO. 515 OF 2002**

**THE HON S E LINARES**

**NURSERIES**

Can Government state whether the Legislation Unit has incorporated the amendments suggested by the department in relation to legislation to regulate nurseries, to be presented and considered by the Council of Ministers?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

Yes.

**SUPPLEMENTARY TO QUESTION NO 515 OF 2002**

**HON S E LINARES:**

Does that mean yes it will be presented and considered by the Council of Ministers and when?

**HON DR B A LINARES:**

Yes, I cannot say when, it will be part of the prioritised agenda of the Council of Ministers.

**HON S E LINARES:**

Does the Minister see it as a priority?

**HON DR B A LINARES:**

I see it as a priority but it has to be put in the context I hope the hon Member understands when they talk about prioritising it has to be placed and balanced against other priorities.

**NO. 516 OF 2002**

**THE HON S E LINARES**

**TRUANT CHILDREN**

Can Government state when they envisage the legislation on truant children will be presented to this House?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

The first draft of the legislation on truant children has recently been received by the Department. Some amendments will be submitted shortly to the Legislation Support Unit to better reflect the aims and objectives of the Department's intentions in legal form.

**SUPPLEMENTARY TO QUESTION NO 516 OF 2002**

**HON S E LINARES:**

Will this legislation take more or less the form that it has in UK?

**HON DR B A LINARES:**

It is inspired and it is modelled on the legislation in UK if the hon Member is referring to the Crime and Disorder Act of 1998 on power of the police to remove truants. It

has been modelled on that but it is one of the points that we are trying to actually work out with the Legislation Unit that we do not just sort of plonk the legislation in the UK on our own very different cultural and social circumstances in terms of what truancy is in Gibraltar which is a far cry to what is the problem of truancy in the UK.

**NO. 517 OF 2002**

**THE HON S E LINARES**

**NUMBER OF PUPILS SUSPENDED**

Can Government state how many pupils have been suspended from each school giving a break down by the name of the school and the number in that school?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

The number of pupils suspended during the current academic year is as follows:-

Bayside	-	6
Westside	-	10
St Paul's	-	1
Notre Dame	-	1
Bishop Fitzgerald	-	1

A total of 19 short term suspensions so far this year.

**NO. 518 OF 2002**

**THE HON S E LINARES**

**NUMBER OF SCHOOL SECRETARIES**

Can Government state what is the complement of secretaries in each school giving a break down by school and how many mornings and afternoons they do in each school?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

The factual and statistical information requested by the hon Member is set out in the written schedule that I hand to him.

**Answer to Question No 518 of 2002**

Full timers	-	4
Part timers	-	7
Bayside	-	Two full-timers all day 5 days per week
Westside	-	Two full-timers all day 5 days per week
Bishop Fitzgerald	-	One part-timer 5 mornings per week
St Anne's Middle	-	One part-timer 5 mornings per week
Sacred Heart middle	-	Shared part-timer 2 mornings per week

St Joseph's Middle	-	Shared part-timer 3 mornings per week
Hebrew Primary	-	Shared part-timer 1 morning per week
St Martin's School	-	Shared part-timer 3 mornings per week
St Mary's First	-	Shared part-timer 2 mornings per week
Notre Dame First	-	Shared part-timer 3 mornings per week
St Paul's first	-	Shared part-timer 3 mornings per week
Governor's Meadow	-	Shared part-timer 2 mornings per week
St Joseph's first	-	Shared part-timer 2 mornings per week
St Bernard's First	-	Shared part-timer 2 mornings per week

#### **SUPPLEMENTARY TO QUESTION NO 518 OF 2002**

#### **HON S E LINARES:**

Is the Minister satisfied with the level of secretarial work in schools generally?

#### **HON DR B A LINARES:**

I am satisfied with the level of the work produced by the present complement of typists. In terms of whether the complement itself is adequate or not at this moment of time I am neutral. Headteachers are requesting additional provision on the grounds that in recent years administration chores have increased as a result of all this curricular development, reports and records et cetera and therefore they are making a case that the complement should be reviewed and the matter is under consideration. So as he can understand I cannot say here and now that I am satisfied or not satisfied.

#### **HON S E LINARES:**

Is it possible in the reviewing if the Minister takes the decision that there is an increase in secretarial work, is it possible that the secretaries who are employed are not purely typists which traditionally they have been, no offence to the secretaries now, they are quite good and very efficient but it is a case where they need to be competent in other areas which sometimes takes the teaching staff together with the Heads time to teach the secretaries how to handle, for example, a PC. So would the Minister in his consideration if he needs to consider employing more secretaries that these secretaries are well trained in the things that they would have to perform in schools.



**HON DR B A LINARES:**

A number of questions if I understand rightly, on the one hand whether the work being done by the "typists" extends further into other secretarial chores, then that is due to be put also under a job evaluation exercise. The other question is whether they will be trained to take on these other responsibilities and I think there was a hidden question as well whether they will be trained, I do not have that under consideration. I think the training they receive at the moment is adequate.

**HON S E LINARES:**

I am not talking about the ones who are currently there, let us talk about the new ones. If in the review the Minister needs to employ more, say six more, that those six become competent in the areas that I have just said rather than the ones that are there. The ones that are there it is difficult to try and retrain and all that, it is a completely different thing. What I am saying is the new ones employed.

**HON DR B A LINARES:**

If we increase the complement under the guise of also a job evaluation with a new job description, that job description will be put to the applicants and of course they will be selected on merits if they come up to the requirements of the job description.

**NO. 519 OF 2002**

**THE HON S E LINARES**

**EDUCATION – NUMBER OF CLEANERS**

Can Government state what should be the complement of cleaners giving a breakdown by school?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

Answered together with Question No 520 of 2002.

**NO. 520 OF 2002**

**THE HON S E LINARES**

**EDUCATION – NUMBER OF CLEANERS**

Can Government state whether all schools have a full complement of cleaners?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

**Answer to Question No 519 of 2002**

The complement of cleaners in schools is based on an agreement with the Unions based on floor area. The information I now hand over to the hon Member is based on this agreement.

Bayside School	2 x 39 hrs	24 x 20 hrs
Westside School	1 x 39 hrs	21 x 20 hrs
Hebrew Primary	2 x 20 hrs	
St Martin's School	1 x 39 hrs	1 x 30 hrs
St Joseph's Middle	2 x 39 hrs	5 x 20 hrs
Sacred Heart Middle	6 x 20 hrs	
Bishop Fitzgerald Middle	8 x 20 hrs	

St Anne's Middle	1 x 39 hrs	9 x 20 hrs
St Joseph's First	1 x 39 hrs	7 x 20 hrs
St Mary's First	6 x 20 hrs	
St Bernard's First	4 x 20 hrs	
Governor's Meadow	6 x 20 hrs	
Notre Dame First	7 x 20 hrs	
St Paul's First	6 x 20 hrs	
Gibraltar College of FE	1 x 39 hrs	6 x 20 hrs

There are 9 – 39 hr cleaners, 1 – 30 hr cleaner, 117 – 20 hr cleaners.

#### **Answer to Question No 520 of 2002**

Yes.

#### **SUPPLEMENTARY TO QUESTION NOS 519 AND 520 OF 2002**

#### **HON J C PEREZ:**

The Minister is saying that there are no vacancies, one understands that there is always a full complement because of the supply list. If there is someone missing that is the supply by the Personnel Manager to cover the post, the question is whether there are vacancies unfilled being covered from the supply list?

#### **HON DR B A LINARES:**

It is possible that the vacancies will be filled following the normal process, advertising, application and selection but it is certainly possible that while the vacancy is there on an interim basis certainly the work will be supplied from the supply group.

#### **HON J C PEREZ:**

Could the Minister check whether some of these vacancies are taking a very long time to be filled given that it is generally felt by those who are permanent there that the ones who come in for some supply are there for two or three days or for one day only

and the work that is done is not followed up in the same way as the permanent staff because they know that they have to clean the following day.?

**HON DR B A LINARES:**

I will check on the current situation.

**NO. 521 OF 2002**

**THE HON S E LINARES**

**SCHOOL ATTENDANTS**

Can Government state whether the school attendants who took selective industrial action were paid the day that they were deemed to be on full strike action and therefore locked out by the Government?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

I presume that the hon Member is referring to the action which occurred in May 2000. The department's records show lost time in respect of school attendants for the week ending 12<sup>th</sup> May 2000. On the day in question the school attendants who were taking selective industrial action were deemed to be on strike since they had refused to do work which was on their job description and hence they received no pay. The department has no other record of any other incident of this type. I am pleased to say that this particular dispute was satisfactorily settled with the Union and the attendants as explained to the hon Member in Question No 1039 of 2001.

**SUPPLEMENTARY TO QUESTION NO 521 OF 2002**

**HON S E LINARES:**

Is it still Government policy not to agree with selective industrial action?

**HON DR B A LINARES:**

I answer on questions related to education and to my ministerial responsibilities, I am not prepared to answer for general issues affecting Government's policies generally.

**HON J C PEREZ:**

So we have it that within the same Government structure we might have one department saying that they do not accept selective industrial action whilst other departments accept selective industrial action, is that what the Minister is saying or is there an agreed policy of industrial relations across the board in Government?

**HON DR B A LINARES:**

Yes and it is applied generally across the board by the Government. I am answering questions with respect to a particular situation at a particular time and I have explained in detail how my department in the context of general policy of the Government dealt with it.

**HON J C PEREZ:**

What we are saying is that given that there have been other groups of workers that have taken selective industrial action and have not been treated as the School Attendants, has this policy now been rescinded for all Government employees or are Government choosing to pick on workers they think they can deny the right of selective industrial action and not others elsewhere?

**HON DR B A LINARES:**

I have said that those are general issues that are not included within the particularity of this question and I am not in any way fending to answer.

**HON S E LINARES:**

So then because these caretakers were deducted their wages for being locked out, what the Minister is saying is that his Ministry or his Ministries will follow what the Chief Minister said that was the Government policy of not agreeing with selective industrial action. His department, his ministry, education.

**HON DR B A LINARES:**

The advise from Personnel in the case of these workers is that they have withdrawn labour in matters which were well within their job descriptions and as such they were deemed to be on strike and therefore money was withdrawn, not locked out, but simply money was withdrawn.

**HON J J BOSSANO:**

Is the Minister saying then that it is possible to have industrial action which does not involve withdrawing labour from what is one's job? Surely by definition industrial action is the withdrawal of labour which people are required to do otherwise it would not be industrial action it would be something they could not be required to do and that would be the end of it.

**HON DR B A LINARES:**

I can understand selective industrial action as meaning withdrawing of goodwill, work to rule, sticking to certain parameters in the performance of their work but actually refusing to do specific and defined work which is included in their job description which is at least, I still limit myself to this particular case, that is the criteria used by Personnel in establishing that they were not to be paid.

**HON J J BOSSANO:**

Is there then a guideline of what the Government consider to be selective industrial action which is tolerated and selective industrial action which leads to people being put off pay which the Minister today does not call a lockout but which might have called a lockout in another year?

**HON DR B A LINARES:**

The hon Member was referring to the question of the guidelines. The guidelines that we have in this particular case was that because these attendants were refusing to do work which was clearly well defined within their terms of reference and their job description it was equivalent to strike action, it was equivalent to the withdrawal of labour and therefore subject to the withdrawal of pay. That is the guideline and I take it that if it came from Personnel it must be a guideline established by Government across the board.

**HON J J BOSSANO:**

I understand the distinction, but surely there is a difference between refusing to do anything were it would be difficult to say that is selective industrial action and one is on strike and refusing to do a specific part of the job description which might be an area in dispute.

**HON DR B A LINARES:**

I do not agree with that particular distinction, I think to refuse something which is an integrated part of ones total contract so to speak in terms of terms of employment in ones job description, it is an integrated element in ones total commitment and therefore to withdraw that bit cannot be said, "well we have withdrawn that bit only but not the rest so therefore it is not strike action." I cannot accept that as honest to goodness distinction, I think it is a bit of a quip.



**HON J J BOSSANO:**

So opposition now means that anybody that refuses to do any part of their work because they have got a dispute over it is deemed to be on strike and treated as being on strike and therefore not paid? Therefore the conclusion from that answer then is that anybody that is in dispute over part of their schedule of duties and refuses to do it.....

**HON DR B A LINARES:**

If they are in dispute with regard to one particular duty in "dispute" meaning that they do not think it is part of their duty or that they .....

**HON J J BOSSANO:**

Or that they want to be paid more for it.

**HON DR B A LINARES:**

.....that is a different matter that is an intrinsic dispute on their duties but if it is accepted by the employee that this is definitely an agreed duty and yet declares that he is not willing to do it, especially in this particular case where these were very fundamental operations that were refused to be done, that then in all honest to goodness assessment of the situation it was deemed to be the equivalent of strike action.

**HON J C PEREZ:**

I think that the Minister will recall that at the time of the dispute with the clerical grades over pay, clerical grades took selective industrial action, for example, one of the things that they did was not answer the telephone which is an intrinsic part of their duties. I am not suggesting that the Government should have put them off pay but given that they did not put them off pay what I am asking is why is it that they took a different view with the School Attendants to the one that they took there. What we are trying to ascertain is whether the Government pick and choose which people they decide for a particular treatment in industrial relations or whether there is a general policy applied across the board to everybody?

**HON K AZOPARDI:**

In principle there is a general policy that applies across the board to everyone although I am not sure exactly which dispute the hon Members are alluding to and specifically as to when that occurred itself, perhaps if they can clarify that I will be able to answer the question more specifically.

**HON J C PEREZ:**

If the Minister wants an example we have heard in the press that the Fire Brigade are taking industrial action, the Minister can remember that I am sure, I am not suggesting that they should be put off pay, what I am suggesting is if there is one policy for one group of workers the same employer treatment should have been afforded to the School Attendants.

**HON K AZOPARDI:**

In first place the hon Member should not assess the industrial relations situation by media reports. The Government have to evaluate the situation as it arises in the circumstances. We have discussed the matter with Personnel, the Government have a general policy that when people are on strike and have withdrawn labour which is fundamental and central to their duties we take the view that they are on strike and hence on no pay. This situation was examined on this basis. It was discussed and that determination was reached and other situations that arise may be different and so while there is a general policy, the policy has to be applied in accordance to the circumstances of the cases they arise at the time which needs evaluation in each particular case.

**NO. 522 OF 2002**

**THE HON S E LINARES**

**ST MARY'S SCHOOL**

Can Government state whether there has been any progress on the intention of Government to move St Mary's School to the Westside area?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

No.

**SUPPLEMENTARY TO QUESTION NO 522 OF 2002**

**HON S E LINARES:**

Does the Minister mean in the intention of moving or "no" to moving to Westside area?

**HON DR B A LINARES:**

It has been the Government's aspiration rather than intention and it is very much under serious consideration moving St Mary's School to the Westside area or thereabouts because in the logistical analysis we have of the population movements and the requirements for the school places particularly for First Schools and Middle Schools it is the Government's aspiration to establish a schooling provision in the Westside area but as to the details in terms of location and timing no firm decision has been taken as yet.

**HON S E LINARES:**

Is the Minister looking at any specific area within the Westside area, any building or area specifically?

**HON DR B A LINARES:**

We are looking at a whole variety of possible locations.

**NO. 523 OF 2002**

**THE HON S E LINARES**

**WESTSIDE SCHOOL**

Can Government state explain why the Hall in Westside is till not complete?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

Answered together with Question No 524 of 2002.

**NO. 524 OF 2002**

**THE HON S E LINARES**

**WESTSIDE SCHOOL**

Can Government tell this House what is the new expected date for completion for the Westside School Hall?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

The inclement weather conditions have delayed the works. At one time we were "tools down" for just over a month when we were about to start on the roof. The strong winds did not allow us to work with the crane which was necessary for the completion of the roof. Without the completion of the roof it was impossible to continue with the works. It is expected that the hall will be completed by mid June weather permitting.

**NO. 525 OF 2002**

**THE HON S E LINARES**

**ST PAUL'S SCHOOL**

Can Government state whether GJBS has been given instructions to build the dining hall at St Paul's School as promised by the Minister for Education to parents to permanently accommodate children for the lunch break?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

GJBS have not been as yet issued instructions to build the dining hall at St Paul's School. The preparatory study to determine whether there are any underground services which hamper construction will commence shortly.

**SUPPLEMENTARY TO QUESTION NO 525 OF 2002**

**HON S E LINARES:**

Has the Minister made any financial provision this year in the budget to actually do this project?

**HON DR B A LINARES:**

There is general provision in the budget for construction works in connection with the school lunches.

**HON S E LINARES:**

So what the Minister is saying is that within the estimates of the budget that amount of money that is provisioned will be used for St Paul's dining hall?

**HON DR B A LINARES:**

There is provision, we have not got costings as yet so it is impossible to be actually, terribly specific about this but certainly we are committed to the construction of the hall in the area adjacent to the nursery end of the school. This was part of the original plan, I have given explanations previously why it has been impossible to carry through this work because the area was being used by the tenants.

**HON S E LINARES:**

Can the Minister give us any indication as to when more or less the works will start and complete?

**HON DR B A LINARES:**

I cannot give the hon Member any indication as yet. May I add that we are satisfied nevertheless, I do not want to give the wrong impression, we are committed to this construction but I do not want to give the impression that there is any inadequacy in the present provision, in the present facilities, there is an existing hall. The present facilities built on the playground is quite adequate especially since the school has an existing hall which can be used also in the case of very inclement weather.

**HON S E LINARES:**

In view of that statement is there still the guarantee that the dining hall will be built?

**HON DR B A LINARES:**

I have said that by saying that it was just simply to give the right impression and not necessarily to contradict the fact that there is a commitment as there was from the very start in the general plans.



**NO. 526 OF 2002**

**THE HON S E LINARES**

**GOVERNMENT TRAINING SCHEMES**

Can Government state how they monitor the fact that students who have discontinued their course in the GCFE have found suitable employment or remunerated training opportunities?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

Employment matters are monitored by the Employment Services. The Employment Service has advised us that no distinction is made by them between students and any other persons using their facilities. Essentially, the person's record will be initiated at the point when contact is made with them. No data prior to this contact is kept by them. With regards to the second part of the question, the Training Unit informs the Employment Service of all new trainees undertaking Government Training Schemes. The Training Unit will keep in liason with employment services an exchange of information as to students who are under Government Training Schemes, whichever they are, apprentices, vocational trainees et cetera.

**SUPPLEMENTARY TO QUESTION NO 526 OF 2002**

**HON S E LINARES:**

The Minister in Question No 190 of 2001 he gave me a written schedule because I asked about the full-time students in the Gibraltar College of Further Education. At the bottom there is a footnote which says, "Please note that the figures in the left

column are students who in the main have discontinued their course because they have found suitable employment or remunerated training opportunities." How is the employment part monitored?

**HON DR B A LINARES:**

The hon Member's question went much further, he wanted to know whether the Government, the Department of Education presumably, monitor the fact that the students who have discontinued the course have found suitable employment. That is not monitored closely, we know so many have left because they have found employment but the actual monitoring of that employment as to the suitability, remuneration et cetera is well beyond the remit of the Education Department.

**HON S E LINARES:**

It is not I who is saying the suitable employment it is the actual paper that he gave me which says "found suitable employment" I am not saying it, it is the footnote that says it is a suitable employment. There are further questions about employment which I have posed but in this specific one it is the College of Further Education who is stating that the students who have left have got suitable employment and this is what I am asking, how do they monitor that it is suitable or not if they do not data it?

**HON DR B A LINARES:**

They probably got the information from the Employment Services.

**NO. 527 OF 2002**

**THE HON S E LINARES**

**NUMBER OF STUDENTS GRADUATING**

Can Government state how many of the students who graduated last year, (a) stayed in UK (b) returned to Gibraltar, and of the latter how many obtained employment on their return and the comparable figure for the previous year?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

The Department sends questionnaires to terminating students every October to seek information relating to their position after graduating. The factual and statistical information requested by the hon Member is set out in the written schedule that I hand to him.

**Students graduating in 2000**

150	questionnaires were sent out in October 2000	
90	questionnaires were returned	(60% response)

The position was as follows:-

28	students remained to work in UK
36	students found employment in Gibraltar
13	students were furthering their studies
10	students were seeking employment in Gibraltar
1	student was working in Mozambique
1	student was working in Singapore
1	student was working in the USA.

### **Students graduating in 2001**

148	questionnaires were sent out in October 2001	
58	questionnaires were returned	(39% response)
10	students remained to work in UK	
23	students found employment in Gibraltar	
9	students were furthering their studies	
12	students were seeking employment in Gibraltar	
1	student was working in Japan	
1	student was working in China	
2	students were seeking employment in UK.	

**NO. 528 OF 2002**

**THE HON S E LINARES**

**CAMMELL LAIRD**

Can Government state how many students who have completed their apprenticeship with Cammell Laird obtained employment with Cammell Laird?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

No apprentices have completed their four year training programme with Cammell Laird and, therefore, it follows that none have yet obtained employment. They will be completing their four year apprenticeship in November this year.

**SUPPLEMENTARY TO QUESTION NO 528 OF 2002**

**HON S E LINARES:**

Has there been any job offers for those who are completing the course in November?

**HON DR B A LINARES:**

Not to my knowledge, I am just answering the question which was how many have found employment and I have answered straight that they have not got employment because they have not finished their training.

**NO. 529 OF 2002**

**THE HON S E LINARES**

**VOCATIONAL TRAINING**

Can Government state how many candidates completing their Vocational Training obtained employment at the end of the said training in the year 1999, 2000 and 2001?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

I presume the hon Member is referring to the Vocational Training Scheme. The trainees completing their vocational training who were employed are as follows:

End of May 1999	-	9
End of May 2000	-	24
End of April 2001	-	46

**NO. 530 OF 2002****THE HON S E LINARES****SCHOOL OF TOURISM**

Can Government state how many students who have completed their course in the School of Tourism have obtained employment in the field of tourism in the years 1999, 2000 and 2001?

**ANSWER****THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

I hand the hon Member the information requested.

**SCHOOL OF TOURISM**

<b>Year</b>	<b>No of Trainees who completed the course</b>	<b>Trainees who on completion were employed in Tourism Industry</b>	<b>Additional Information</b>
<b>1999</b>	<b>9</b>	<b>5</b>	<b>3 others went to UK to further their studies</b>
<b>2000</b>	<b>21</b>	<b>14</b>	<b>1 other left Gibraltar</b>
<b>2001</b>	<b>16</b>	<b>11</b>	<b>1 other went to UK to further his studies</b>

**SUPPLEMENTARY TO QUESTION 530 OF 2002**

**HON S E LINARES:**

Does the Minister have an indication of what happened to the shortfalls, the ones that are missing, in 2000 which is the largest figure, 21 completed, 14 found employment in the Tourism Industry and one left Gibraltar, does the Minister know what happened to the other six?

**HON DR B A LINARES:**

I have no information.

**HON S E LINARES:**

Is it possible to get that information?

**HON DR B A LINARES:**

Somehow after they leave the ambience of the educational system or the training system and they go to register with the Employment Services, it is they who then take over.



**NO. 531 OF 2002**

**THE HON S E LINARES**

**SCHOOL OF HEALTH**

Can Government state how many students completing their course in the School of Health have obtained employment in the field of health in the year 1999, 2000 and 2001?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

For the years in question nine first level, that is, staff nurses, and 11 second level, that is, enrolled nurses have completed the respective courses and are currently employed by the Gibraltar Health Authority.

**SUPPLEMENTARY TO QUESTION NO 531 OF 2002**

**HON S E LINARES:**

Are there any students in the School of Health who are not employed by the Health Authority?

**HON DR B A LINARES:**

Not to my knowledge, those who are students following the established courses especially those now in the Diploma course which is validated by Sheffield, in fact a

great part of the training is actually in practical terms in the wards as work experience and as far as I know they are all taken up by the GHA into their complement. Particularly at the level of first level as staff nurses we still have to recruit a great number of staff nurses from UK so the intention and aim of these courses is to actually replace the recruited nurses with our own locally trained nurses with courses validated by the University.

**HON S E LINARES:**

Is there any provision within the School of Health to accommodate students who are young school leavers who are not employed by the GHA who go through the School of Health and then later on employed by the Health Authority if they qualify or whatever the case may be?

**HON DR B A LINARES:**

Once they complete and graduate and qualify, particularly at the level of staff nurses they are immediately taken up into employment by the Gibraltar Health Authority as I have explained because they minimise our need to recruit officers from abroad.

**NO. 532 OF 2002**

**THE HON S E LINARES**

**NVQ COURSES**

Can Government state how many students who completed NVQ courses at the Construction and Training Centre have obtained employment in the trades they have trained for?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

A total of 52 people have achieved NVQ's in construction related disciplines, at various levels, 30 of whom have reached craftsman level that is level 2 and level 3. Up to 21 of these trainees have secured employment in their respective trades.

**SUPPLEMENTARY TO QUESTION NO 532 OF 2002**

**HON J J BOSSANO:**

Of the 21 that have secured employment, have the Government or GJBS been responsible for providing this employment in any of those 21?

**HON DR B A LINARES:**

I would say quite a few but there are others in the private sector as well.

**HON J J BOSSANO:**

Does the Minister know whether it is predominantly the public sector taking that GJBS in fact is working entirely on Government contracts, does the Minister know whether the private sector has taken many of these 21?

**HON DR B A LINARES:**

My personal feeling is that the main employers are still Buildings and Works and GJBS but I would not like to put it down on record as something that I know firmly, I can follow it up.

**HON J J BOSSANO:**

I would be grateful. I think it would be useful to know whether we are talking about a 50/50 split or sort of 20 on one side and one on the other.

**HON DR B A LINARES:**

Particularly since one of the aims and intentions of these courses is precisely to replace foreign labour in the private sector.

**NO. 533 OF 2002**

**THE HON S E LINARES**

**E-COMMERCE TRAINING**

Can Government state when the apprenticeship programme to equip local people with modern skills within the E-commerce field will commence?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

The Government are presently 'considering' an apprenticeship framework and will shortly announce further details.

**SUPPLEMENTARY TO QUESTION NO 533 OF 2002**

**HON S E LINARES:**

Does the Minister have an indication as to the time-scale of the initiation of this apprenticeship?

**HON DR B A LINARES:**

I have said shortly.

**NO. 534 OF 2002**

**THE HON S E LINARES**

**EDUCATION – MAINTENANCE GRANTS**

Is there any provision for the Education Department to give additional financial help to students on a full grant in cases when the parental income is social assistance?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

Students on a full grant should have enough funds to live comfortably at University. The Department, however, in cases where students live in expensive non-University accommodation, supports students further on production of relevant documentation. The Department must be satisfied that no alternative, less expensive, accommodation is available. The extra funds made available are means tested so that students of parents who are on social assistance are sure to benefit.

**SUPPLEMENTARY TO QUESTION NO 534 OF 2002**

**HON S E LINARES:**

Do the Government accept that although on a full grant most parents need to help out students because students do pass a lot of hardship even with the help of parents and it is even worse in the case where parents cannot even send any money at all, does the Minister accept that?

**HON DR B A LINARES:**

I accept that there may be cases of hardship but I do not accept that this is a generalised situation. I think generally students on full grants are very generously provided by the Government, these funds are being reviewed every year, the travel allowances are being reviewed every year and certainly we are not aware that there is a grave discontent about the provision made by the Government in terms of support. There are cases perhaps further down who are not on the maximum grant, maybe they need reviewing. I know only too well because I have two boys in University.

**NO. 535 OF 2002**

**THE HON S E LINARES**

**EDUCATION – PURCHASE OF STATIONERY**

Can Government state whether the same procedure will be used to purchase stationery for schools, that is, local buying?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

We have gone out to tender. Tenders were invited from both local and UK suppliers. Only local suppliers have shown any interest. The tender is presently still with the Treasury Tender Board and therefore I cannot disclose any further information.

**SUPPLEMENTARY TO QUESTION NO 535 OF 2002**

**HON S E LINARES:**

Are Government satisfied at the fact that they are not going to take long before the schools get the stationery and are Government then saying that they are going to be at an extra cost the fact that we are buying locally?

**HON DR B A LINARES:**

Extra to what? We actually tendered to UK suppliers and local suppliers and those are the tenders that we have received. So whether it is going to be more expensive



than in previous years when we actually have bought straight from the UK suppliers then the hon Member will understand also that it was not quite a fair system as regards the opportunities for local suppliers.

**HON S E LINARES:**

I say this because there was a system which they changed into which was this tender system and then they realised and I quote from Question No 651 of 2001 in which the Minister answered, "...the Government are now taking a decision to revert to the previous, that is, what we had before, since the delivery time of some items were unacceptably long leading to shortages and also because of further reasons to save costs." So because of the costs and delays the Government reverted back to the old system and now it seems that Government have either been satisfied that these things will not happen because Government have gone back again now through the tender system, so which one is it?

**HON DR B A LINARES:**

That is the case, yes.

**HON S E LINARES:**

The case of what, that it is not going to take long and it is going to be an extra cost or that it is going to take long?

**HON DR B A LINARES:**

Yes the last time I announced that there would be about a 3 per cent extra cost in the samples that we have taken. Whether it takes long or not will depend on many factors and I do not think that there will be much of a difference if the local suppliers, there is one of the conditions in the selection process with the tender will be assurances also as to the efficiency and the expeditiousness of the local suppliers in obtaining the goods.

**HON S E LINARES:**

So the Minister is actually saying that he is satisfied with the delivery because it is in the contract but then it is going to be an extra cost to the Department of Education?

**HON DR B A LINARES:**

That is the sample that we took last time about 3 per cent extra cost but there is nothing that we can do in any case as things stand because none of the UK suppliers have actually bid for the tenders so this is the case that we just have to accept.

**NO. 536 OF 2002**

**HON S E LINARES**

**ST MARTIN'S SCHOOL**

Can Government state whether financial provision will be made this year to repair St Martin's playground as promised for the last four years?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

It is one of our priority works for this financial year, the hon Member will be pleased to hear and we plan to resurface the playground and install the playground equipment during this financial year.

**NO. 537 OF 2002**

**THE HON S E LINARES**

**MEETING SPECIAL EDUCATIONAL NEEDS – BOOKLET**

Can Government state what was the cost of the “Meeting Special Educational Needs: Guidelines for Gibraltar” booklet?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

123 Printers of 36 Harbours Deck, The New Harbours was tasked with the printing of the “Meeting Special Education Needs : Guidelines for Gibraltar” booklet. The cost was £1,580.

**SUPPLEMENTARY TO QUESTION NOS 512 AND 537 OF 2002**

**HON S E LINARES:**

Can the Minister state when it was put out to tender?

**HON DR B A LINARES:**

This leaflet was part of a series of leaflets which offered similar guidelines and advice on numeracy, literacy, science et cetera which preceded this particular booklet on special needs. I am informed that the first leaflet which was to be produced, the department sought allowance for quotes from different suppliers and 123 Printers was

the favourite supplier from the point of view of price and from the point of view of presentation and production and since then the department have stuck to them for the simple reason that they now have the logo, the format ready and of course it is all online and therefore more cost effective to produce subsequent booklets. I have to say that they are excellent booklets both in terms of presentation and of substance.

**HON S E LINARES:**

Does that mean now that the Department of Education will not go through the Procurement Office to tender out for printing and other works?

**HON DR B A LINARES:**

It does not mean that at all.

**HON S E LINARES:**

Why then did it not follow the Procurement Office in this case?

**HON DR B A LINARES:**

I have given an explanation for that.

**HON S E LINARES:**

The Minister has not given an explanation why it has not gone through the Procurement Office, the Minister has said that if they sorted out, well any department can sort out how much the prices are, I am saying that it has jumped over the tender system. The tender system has to go through the Procurement Office, is it the case now that the Department of Education will now not go through the Procurement Office to acquire these works?

**HON DR B A LINARES:**

I have explained that it is not the policy of the department to avoid the Procurement Office.

**HON S E LINARES:**

Can the Minister confirm that it did so in this case?

**HON DR B A LINARES:**

There was an element of Procurement which no doubt was consulted with the Procurement Officers in that we sought on our own for prices and quotes and a decision was made on the favoured printer.

**NO. 538 OF 2002**

**THE HON MISS M I MONTEGRIFFO**

**GHA – DIALYSIS PATIENTS**

Can the Minister for Health now confirm what facilities will be provided in the Hospital at Europort Building for Dialysis patients?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

No.

**SUPPLEMENTARY TO QUESTION NO 538 OF 2002**

**HON MISS M I MONTEGRIFFO:**

In answer to Question No 1052 of 2001 in November, the Minister said that the Government were currently studying a report from Professor Terry Feast and that they were being put for consideration by the Minister, has this happened already?

**HON DR B A LINARES:**

Yes the report from Professor Terry Feast who is the Chairman of the UK Renal Registry has been considered by the Government and the report has now been made available to the Dialysis Patients and Friends Association for their consideration and we are awaiting a response.

**HON MISS M I MONTEGRIFFO:**

Can the Minister confirm whether in view that they are going to invest a considerable amount of money would it not be prudent at this stage to provide facilities in order to make Gibraltar as self sufficient as possible so that our patients do not require to go to La Linea.

**HON DR B A LINARES:**

All these outcomes are very much part and parcel of the conclusions and considerations and outcomes which have been considered within the context of the report and which as I have explained has now been put to the Dialysis Association.

**HON MISS M I MONTEGRIFFO:**

In view of that reply does it mean that the Government of Gibraltar are willing to invest so that patients do not require to go to La Linea.

**HON DR B A LINARES:**

We are going round in circles, it is all dependant on the conclusions which are precisely the outcome of the report.

**HON MISS M I MONTEGRIFFO:**

But surely the Minister has said that the report has been handed already to the Government, what are the conclusions of that report can the Minister say?

**HON DR B A LINARES:**

I cannot say what are the conclusions of that report as I have explained we are awaiting a response from the Dialysis Patients and Friends Association.

**HON MISS M I MONTEGRIFFO:**

If the Dialysis Association were to request the Government to invest in facilities so that they no longer require to go to La Linea would the Government be amenable to that request?

**HON DR B A LINARES:**

I do not deal in hypothesis.

**NO. 539 OF 2002**

**THE HON MISS M I MONTEGRIFFO**

**GHA – ELDERLY CARE PATIENTS**

Can Government state during the months of February and March of 2002, of the beds occupied by elderly persons who have been formally discharged, but refused to leave, how many fit into each of the three categories identified by the Government:

- (1) Elderly persons living alone;
- (2) Elderly persons needing support;
- (3) Others able to be looked after?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

Answered together with Question Nos 540 to 542 of 2002.

**NO. 540 OF 2002**

**THE HON MISS M I MONTEGRIFFO**

**GHA – COMMITMENT FROM PATIENTS**

As promised in the last meeting of the House of Assembly, can the Minister for Health provide the date on which the Gibraltar Health Authority instituted a procedure seeking a commitment from the patients admitted into hospital, that they will return to the community following discharge?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

Answered together with Question Nos 539, 541 and 542 of 2002.



**NO. 541 OF 2002**

**THE HON MISS M I MONTEGRIFFO**

**GHA – SHORTAGES OF BEDS**

Can Government confirm what exactly are the measures they have recently introduced and on what dates, in order to ameliorate the situation relating to the acute shortages of beds at St Bernard's Hospital?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

Answered together with Question Nos 539, 540 and 542 of 2002.

**NO. 542 OF 2002**

**THE HON MISS M I MONTEGRIFFO**

**GHA – NUMBER OF OPERATIONS CANCELLED**

Can Government confirm how many routine operations were cancelled at St Bernard's Hospital due to the non-availability of beds for the Financial Year 2001/2002 giving a breakdown for each month?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

**Answer to Question No 539 of 2002**

The persons who fall under the stated categories are as follows:

1.	Elderly persons living alone	-	9
2.	Elderly persons needing support	-	13
3	Others able to be looked after	-	4

**Answer to Question No 540 of 2002**

The Health Authority has not instituted any specific procedure, except that the bed manager/clinicians concerned explain the clinical process leading to a discharge, and support which will be available for them in the community following discharge.

### **Answer to Question No 541 of 2002**

The Gibraltar Health Authority, in collaboration with the Elderly Care Agency, has been able to transfer 12 patients to Mount Alvernia over the March/April period. In addition, there has been increase in bed management activity, with extra personnel assisting the bed manager in the management of this role. There has also been a continuation in the development of an Elderly Care strategy by the Consultant Elderologist with the support of Professions Allied to Medicine, that is, occupational therapy, physiotherapy. Care in this area has been also enhanced by the commencement of a domiciliary service by the Elderly Care Agency and I am pleased to report that as a result of all these measures there has been a considerable improvement in the availability of beds in St Bernard's Hospital. The hon Lady will be pleased to hear that an average of about 15 beds daily have been available excluding Maternity and Rainbow Ward.

### **Answer to Question No 542 of 2002**

The number of routine operations that were cancelled at St Bernard's due to the non-availability of beds for the Financial year 2001/2002 is as follows:

April 2001	-	0
May	-	1
June	-	5
July	-	0
August	-	0
September	-	4
October	-	0
November	-	7
December	-	0
January 2002	-	17
February	-	15
March	-	0
April	-	0

### **SUPPLEMENTARY TO QUESTION NOS 539 AND 540 TO 542 OF 2002**

#### **HON MISS M I MONTEGRIFFO:**

If I can go back to Question No 540 of 2002 I am not too sure whether the Minister gave me the reply because I was asking for the date on which the Gibraltar Health Authority instituted the procedure seeking a commitment. Can the Minister confirm when it was that the Health Authority started asking patients to give a commitment that they would return to the community following discharge?

#### **HON DR B A LINARES:**

It was about a couple of months ago.

**HON MISS M I MONTEGRIFFO:**

That was the answer that the Minister gave a few months ago in February. Can the Minister actually pinpoint the month and the year?

**HON DR B A LINARES:**

I do apologise, I do not have the date, I missed that bit of the question but I will find the date for the hon Member.

**HON MISS M I MONTEGRIFFO:**

We would appreciate that because it was in fact in February when we asked him and he promised the information and in this question it was quite clear that we are seeking exactly the dates. Can the Minister confirm whether this procedure seeking a commitment is solely for the elderly?

**HON DR B A LINARES:**

It is really an exaggerated version to say that we seek a commitment in any formal way. There is a counselling process as I have explained we went through this debate last time, there is a counselling process in which the patients, all patients, but very specially those who have been in hospital for some time without the specific need for acute care are explained the different options which are available and which I have explained in answer to Question No 541 of 2002.

**HON MISS M I MONTEGRIFFO:**

Has the Minister actually replied to my question, is this procedure solely for the elderly or is it for everybody else because our understanding was in the last meeting of the House that the Minister said that he thought that it was just for the elderly and we are seeking that confirmation now?

**HON DR B A LINARES:**

I think that it is obviously focused on the elderly because that is where the problem lies. The problem of bed blockages mainly with elderly patients actually remaining in hospital after discharge. There could be some exceptional circumstances when a non-elderly person might be found in that situation, I think there have been one or two cases but the whole procedure is geared in terms of a counselling process with a team that I have described here led by the Consultant Elderologist counselling process, a dialogue with the individual patients to facilitate the passage from the hospital either to Mount Alvernia or to the community.

**HON MISS M I MONTEGRIFFO:**

Does the Minister not accept that the Gibraltar Health Authority should actually be more lenient towards the elderly in view that they do require more social support

rather than put them in a situation before they are actually being treated or before they are actually going to have an operation of putting pressure on them?

**HON DR B A LINARES:**

It is no question of putting pressure. I have spoken of counselling, dialogue, certainly not of pressure and the Health Authority is being very lenient indeed with the now reduced, but last time we spoke of this, 49 elderly patients who were occupying beds in St Bernard's Hospital some of them with very good reasons, some of them with not such good reasons but the Health Authority is being extremely lenient and understanding.

**HON MISS M I MONTEGRIFFO:**

In that case if the Health Authority is so lenient and understanding why do they not abandon the commitment, why do they not just ask patients whether they have problems?

**HON DR B A LINARES:**

That is exactly what we do.

**HON MISS M I MONTEGRIFFO:**

So the Minister is saying that the commitment is not only there, they are not asking patients to give the commitment that he said was actually started a few months ago?

**HON DR B A LINARES:**

I have already explained that the word commitment is not exactly the correct version of the procedure of the process of counselling, of discussion, of attendance, of help and encouragement and support that the Discharge Team give to individual patients.

**HON MISS M I MONTEGRIFFO:**

I do not want to dwell too much on the question but surely the Opposition has a right to ask it if there is a communiqué issued publicly by the Gibraltar Health Authority which actually says that they have instituted a procedure can the Minister now say in view of his answer that he will ask the Health Authority to say that that procedure is no longer there?

**HON DR B A LINARES:**

I have explained that there is a procedure, a positive procedure of counselling of dialogue and that is certainly there.

**HON J J BOSSANO:**

Can the Minister say when he finds out when it was started which he does not seem to know, what did the Health Authority do before that, did they not counsel, have dialogue or were concerned about their patients, what happened before the new procedure?

**HON DR B A LINARES:**

The procedure was already there but what we did was to focus and fine tune that procedure as I have explained in answer to Question No 541 of 2002 in view of the increasing pressure and problem of long stay elderly patients. So we had to focus, we had to fine tune the team effort by the Consultant Elderologist, the Physiotherapist, there was always an element of counselling, of support and of encouragement but now the situation became acute and we had to fine tune and look and in fact as I have explained increase the personnel resources to the Bed Manager so that a more efficient procedure could be instituted.

**HON J J BOSSANO:**

So therefore the press release that was issued which did not give any indication of counselling, help, support, sympathy or anything else, it simply came out saying "there are people who are being as it were anti-social in that they are blocking beds when they should be at home and the Government cannot allow this to carry on and therefore they will now be asked to give a commitment that they will leave the hospital when they are told they are fit to leave." That in fact gave no indication of the things the Minister says is what actually is being happening, was wrong, that has not happened that was never implemented.

**HON DR B A LINARES:**

The communiqué targeted precisely on a problematic area at the time in the hospital. That does not mean that it excluded all other approaches and methods and rather cynically as the Leader of the Opposition says about encouragement, counselling which are facts. Those are the ways that the clinicians operate but the communiqué focused on a particular pocket of patients who were certainly abusing the system but that does not mean that others were not abusing the system were not offered the assistance that I have described in detail in answer to the question.

**HON J J BOSSANO:**

Well then the Minister has deliberately chosen not to answer the question because we are not asking him about the others. We want to know precisely what was it that the Government instituted at a particular point in time to deal with a particular problem, not what was happening before which was fine tuned, we have not asked about that if it was there already and people were already being counselled and people were already being asked how they would go back home when they left hospital, that is fine, the problem arises because of the identified pocket of people and the question comes out of a public statement made by the Government on which we are seeking clarification. So, will the Minister address the action instituted at a particular point in

time to deal with that particular pocket, how was that put into effect that is what we want to know?

**HON DR B A LINARES:**

The question was, “ Can Government confirm what exactly are the measures they have recently introduced in order to ameliorate the situation relating to the acute shortage of beds.....” *[Interruption]* what do you mean Question No 541 of 2002 which the hon Member read a moment ago actually asks “.....what measures were instituted to ameliorate....” It is a broad generalised question and it is that question that I have been trying to explain for some time now.

**HON J J BOSSANO:**

Can the Minister answer Question No 540 of 2002 and not Question No 541 of 2002 which says “As promised at the last meeting of the House of Assembly can the Minister for Health provide the dates.....” that could not be more specific “.....on which the Health Authority instituted a procedure seeking a commitment.....” we are not talking about all the other measures it is the commitment that the Minister announced in a press statement was being required of this small pocket of people he has now identified.

**HON DR B A LINARES:**

I will give a date, which I apologised earlier I did not have in hand, in due course.

**HON MISS M I MONTEGRIFFO:**

In relation to the other questions that the Minister has answered reference the measures that have been introduced in order for the Government to try and ameliorate the situation relating to the acute shortages of beds, is the Minister now saying that he is satisfied that the measures are enough to solve all the problems?

**HON DR B A LINARES:**

I am very satisfied indeed as I explained in my initial answer to the question that as a result of these measures there has been a considerable, dramatical improvement in the availability of beds in St Bernard's with an average of around 15 daily beds available in different wards excluding Maternity and Rainbow.

**HON MISS M I MONTEGRIFFO:**

So is the Minister saying that the problem has been completely eradicated?

**HON DR B A LINARES:**

I am not saying that the problem has been completely eradicated, I am saying what I am going to say once again that I am very pleased that there has been a considerable

and almost dramatic improvement in the availability of beds and I have given figures to demonstrate and evidence to demonstrate that, that over the months of March and April we have had continuously an average of 15 beds available on a daily basis.

**HON MISS M I MONTEGRIFFO:**

In view that the Gibraltar Health Authority Report of the year 2000/2001 confirms that there has been 37 per cent cancellations due to the non-availability of beds and here we have an astronomical figure as well how can the Minister say that he is so satisfied when in fact the number of beds being cancelled are quite dramatic?

**HON DR B A LINARES:**

The number of beds, or the number of operations you mean?

**HON MISS M I MONTEGRIFFO:**

The number of operations being cancelled are quite dramatic, will he not confirm that it is correct?

**HON DR B A LINARES:**

The number of operations rose to an unacceptable level, I have given the figures in January and February this year, what I have said is that I am very pleased that during the months of March and April there have been no more cancellations because there has been a dramatic improvement in the number of beds available as a result of measures taken by the department. An average of 15 beds have been available on a daily basis I think I have repeated this answer up to ten times and consequently there have been no cancellations of elective surgery operations. I am very pleased about that which is not to deny that I was not very pleased with the situation in January and February for reasons which I also debated in this House with the hon Lady.

**HON MISS M I MONTEGRIFFO:**

The answer talks about the financial year giving a breakdown for each month, so the Minister is saying that in the financial year 2001 up to the end of March there were 49 cancellations and now the Minister is saying that because there are no cancellations in two months that he is satisfied, will he not require a few more months to see whether the situation has been ameliorated or not?

**HON K AZOPARDI:**

With all due respects and I know that Mr Speaker called the last supplementary six supplementaries ago I think that the Minister has given the answers to the question. He thought it was unacceptable before, he has instituted measures, there has now been a significant improvement and his view is that there has been an improvement which he considers is significant enough for him to have answered the question on several occasions now. How many times does the hon Member want to hear the answer to the same question?



**HON J J BOSSANO:**

But would the Minister not agree that since there were no cancellations last year before anything was being done about beds, the fact that there are no cancellations in March this year does not prove that the problem has disappeared?

**HON DR B A LINARES:**

I have not said that the problem has disappeared, I have said that I am very pleased that the number of beds available in St Bernard's Hospital during the last two months has improved dramatically and considerably given the fact that there are now an average of 15 beds available on a daily basis. That is what I have said, I have not said that I have brought a panacea, that I have worked a miracle, I am not in the business of miracles the hon Member may be surprised to hear but I am satisfied, very pleased and I have also said that I thought the hon Lady and hon Members would also be very pleased but apparently they are not.

**MR SPEAKER:**

One more.

**HON J J BOSSANO:**

Mr Speaker, there are a number of questions.

**MR SPEAKER:**

One more on this issue on Question No 542 of 2002.

**HON J J BOSSANO:**

Mr Speaker the question to which I am addressing the Government is Question No 542 of 2002.

**MR SPEAKER:**

That is right only one more.

**HON J J BOSSANO:**

The Minister has not talked about cancellations, he has talked about being pleased because there are more beds available. We are all very pleased that there are more beds available.

**HON DR B A LINARES:**

I have given figures about the number of cancellations over the last year. I have quoted all figures from April last year to April this year, what does the hon Member mean that I have not given an answer for that question?

**HON J J BOSSANO:**

The Minister has not given me an answer to the question that I have just asked and the question that I have just asked in reply to the contribution by the Hon Mr Azopardi was that in fact if there are no cancellations of operations in March or in April this year and there were none in April 2001 it does not mean that the position of more beds has now resulted in zero cancellations because there were not 15 beds last April and no cancellations last April. Would he not agree that the fact that there has been no cancellation now does not of itself for one month, which is the point that my Colleague was making, demonstrate that it has been solved. The Minister may find that in a couple of months down the road there may be more cancellations once again, after all when one goes back to the figure for last year in May there was one cancellation and the 15 beds were not there last May because the Minister says that this is a new development. Can I ask, this assistance that was provided to the Bed Manager that he mentioned in his original question which he says had helped to bring about the improvement, can he explain, is it that there is now an additional body involved in the exercise and that this is in fact resulting in better bed management?

**HON DR B A LINARES:**

Exactly what I mean yes, an additional body helping the Bed Manager to be more on top of the situation to help in this counselling process which is often very laborious.

**HON K AZOPARDI:**

As to the Leader of the Opposition's question, of course, if he picks out arithmetically one month here and one month there he stands to have a very distorted picture of events. We have to see things globally, there was a build up which was reflected in the statistics that were included in the 2000/2001 financial year report and in the annual report of the Health Authority, the situation has exacerbated substantially leading to the situation which was confronted by the Minister in January/February which was this rather marked increase in cancellations of elective surgery and the reason for the cancellation in elective surgery was clearly as a result of non-availability of beds. The Minister has taken measures which he considers and the Government consider have been a significant improvement in the situation, not that it has to be compared and evaluated globally and holistically and not in relation to one particular month picked out at random to produce a distorted figure from last year's financial year. The Government's position has been made clear and has been reiterated by the Minister on several occasions now in this question and we are not going to make a further statement on this matter.

**NO. 543 OF 2002**

**THE HON MISS M I MONTEGRIFFO**

**GHA – PATIENT REFERRALS**

Can Government state since the 1<sup>st</sup> February to end of March 2002, what was the total number of patient referrals to the UK?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

The total number of patient referrals for the period in question was 217.

**NO. 544 OF 2002**

**THE HON MISS M I MONTEGRIFFO**

**GHA – SPONSORED PATIENTS**

Can Government state what was the total number of Sponsored Patients treated in the UK for the period 1<sup>st</sup> February to end of March 2002 with the costs being met by the UK Government and what was this cost?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

Answered together with Question Nos 545 to 547, 551, 552, 574 and 576 to 581 of 2002.

**NO. 545 OF 2002**

**THE HON MISS M I MONTEGRIFFO**

**GHA – COST OF TREATING PENSIONERS IN UK**

Can Government now state what was the largest average annual cost of treating a pensioner in the UK in 2000?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

Answered together with Question Nos 544, 546, 547, 551, 552, 574, 576 to 581 of 2002.

**NO. 546 OF 2002**

**THE HON MISS M I MONTEGRIFFO**

**GHA – SPONSORED PATIENTS**

Can Government state how many patients have been given a choice of being treated in Spain as opposed to the UK, as Sponsored Patients, and have elected to go to Spain since 7<sup>th</sup> February 2002 to date?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

Answered together with Question Nos 544, 545, 547, 551, 552, 574 and 576 to 581 of 2002.

**NO. 547 OF 2002**

**THE HON MISS M I MONTEGRIFFO**

**GHA – SPONSORED PATIENTS**

Can Government state what was the number of Sponsored Patients treated in the UK from 1<sup>st</sup> February to end of March 2002, with the fees being met by the Gibraltar Health Authority and the cost of such fees?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

Answered together with Question Nos 544 to 546, 551, 552, 574 and 576 to 581 of 2002.

**NO. 548 OF 2002**

**THE HON MISS M I MONTEGRIFFO**

**GHA – MALAGA CLINIC**

Can the Minister for Health state how much money was spent by the Gibraltar Health Authority with regard to patients being sent to the Malaga Clinic for Scans in the Financial Year 2001/2002?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

Answered together with Question No 549 of 2002.



**NO. 549 OF 2002**

**THE HON MISS M I MONTEGRIFFO**

**GHA – ALGECIRAS CLINIC**

Can the Minister for Health confirm how much money was spent by the Gibraltar Health Authority with regard to patients being sent to the Algeciras Clinic for Scans in the Financial year 2001/2002?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

The costs incurred by the Gibraltar Health Authority in 2001/2002 with regard to patients being sent for scans to Algeciras and Malaga are as follows:

Algeciras Clinics	-	£132,362.88
Malaga Clinics	-	£1,989.06

**SUPPLEMENTARY TO QUESTION NOS 548 AND 549 OF 2002**

**HON MISS M I MONTEGRIFFO:**

Can the Minister therefore refer back whenever he is able to to Question No 227 of 2002 in February of this year when he actually told me that in relation to the previous financial year 2000/2001 in respect of scans in Malaga the figure was £141.00 is that an error, can the Minister confirm it now or does he need time to confirm it?

**HON DR B A LINARES:**

I have the question in front of me Question No 227 of 2002 and the answer given to the hon Lady then for the Malaga Clinic was £141.49 which is a bit odd but I am sorry that I cannot confirm whether this figure is accurate or if it is a misprint. I will check it out.

**HON MISS M I MONTEGRIFFO:**

It seems odd because for this financial year we are talking about a figure of just over £100,000 for Malaga.

**HON DR B A LINARES:**

No £1,000 for Malaga.

**HON MISS M I MONTEGRIFFO:**

£1,000 sorry.

**HON DR B A LINARES:**

£1,989.06.

**HON MISS M I MONTEGRIFFO:**

I see, so if we are talking about £141.00 I suspect we are talking about a patient, one patient. It is just that I would like.....

**HON DR B A LINARES:**

Malaga is rare, I can tell the hon Lady. I think that the bulk of the patients for scanning treatment is sent to Algeciras. It could have been that this year it was exceptional in that it was seen by the clinicians that there was some clinical advantage in sending to Malaga and that is why the figure rose I accept well above the figure for the previous year but I would have to investigate that.

**HON MISS M I MONTEGRIFFO:**

When the Minister investigates can he also confirm whether patients have been sent for the MRI Scan?

**HON DR B A LINARES:**

I will confirm that.

**HON J J BOSSANO:**

Are these private clinics and therefore not covered by the arrangements with the UK?

**HON DR B A LINARES:**

Indeed the clinic in Algeciras is a private clinic not covered by the E112.

**NO. 550 OF 2002**

**THE HON MISS M I MONTEGRIFFO**

**GHA – PATIENT REFERRALS TO SPAIN**

Can Government confirm whether a decision has now been taken that General Practitioners based at the Health Centre, are able to refer patients directly to Spanish Medical Institutions for diagnosis or for treatment?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

I can confirm that General Practitioners are allowed to refer patients to Spain for echocardiography. As I mentioned in answer to Question No 226 of 2002, this follows from representations made by the General Practitioners that were accepted by the Authority.

**SUPPLEMENTARY TO QUESTION NO 550 OF 2002**

**HON MISS M I MONTEGRIFFO:**

Seeing that the Minister did mention that they were looking at it the last time I asked the question can he actually confirm the date on which patients were being sent for echocardiography and in which part of Spain?

**HON DR B A LINARES:**

I have some figures which might be helpful, six patients have been referred from the 1<sup>st</sup> April 2002. So it seems that the date when this direct access commenced was on the 1<sup>st</sup> April. Three patients have already been to Spain and three are pending.

**HON MISS M I MONTEGRIFFO:**

Has the Minister investigated the possibility of actually purchasing an echocardiography for the Gibraltar Health Authority so that patients do not require to go to Spain?

**HON DR B A LINARES:**

The question of general equipment, development of resources is being considered in the broad context of the development of the new hospital but I cannot give any particular conclusions at this stage.

**HON MISS M I MONTEGRIFFO:**

Does the Minister not agree then that the less dependent that we become on Spain the better?

**HON DR B A LINARES:**

Dependent is not quite the word it is a question of accessibility of resources and I would neither agree nor disagree with that sort of broad general statement.

**HON MISS M I MONTEGRIFFO:**

If we are talking about an echocardiography is the Minister already aware how much it would cost the Health Authority to purchase this equipment, does he know the cost?

**HON DR B A LINARES:**

I do not know personally the cost of this equipment but I am sure that the officials in the Gibraltar Health Authority would have no problem in finding out the cost.

**HON MISS M I MONTEGRIFFO:**

Surely is the Minister not interested in knowing?

**HON DR B A LINARES:**

I have not said that I was not interested, I have said that I have not got myself personally knowledge of the cost but I can use the phone in a moment and find out from the officials who run these things what the actual cost is but that does not mean,

the hon Member cannot imply or deduce from that that I am not interested. That is the type of demagogic sort of response that we normally get from the hon Lady which is totally within her style but certainly not conducive to an objective discussion of sensitive issues.

**HON MISS M I MONTEGRIFFO:**

The only interest that I have is in Gibraltar patients and therefore I would have thought that the Minister would have been as interested as I am in order to see whether the Government can afford to buy this piece of equipment rather than sending our patients elsewhere for the treatment that could actually be afforded here that is my only interest.

**HON DR B A LINARES:**

I am glad to hear that that is the sole interest as mine is in the patients of Gibraltar.

**NO. 551 OF 2002**

**THE HON MISS M I MONTEGRIFFO**

**GHA – SPONSORED PATIENTS**

Have the costs for the total number of Sponsored Patients treated in the UK for the period 1<sup>st</sup> April 2001 to the end of October 2001 being met by the UK Government now been received?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

Answered together with Question Nos 544 to 547, 552, 574 and 576 to 581 of 2002.

**NO. 552 OF 2002**

**THE HON MISS M I MONTEGRIFFO**

**GHA – COST OF TREATING PENSIONERS IN UK**

Can Government now state what was the latest average annual cost of treating a pensioner in the UK in 2001?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

Answered together with Question Nos 544 to 547, 551, 574 and 576 to 581 of 2002.



**NO. 553 OF 2002**

**THE HON MISS M I MONTEGRIFFO**

**GHA – PSYCHO-GERIATRIC PATIENTS**

Can Government state how many Psycho-Geriatric patients have been admitted in KGV from 1<sup>st</sup> February to end of March 2002?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

Five Psycho-geriatric patients were admitted to KGV between 1<sup>st</sup> February 2002 and 31<sup>st</sup> March 2002.

**SUPPLEMENTARY TO QUESTION NO 553 OF 2002**

**HON MISS M I MONTEGRIFFO:**

I admit that this question might or might not be relevant, if the Minister is not able to answer now could he answer me at a later stage. Is it that the Consultant Psychiatrist employed by the Gibraltar Health Authority has decided not to engage in private practice?

**HON DR B A LINARES:**

I cannot answer this question right now.

**HON MISS M I MONTEGRIFFO:**

Will he do so when he finds out if it is true or not?

**HON DR B A LINARES:**

Yes.

**HON J J BOSSANO:**

In terms of a figure of five can the Minister say in arriving at that would a person being admitted, discharged and readmitted be treated in that statistic as another admission or are we talking about five separate cases?

**HON DR B A LINARES:**

We are talking about five distinct separate patients.

**NO. 554 OF 2002**

**THE HON MISS M I MONTEGRIFFO**

**GHA – DIABETIC PATIENTS**

Will the Minister for Health consider, that due to the nature of their illness, diabetic patients should be given three monthly prescriptions, instead of monthly ones?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

To issue prescriptions for more than one month has not been the policy of any Government since the GPMS started. However, I had already considered extending the monthly prescriptions in respect of this category of patients and I have sought advice on the matter from the Formulary Committee.

**SUPPLEMENTARY TO QUESTION NO 554 OF 2002**

**HON MISS M I MONTEGRIFFO:**

Does the Minister know more or less when he will be receiving that advice, are we talking about a month, two months, three months?

**HON DR B A LINARES:**

I am talking about days really.

**HON MISS M I MONTEGRIFFO:**

Would the Minister accept that he communicates the results to me?

**HON DR B A LINARES:**

By all means it will be public knowledge once the policy is set out.

**NO. 555 OF 2002**

**THE HON MISS M I MONTEGRIFFO**

**GHA – PRESCRIPTION CHARGES**

Can Government confirm as recently stated in the House of Assembly, that the estimated expenditure of GPMS Prescriptions is £900,000 higher than the amount budgetted at the beginning of the Financial Year 2001/2002?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

Yes, I can confirm that.

**SUPPLEMENTARY TO QUESTION NO 555 OF 2002**

**HON MISS M I MONTEGRIFFO:**

Therefore can the Minister provide me with a breakdown of this extra expenditure relating to the prescriptions so that we know more or less how much money it relates to prescriptions and also the reason for the increase?

**HON DR B A LINARES:**

I can give the hon Lady a broad reason for the increase which has been supplied by the Pricing Authority which has established that there was a 7.3 per cent increase in volume the year in question plus a 10 per cent increase in cost so that amounts to

17.3 per cent increase which over the spend for 2000/2001 which was £4.9 million would bring it to £5.7 million which is roughly £900,000 higher than the amount budgetted at the beginning of the financial year. As to the exact financial details I do not have them all here except in this generalised form.

**HON J J BOSSANO:**

The 10 per cent increase in cost has been calculated what on the basis of averaging the higher cost over the previous level or is it that the, I am trying to establish whether it could be that some items have gone up very high and therefore they converted that into a 10 per cent increase or whether in fact it is the case that most things have gone up 10 per cent, which of the two is it?

**HON DR B A LINARES:**

I would have thought that an averaging process went into play here but I would not know what mechanics the Pricing Authority has used to establish the information which they have now given me. That is that there has been a 10 per cent increase in cost, that is the conclusion that they have come to as to how they have worked out I would have thought it must be an average given that some medicines would have gone much higher than 10 per cent increase and others less. They have also given me some information which may also be relevant and that is that we are offering treatments which actually are not being provided in UK which have recently and which are quite high cost treatment that is Aids treatment, a new anti-rheumatic treatment, growth hormone treatment, and organ transplant patients treatment to some of our recently transplanted patients and they state that these treatments have also added to the additional costs over the budget figure.

**HON J J BOSSANO:**

Yes, but the Minister is not suggesting that these things are being done for the first time in the year 2001/2002?

**HON DR B A LINARES:**

No perhaps these have been done before but nevertheless what the Pricing Authority is saying is that the cost of these treatments given the fact that they are not being offered by the NHS may have actually within the commercial market in UK have increased considerably but I am actually speculating.

**HON J J BOSSANO:**

When we raised this question in the Supplementary Appropriation Ordinance we were told in fact that the increase of £900,000 included other items, that is part of the reason for the question being here, when the Minister brought this Supplementary Appropriation Bill to the last House and we questioned it said "primarily GPMS" but we were told it was other items "mainly GPMS prescriptions being higher than anticipated" that is an increase in the number, that is what the explanation said "mainly" but if the whole of it is GPMS then in fact nothing else has gone up is that correct?

**HON DR B A LINARES:**

It would be logically correct.

**NO. 556 OF 2002**

**THE HON MISS M I MONTEGRIFFO**

**GHA – NUMBER OF PRESCRIPTIONS**

Can Government state how many prescriptions have been issued since the 13<sup>th</sup> December 1999 with more than three items and paying a total of £7.50 for such prescriptions giving a breakdown per month up to March 2002?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

Answered together with Question Nos 558 and 559 of 2002.



**NO. 557 OF 2002**

**THE HON MISS M I MONTEGRIFFO**

**GHA – NUMBER OF PRESCRIPTIONS**

Can Government state the total number of prescriptions issued, the number of items, and the cost of the medicines covered by the GPMS prescriptions for accounting periods 11 and 12 of 2002, in respect of which £2.50 per item was paid by patients to dispensing Pharmacists and the total value of the medicines so dispensed and the comparable figures for the previous year?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

Answered together with Question Nos 560 and 561 of 2002.

**NO. 558 OF 2002**

**THE HON MISS M I MONTEGRIFFO**

**GHA – NUMBER OF PRESCRIPTIONS**

Can Government now confirm whether the number of prescriptions with three or more items have increased since they introduced the maximum fee of £7.50?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

Answered together with Question Nos 556 and 559 of 2002.

**NO. 559 OF 2002**

**THE HON MISS M I MONTEGRIFFO**

**GHA – AMOUNTS PAID TO PHARMACISTS**

Can Government say what was the amount paid to Pharmacists for periods 1 to 13 2001/2002 and the comparable figure for the periods in the previous financial year in respect of the £2.35 and then £1.80 per item prescription charged in respect of the medicines to which the sum applied?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

**Answer to Question No 556 and No 558 of 2002**

In answer to Question No 282 of 2001, I already informed the hon Member that I could not confirm the number of prescriptions with three or more items had increased since the maximum fee of £7.50 was introduced because these statistics are not collated.

**Answer to Question No 559 of 2002**

The net amount paid to pharmacists in respect of the dispensing fees of £2.35 which was reduced to £1.80 for the prescriptions claimed for the financial year 2000/2001 was £750,000. The net value of the amount for the financial year 2001/2002 will remain set at £750,000.

**SUPPLEMENTARY TO QUESTION NOS 556, 558 AND 559 OF 2002**

**HON MISS M I MONTEGRIFFO:**

In relation to Question No 558 of 2002 where the Minister has said that the information is not collated I want to remind him that in April of last year an exact question was put to him by me and the answer given was, “ that no that the number of prescriptions with three or more items had not increased,” how is it that he was able to answer it then and not now?

**HON DR B A LINARES:**

That is the information that I have before me from the Pricing Authority that the statistics which the hon Lady is seeking are not collated. I can look back on the question that the hon Lady is referring to, what was the number of the question No 202 of 2002?

**HON MISS M I MONTEGRIFFO:**

If the Minister is interested I will give him the exact number of the question.

**HON DR B A LINARES:**

I am looking back at copies of my previous questions which I keep copies of here and I cannot really find having stated that the number had increased and it is very significant that the Pricing Authority in answer to Question No 558 of 2002 tell me that these statistics which she seeks are not collated.

**HON MISS M I MONTEGRIFFO:**

No the answer was the opposite by the Minister, he said in answer to the same question.....

**HON DR B A LINARES:**

Had not increased.....

**HON MISS M I MONTEGRIFFO:**

That had not increased and therefore I will look and I will give him the actual number of the question because I know that he actually said it but I am looking through Hansard and I will definitely give the number of the question to the Minister because they have replied that they have not increased and it means that the GHA must have known how to come to that conclusion.

**HON DR B A LINARES:**

That is correct if certainly there is a statement to that effect but as I say I also have previous questions in front of me and I cannot find a statement to that effect that the number of prescriptions had not increased but by all means if she finds evidence we will try to sort this one out.

**HON MISS M I MONTEGRIFFO:**

I will do that.

**NO. 560 OF 2002**

**THE HON MISS M I MONTEGRIFFO**

**GHA – NUMBER OF PRESCRIPTIONS**

Can Government give a breakdown of the total number of prescriptions issued, the number of items and the cost of the medicines covered by such prescriptions under the GPMS for the accounting periods in respect of 11 and 12 of 2002?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

Answered together with Question Nos 557 and 561 of 2002.

**NO. 561 OF 2002****THE HON MISS M I MONTEGRIFFO****GHA – NUMBER OF PRESCRIPTIONS**

Can Government state how much extra revenue the Gibraltar Health Authority has raised from 1<sup>st</sup> February to end of March 2002, as a result of their policy to increase prescription charges?

**ANSWER****THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

The extensive factual and statistical information requested by the hon Member is set out in the written schedule that I hand to her.

**Answer to Question No 557 of 2002****Year 2001 – 2002**

<b>Period</b>	<b>Prescriptions</b>	<b>Items</b>	<b>No Pay Items</b>	<b>Cost (£)</b>
<b>11</b>	5701	10631	2078	150,797.75
<b>12</b>	6129	11335	2328	160,001.15

### Year 2000 – 2001

Period	Prescriptions	Items	No Pay Items	Cost (£)
11	5897	10649	1859	129,588.06
12	6144	11001	1892	135,565.31

### Answer to Question No 560 of 2002

### Year 2002

Period	Prescriptions	Items	Cost (£)
11	12,600	39,717	426,480.20
12	13,161	40,895	437,091.95

### Answer to Question No 561 of 2002

### Year 2001 –2002

Period 12 starts with w/e 3<sup>rd</sup> February  
Period 13 ends with w/e 31<sup>st</sup> March

Revenue raised for periods 12 and 13 inclusive

22421 Items paid @ £2.50 = £56,052.50

Revenue under the old rates would have been

27099 items @ £1.20 = £32,518.80

Also approx 66% of 54,240 items would have paid 20p = £ 7,159.00

Total revenue that would have been raised = £39,677.80

Additional revenue = £16,374.70

***NB: Accounts for period 13 are incomplete***



I have to make a couple of points which I think are relevant. One, I appreciate that in relation to Question No 561 of 2002 the hon Lady has now avoided the usual slight snipe of the past of our 100 per cent increase in charges which I demonstrated to her in the past is not mathematically accurate and that at last she has taken the point, but she still persists in respect of Question No 567 of 2002 in asking a question which I have explained before is unanswerable as it stands. It is not possible to give the cost of medicines as she asked, the cost of medicines in respect of which £2.50 was paid by the patient, for the simple reason that in any single prescription may include more than three items on which the charge is made. Which three it is impossible to say and the cost will vary as some items are more expensive than others. I thought that I had explained this last time and the hon Lady did appear to be agreeing with that so what I have done actually as I have done in previous occasions is to give the total cost of prescriptions in the handout that I have just given.

**NO. 562 OF 2002**

**THE HON MISS M I MONTEGRIFFO**

**GHA – HEALTH SERVICE AUDITS**

Can the Minister for Health confirm whether official organisations in the UK have now carried out the series of Audits of all areas in the Health Service as he announced in November of last year?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

No.

**SUPPLEMENTARY TO QUESTION NO 562 OF 2002**

**HON MISS M I MONTEGRIFFO:**

Is the Minister intending that these official organisations of the UK will actually carry out the audit as he stated publicly?

**HON DR B A LINARES:**

Yes, indeed the answer is yes. The audit has not yet commenced. I visited a number of organisations last September in order to determine which one would best suit our requirements for our purposes and what the Government had in mind and we decided to embark on this course. The Government decided that the National Clinical Governance Support Team (NCGST), under the direction of Professor Aidan Halligan, should conduct this extensive exercise. It is intended to be a comprehensive audit of

all our Health Services at all levels managerial, administrative, clinical. Professor Halligan came on a familiarisation visit last month and we expect that arrangements for the next stage will be made in the very near future.

**HON MISS M I MONTEGRIFFO:**

Is it then that the Audit Commission in the UK and the Commission for Health Improvement and the National Clinical Governance Support team (NCGST) will they not be consulted as the Minister said or engaged as the Minister initially announced?

**HON DR B A LINARES:**

My visit to UK was precisely to meet those various organisations, the Audit Commission, the CHI, the Commission for Health Improvement and the National Clinic. They are separate organisations and the idea was to scout around and talk to them to see which one could have the sort of methodology and the approach that we thought would suit the culture and ethos of our own services and a decision has been taken to commission and to engage the NCGST under the steering directorship of Professor Halligan. We have now opted for this organisation as opposed to the others.

**HON MISS M I MONTEGRIFFO:**

Is this not in effect an attempt by the Minister to actually be seen to be doing something because things are definitely not well within the Health Authority?

**HON DR B A LINARES:**

No.

**HON MISS M I MONTEGRIFFO:**

Does the Minister therefore accept that therefore things are not well in the Health Authority?

**HON DR B A LINARES:**

No.

**HON MISS M I MONTEGRIFFO:**

I think that what the Minister is saying that things are well and that he is engaging audits because there is no reason for it to happen but even though there is no reason because that is what the Minister is implying he will carry them out anyway, is that the situation?

**HON DR B A LINARES:**

All organisations, all enterprises, all bodies particularly in public service are always open to review and to improvement and that is exactly the thrust and the thinking behind this exercise that we intend to carry out.

**HON MISS M I MONTEGRIFFO:**

So when the exercise is carried out will the Minister agree to make the findings public?

**HON DR B A LINARES:**

I should expect so.

**HON J J BOSSANO:**

Is it the case then that no audit of any type other than the one of the Principal Auditor of the accounts has taken place in any part of the Health Service to-date?

**HON DR B A LINARES:**

Yes there has been an audit in one particular department but this was not an isolated and separate issue not related to this general audit that we are now planning.

**HON J J BOSSANO:**

Who carried out that particular audit in that particular department?

**HON DR B A LINARES:**

The audit was carried out by well known auditors in that particular type of service in UK.

**HON J J BOSSANO:**

Is it a state secret?

**HON DR B A LINARES:**

It is not a state secret but it was an internal matter that we have opted to keep it within the internal forum of the GHA. It is not for the public domain.

**HON J J BOSSANO:**

I am not sure what the Minister means when he says it is not in the public domain because I am not asking what the audit established, I am asking who carried it out, why should that not be.....?

**HON DR B A LINARES:**

It was carried out by Dr Hugh Griffiths with a psychiatrist consultant very often engaged in this type of audit of mental health services.

**HON J J BOSSANO:**

As a result of that audit have any changes been introduced to the psychiatric service, presumably that was the purpose of the audit?

**HON DR B A LINARES:**

As the result of that audit no changes have been introduced as yet.

**HON J J BOSSANO:**

So does that mean that changes have been recommended following the audit but the Government have not taken a policy decision on it?

**HON DR B A LINARES:**

The hon Member is now seeking what he precisely said that he was avoiding which is actually to go into the contents of substance and conclusions of the report which I explained we at this stage prefer to keep within the internal forum of the authority. That is within the relevant persons involved in this exercise.

**HON J J BOSSANO:**

It is not that I am seeking anything but if the Minister says not yet he implies that a decision has not been taken, I just do not want to jump to conclusions, I am assuming that the "not yet" means that and I am asking for confirmation that it means what it seems to mean, does it mean that there is a recommendation and the "not yet" means that the Government are still considering that recommendation I do not see that I am asking him to reveal anything.

**HON DR B A LINARES:**

Obviously the report leads to recommendations and the recommendations are being considered by the Government but as yet no practical implementation of those recommendations have come into play.

**HON MISS M I MONTEGRIFFO:**

In November the Minister I remember said publicly that a plan of action as a far reaching protocol would be adopted by the Authority for the operation of the new hospital, does that mean that whatever recommendations are now handed over to the Government would not mean that it will apply to St Bernard's but rather to the hospital when it is housed in another building?

**HON DR B A LINARES:**

What I did say in public is really very much in line with the question that the hon Lady was seeking a moment ago about whether things were well or not well, whether the audit meant that things were not well, what I did say in public is that the general audit from which we hope is comprehensive will emerge a plan of action, a developmental plan of action is very much geared precisely with a view to the new hospital and the operation of the new hospital. The audit programme involved will take about nine months to carry out because it is a developmental programme I do not want to go into all the details, developmental means that it is a high challenge, there is an element of auditing, element of inspection but then it is followed up with an element of planning, training, assistance, encouragement, of structuring. That is the approach of this type of audit it is not just a negative inspectorial type of approach, it is a high challenge, high support and is all highly structured and as I say what I said in public coming back to the supplementary question is of course we have at the back of our minds the need to gear ourselves and to look at our services and review them and improve them with a view to the opening of the new hospital. I think that is the responsible way to go about it, it is not just a question of having a physical design done by the architects and by the design team, it is also looking at procedures and structures and protocols and practices and this is what it is all about which does not necessarily mean that it will also permeate as we go along into all the current practices within the ambience as the hon Lady puts it in the ambient of St Bernard's Hospital. I hope that gives the hon Lady an idea of the type of approach and thinking that I have in mind. I cannot be more explanatory than that.

**HON J J BOSSANO:**

I would like to know the cost of the audit assuming that that has been negotiated and the cost of the Dr Hugh Griffiths audit?

**HON DR B A LINARES:**

I will be able to give the hon Member the costs of the Dr Hugh Griffiths audit, I have not got it at hand but as yet we have not clinched so to speak the exact cost of the much wider, broader, comprehensive body that we are now actually engaged in making the practical arrangements, timing, costing et cetera.

**NO. 563 OF 2002**

**THE HON MISS M I MONTEGRIFFO**

**GHA – VALUE FOR MONEY AUDIT**

Can the Government confirm when the Principal Auditor completed his value for money audit into the overall cost of meals provided at the Gibraltar Health Authority Hospitals, which assessed the arrangements in place for controlling such costs and identified opportunities to secure cost savings?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

The Audit Report was completed in May 1999 and forwarded by the Principal Auditor to the Authority on 29<sup>th</sup> October 2001.

**SUPPLEMENTARY TO QUESTION NO 563 OF 2002**

**HON MISS M I MONTEGRIFFO:**

Have Government taken a decision on the recommendations?

**HON DR B A LINARES:**

Yes, some decisions have been taken but certainly some of the recommendations have not been accepted by the, recommendations not of a strict financial import but

simply recommendations on practices which are not really seen to be appropriate by the Authority.

**HON MISS M I MONTEGRIFFO:**

Can the Minister confirm whether the recommendations that have been implemented are such that they actually secure cost savings as the auditor was recommending?

**HON DR B A LINARES:**

I cannot confirm here and now.

**HON MISS M I MONTEGRIFFO:**

Can the Minister confirm during the course of this meeting?

**HON DR B A LINARES:**

Not during the course of this meeting but certainly as soon as I can because I would have to get the Chief Executive to look into the recommendations indeed to see what extent some have actually come into operation and what the cost effectiveness resulting from it means.

**HON J J BOSSANO:**

This would be reflected in the auditor's accounts eventually so presumably it is not something that cannot be revealed. The purpose of the exercise by the Principal Auditor in his value for money audits is for the matter eventually to be reflected in this House I take it.

**HON DR B A LINARES:**

Yes.

**HON J J BOSSANO:**

Can the Minister say when it was completed, is there a date?

**HON DR B A LINARES:**

It was completed in May 1999 and then was forwarded by the Principal Auditor to the Authority on the 29<sup>th</sup> October 2001.



**NO. 564 OF 2002**

**THE HON MISS M I MONTEGRIFFO**

**GHA – PRIVATE PATIENTS**

Can the Minister for Health state how many private patients were seen to or treated at St Bernard's Hospital (a) as out-patients and (b) as in-patients during the months of February and March 2002?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

The number of private in-patients treated in St Bernard's Hospital during February and March were 12 and 11 respectively. As the hon Member already knows, we do not as a matter of routine collect out-patient statistics.

**SUPPLEMENTARY TO QUESTION NO 564 OF 2002**

**HON MISS M I MONTEGRIFFO:**

If the Minister says that he does not collect out-patient statistics we are talking about patients who actually go as well to see consultants as out-patients, am I not correct?

**HON DR B A LINARES:**

The hon Lady is correct.

**HON MISS M I MONTEGRIFFO:**

Therefore why was I afforded with that precise information in April of last year, waiting time for private patients as out-patients?

**HON DR B A LINARES:**

The hon lady is shifting to the question of waiting time. The question here was about the number of, how many private patients were seen as out-patients and as a matter of routine although the information can be sought by the Authority as a matter of routine we do not collect the out-patients statistics.

**HON MISS M I MONTEGRIFFO:**

Why is it then that the Minister promised me with this precise information in the last Questions and Answers in the House when he said that he would look and provide me with the information.

**HON DR B A LINARES:**

I promised that I would look into providing the information.

**HON MISS M I MONTEGRIFFO:**

It means that he has looked, but what he has looked at he is not willing to provide to me?

**HON DR B A LINARES:**

No. The process of looking is actually underway at the moment.

**HON MISS M I MONTEGRIFFO:**

Will the Minister accept that patients are being coerced by medical practitioners as regards the question of going private because they have to wait longer than if they go public?

**HON DR B A LINARES:**

No.

**HON MISS M I MONTEGRIFFO:**

If the Minister does not agree then I will remind him that the Chief Minister agrees and this is what the Chief Minister said, he agreed with us that he is not entirely satisfied and they are looking at a new system. He said, "...the hon Member is absolutely

right, they use the public list as a marketing tool for their private practice, that is absolutely correct.” So who is right the Minister for Health or the Chief Minister?

**HON DR B A LINARES:**

The Minister for Health has been asked to confirm that and the Minister for Health is not in a position to confirm what the hon Lady is seeking.

**HON MISS M I MONTEGRIFFO:**

I know that the Chief Minister is not here but the Minister will accept that there are two interpretations, am I correct?

**HON K AZOPARDI:**

There are not two interpretations. I do not know when the Chief Minister said that presumably it is somewhat dated. Well, last year in the context of answers when we were saying that we wanted to review the workability of the system that we had introduced to control private practice to ensure that it was working indeed well. The hon Member has answered the question which is do we think that the private practice system is being abused, are there sufficient controls in place? The answers to those questions is yes there are sufficient controls in place we want to ensure that the private practice arrangements do work well. The controls in the system are there to ensure that they do work well. If we do have information that they do not work well then we will ensure that those mechanisms are enforced so that they indeed produce the result that they were intended to produce which is an efficient and private practice arrangement that works well for the consumer.

**HON MISS M I MONTEGRIFFO:**

So it means that a few months ago last year the Chief Minister was not satisfied. The Chief Minister said that we were correct and now in a few months after that the Minister for Health is saying that the Chief Minister’s statement is no longer relevant because he is satisfied that it is not happening, can the Minister confirm how he knows that?

**HON DR B A LINARES:**

The question as put to me by the hon Lady in one of her earlier supplementaries was, “Can the Minister for Health confirm that patients are being coerced by consultants to go on to the private practice.” “Coerced” is a very strong word. I am sure that the Chief Minister has never accepted that version of the situation.

**HON J J BOSSANO:**

Perhaps I can refresh the memory of the Minister because I will read out what the Chief Minister said in the supplementary he said, “.....the Leader of the Opposition does put his finger on one aspect of the new system with which the Government are not satisfied and are looking at. The hon Member is absolutely right they use the

public list as a marketing tool for their private practice that is absolutely correct.....". Now is that something that the Minister agrees with or not?

**HON DR B A LINARES:**

That boils down to the idea of patients, individual patients being actually coerced which is the way the hon Lady.....

**HON J J BOSSANO:**

A marketing tool.....

**HON K AZOPARDI:**

The point about the private practice arrangements was that we were trying to deal with the situation where indeed there was that likelihood and that fear that a lot of people were saying to us as indeed they presumably said to the hon Member when she was in Government, when she said in her initial Budget Speech back in 1988 that she wanted to act against private practice but then did nothing about it for eight years, presumably she was also being told that patients were being pressurised to use the private practice system instead of the public system because there was an element of lack of transparency . People did not know whether the waiting times that they were being told by practitioners were in fact correct. The whole system of private practice that were put in place in December 1999 and introduced in 2000 was intended to precisely address the whole issue of the suspected pressurising that people were enduring as a result of a lack of control of private practice that Gibraltar had seen for many, many years. Now the objective is clear to enforce private practice arrangements that are fair to the consultants and fair to the public consumer and that removes any element of coercion and any supposition and perception of coercion that existed for many, many years. We have committed ourselves not only to introduce it but to review those arrangements from time to time to ensure that they work well. That continues to be our position and that there is no conflict therefore between what the Chief Minister said which was to highlight an unsatisfactory element that we were trying to address and the Minister for Health's position which is merely to confirm that the Government continue to be committed to those principles and we will continue to review the arrangements to see whether they work as they intended it to work.

**HON J J BOSSANO:**

Is it the case that is no longer happening, what the Chief Minister admitted was happening and which was happening before, that is no longer happening, people are no longer being told, "if you come private you will get the operation tomorrow but if you do not come private you will wait six months, " is that it?

**HON K AZOPARDI:**

The whole point about private practice arrangements was to say and to put into place clear and harsh disciplinary procedures which could tackle information made available to the Gibraltar Health Authority on that basis. I am not saying that instances do not occur because we cannot ever give 100 per cent guarantee as to the inter-

relationship between a patient and a practitioner on any basis and no Government could do that. What I am saying is that now Gibraltar has a clear disciplinary process and clear arrangements and mechanisms that can be enforced against any consultant who uses the private practice arrangements to coerce, to use that word that I do not usually like to use to pressurise the patient in going private when it is unnecessary for them to do so. Those mechanisms are available and the Gibraltar Health Authority will not shirk from using them.

**HON MISS M I MONTEGRIFFO:**

I think that the Ministers are trying to cloud the issue because as they are saying that they are satisfied that they have implemented procedures and that according to them that the whole thing is being reviewed, well they had better review it very quickly because the Minister should agree that the public patients' waiting lists have increased from 200 to 400 per cent since he took office and since he introduced private practice.

**HON DR B A LINARES:**

I do not accept that statement, I am satisfied that we have the mechanism, that we have a controlled mechanism precisely to monitor and to control the adherence of consultants to the agreed private practice procedures and there is a sub-committee which is chaired by the Deputy Chief Executive and the Director of Operations who report to me and I can assure the hon Lady that precisely to avoid the type of abuse that as my hon Colleague has pointed out may crop up in individual cases, precisely I insist on this Controlling Committee to be absolutely watchful and to not hesitate to take strong disciplinary action against any incident of abuse in respect of the private practice agreement.

**NO. 565 OF 2002**

**HON MISS M I MONTEGRIFFO**

**GHA – ELDERLY CARE PATIENTS**

Can Government state how many Long Stay Elderly Care Patients there were at St Bernard's Hospital in February and March 2002?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

The number of Long Stay Elderly Patients at St Bernard's Hospital for the months of February and March were 56 and 54 respectively.

**SUPPLEMENTARY TO QUESTION NO 565 OF 2002**

**HON MISS M I MONTEGRIFFO:**

Can the Minister confirm whether these figures are going down?

**HON DR B A LINARES:**

Earlier on today I had occasion to explain that as a result of the measures being taken the bed availability in St Bernard's Hospital has considerably improved and one of the reasons is that 12 patients have been recently transferred to Mount Alvernia and this will have reduced the number for April and May.

**NO. 566 OF 2002**

**THE HON MISS M I MONTEGRIFFO**

**GHA – NUMBER OF HOUSE CALLS**

Can Government state how many house-calls were attended to by Health Centre doctors from 1<sup>st</sup> February to end of March 2002?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

Answered together with Question No 567 of 2002.

**NO. 567 OF 2002**

**THE HON MISS M I MONTEGRIFFO**

**GHA – OUT-PATIENT ATTENDANCES**

Can Government state what was the total number of out-patient attendances at the Health Centre from 1<sup>st</sup> February to the end of March 2002?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

**Answer to Question No 566 of 2002**

The number of house calls attended to by Health Centre doctors from 1<sup>st</sup> February to the end of march 2002 was 1381. These are house calls recorded during emergency clinic hours 9am to 4pm.

**Answer to Question No 567 of 2002**

The number of out-patient attendances at the Primary Care Centre from 1<sup>st</sup> February 2002 to 31<sup>st</sup> March 2002 was 30,992.



**NO. 568 OF 2002**

**THE HON MISS M I MONTEGRIFFO**

**GHA – OUT-PATIENT ATTENDANCES**

Can Government state what was the total number of out-patient attendances at St Bernard's Hospital from the 1<sup>st</sup> February to the end of March 2002?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

Answered together with Question No 569 of 2002.

**NO. 569 OF 2002**

**THE HON MISS M I MONTEGRIFFO**

**GHA – IN-PATIENT ADMISSIONS**

Can Government state what was the total number of in-patient admissions and the average number of patients per day at St Bernard's Hospital from 1<sup>st</sup> February to the end of March 2002?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

**Answer to Question No 568 of 2002**

The total number of out-patient attendances at St Bernard's Hospital from 1<sup>st</sup> February to the end of March 2002 was:

	<b><u>Clinics</u></b>	<b><u>Casualty</u></b>
February	1188	1600
March	1166	1424

**Answer to Question No 569 of 2002**

The total number of admissions for February and March was 522 and 473 respectively. The average patients per day for the month of February and March was 142 and 135 respectively.

**SUPPLEMENTARY TO QUESTION NOS 568 AND 569 OF 2002**

**HON MISS M I MONTEGRIFFO:**

Can the Minister confirm whether in fact these figures are static, they are decreasing or they are on the increase, is he able to confirm that now?

**HON DR B A LINARES:**

I have the figures for previous months but I have not worked out the calculations required to make a categorical statement in that respect but I suspect that the situation is pretty static.

**HON MISS M I MONTEGRIFFO:**

Will the Minister provide the information at a future date?

**HON DR B A LINARES:**

Yes but that is a question of putting together the figures that I have answered today with the figures that the hon Lady also has but nevertheless I will work things out for her.

**HON MISS M I MONTEGRIFFO:**

It is just that it is difficult to work them out because he has given them individually, clinics and out-patients but just in adding a few I detect that they could be in the decrease but I will leave that for the Minister to confirm it at a later stage.

**NO. 570 OF 2002**

**THE HON MISS M I MONTEGRIFFO**

**GHA – BLOOD SAMPLES**

Can Government confirm what is the policy of the Gibraltar Health Authority in respect of taking blood samples and having them analysed at the hospital in La Linea?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

Arrangements were in place prior to Dr Kay's retirement in September 2000 for patients requiring testing for Thrombophilia to be attended to at the La Linea Hospital. A Thrombophilia Profile consists of a group of about 12 to 14 tests (depending on the centre involved). Some of the analytes measured are very labile and deteriorate rapidly once blood is taken from the patient. Plasma from these samples has to be separated without delay and kept frozen until immediately before testing. We have had problems with transportation of these frozen samples to UK because they could deteriorate and it was impossible to give any meaningful result. In the course of the last few days we have been able to make alternative arrangements with another centre in Spain that is prepared to accept our samples without the need of the patient being present and the blood samples can then be taken by our phlebotomists and plasma separated and frozen by us. I have a lot of more clinical and detailed explanation of what these tests are involved and why it has been seen necessary to have them for the good of the patients taken directly and quickly in the hospital in La Linea and now in a special private clinic which I am prepared to share and discuss with the hon Lady since I am sure that both of us are more interested than anything else in obtaining accurate and adequate results for this type of testing.

## **SUPPLEMENTARY TO QUESTION NO 570 OF 2002**

**HON MISS M I MONTEGRIFFO:**

One of my supplementaries was precisely that perhaps I am glad that I have put the question in because there were a lot of patients concerned that they were having to go to the hospital to get an appointment, that they were having to return to St Bernard's to be given official documentation that they return for the blood sample and they were finding themselves going backwards and forwards and I am glad that this is now going to be discontinued if that is what I have understood from the Minister, but can he confirm then that he is saying that the results in the past have not been very accurate?

**HON DR B A LINARES:**

There have been problems in the past with the transportation of frozen samples to UK because of the reason that I have just explained. That plasma is very labile and deteriorates very easily and very often when the couriers took longer than the normal time delivering our samples the ice would thaw and immediately the blood sample would deteriorate to the point that this very sensitive and very specific testing for 14 parameters as they are called in determining exactly the level of risk of thrombosis which is what Thrombophilia testing is all about could easily deteriorate and therefore to the detriment to the patient who would have to have new samples taken and sent to UK. So the system of transportation to UK was having difficulties and therefore it was decided to make use of the vicinity where a patient could be tested there and immediately within hours the patient would have the wanted results. At first the authorities in La Linea wanted the patient to make an appointment then go back. We sorted that one out when they agreed that the appointment could be made by the Sponsored Patients Department here directly but they still insisted on the patient being present with a good intention in that certainly it is the most effective way, the most efficient way of achieving a quick sample and a quick test taken because the blood sample the quicker it is tested in this particular case the better, but since they insisted on not accepting frozen samples delivered to them we have now found as I explained an alternative service in Spain.

**HON MISS M I MONTEGRIFFO:**

I assume that these tests have in the past as the Minister has confirmed been taken in the UK and it has been done for years, is it that now something has occurred which has prompted the Government to change the system so that it goes to La Linea because it has been happening for years and another thing is can the Minister confirm what other arrangements they have put in place, is it that the patients are being asked to go to another hospital in Spain?

**HON DR B A LINARES:**

These samples sent to UK have been done for years and for years there have been problems and difficulties for the simple reason that it is not a question of maladministration it is just simply the clinical and scientific explanation that I have given. They have to be frozen and if the courier or the flight is suspended or whatever

there have been problems. Let me say that for years is not quite correct, I think it was Dr Kay who was the pathologist who in 1998 if I am not mistaken actually turned to Spain precisely for this reason and for this particular purpose. After the retirement of Dr Kay in September 2000 for some reason the laboratory turned again to the traditional practice of sending samples to UK again meeting the same problems that had been encountered before and which Dr Kay precisely tried to overcome by sending patients and samples to Spain.

**HON MISS M I MONTEGRIFFO:**

The second part of my question needs to be answered is it that now having made the new arrangements and going elsewhere can the Minister confirm what other hospital patients are now required to go to?

**HON DR B A LINARES:**

It is not a hospital they will be going to it is a clinic, this alternative clinic has accepted that it is not the patient who will have to go now to this clinic it is the frozen sample which because it is in Spain, in Barcelona it is much quicker, easier and effective to transport.

**HON J L BALDACHINO:**

Can the Minister say when these measures started and how many persons have used these facilities in La Linea since it started?

**HON DR B A LINARES:**

I cannot say this, I do not have the information in front of me so I think it is a recent development and it is limited I insist again it is limited to a very small number of patients for a very specific type of test which I am told is an average of one patient every two to three weeks. The bulk of blood testing is still being carried out in St Bernard's Hospital but I think it was a recent development taken by the management in the laboratory given the fact that they were meeting problems with the results from UK.

**HON MISS M I MONTEGRIFFO:**

Is the Minister satisfied that a flight to London and back or the results being given to Gibraltar are going to be much faster than a flight to Barcelona transporting the blood there?

**HON DR B A LINARES:**

I am assured that the arrangements which have been made ensure a much more efficient delivery and transportation. The alternative would be to have the sample taken in La Linea and within a matter of two hours the result would be there with all the accuracy in the world because the key of success in this particular type of testing is the quick process which takes place before the blood can deteriorate.

**HON MISS M I MONTEGRIFFO:**

So really what the Minister is saying that they are shifting to Barcelona because the hospital authorities in La Linea do not accept that the patient should not go there for an appoint, is that correct?

**HON DR B A LINARES:**

That is correct.

**HON J J BOSSANO:**

Can the Minister say if use has been made already of the new Barcelona facilities?

**HON DR B A LINARES:**

I cannot say it is a very recent development as a result of some complaints recently which came to the hon Lady by some patients who objected to the La Linea arrangement.

**NO. 571 OF 2002**

**THE HON MISS M I MONTEGRIFFO**

**GHA – TEMPORARY NON-PENSIONABLE OFFICERS**

Can the Minister for Health provide the information promised in the last House of Assembly meeting in relation to Question No 245 of 2002 as to how long persons have been employed in the Gibraltar Health Authority on temporary and unpensionable terms, in the different categories?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

The extensive, factual and statistical information requested by the hon Member is set out in the written schedule that I hand to her.

**SUPPLEMENTARY TO QUESTION NO 571 OF 2002**

**HON J J BOSSANO:**

In relation to the cooks who are industrial workers is there a particular reason why their appointment has not been confirmed? The normal thing is that people are on probation for a certain period of time and then either they are found suitable or not suitable.



**HON DR B A LINARES:**

I am still seeking detailed information about these particular cases from the Chief Executive and the management so at this moment of time the only explanations I have are very generic and the Authority as a separate authority has always had flexibility in this type of contractual employment apart from the recruited officers from abroad and that in certain services which are tentatively instituted, for instance, ward clerks on an experimental level it is preferred to employ persons on a temporary contractual basis until these services are well consolidated but there are other individual cases which do not fit that particular explanation and I am awaiting a reply.

**HON J J BOSSANO:**

By saying that the Health Authority as a separate authority has got flexibility seems to imply that the people in the Health Authority are not covered by the same rules as everybody else in the civil service and surely that is not the case. Civil service rules apply in the Health Authority like they apply in any Government Department, do they not?

**HON K AZOPARDI:**

They do in respect of permanent and pensionable staff that are engaged by the Government.

**HON J J BOSSANO:**

So what is it then, that the people on these lists are not civil servants because they are not permanent and pensionable?

**HON K AZOPARDI:**

I do not have information as to who has engaged those members of staff, as the hon Member knows the Ordinance allows the Authority to recruit and employ people and to have codes of discipline for its members of staff. I do not know whether they have been engaged by the GHA and whether the GHA as a result of that is formulating its own processes. To date that has not been the case.

**HON J J BOSSANO:**

Given the fact that some of these go back to 1998 I am not sure whether the Minister was still the Minister in 1998 but I would expect that a Minister would know what is happening in the Authority for which he is responsible to this House and would know whether the Authority is actually employing people outside of the civil service or not.

**HON K AZOPARDI:**

What I am aware of is that whether or not they have been employed by GHA they have been subjected to the same rules as far as I am aware unless there are professional rules of discipline which overlap with the relevant civil service rules which

need to be enacted in the relevant case, for example, if there is a nurse and they are subjected not only to the civil service disciplinary procedures but also to the Nurses, Midwives and Health Visitors Registration Board then clearly there are disciplinary processes that overlap there and there needs to be a decision taken by management. If the Leader of the Opposition is asking as to the clericals themselves they may be engaged by the GHA but as far as I am aware the GHA does not have a separate code to cover these individuals in which case they would be assimilated within the normal processes.

**HON J J BOSSANO:**

Yes, but there is an important policy issue and one would have thought that it was a matter for the Government as opposed to the Health Authority to decide as a matter of policy whether the theoretical power that the Authority has in the Ordinance which has been there since the day that the Ordinance was passed, is actually going to be exercised for the first time and although this has never happened I would have thought that the Authority would need to get Government clearance in order to be able to engage people directly without them being engaged as being in the service of the crown as Government employees.

**HON K AZOPARDI:**

It really depends how one defines the Crown because there is a lot of argument as to whether if one were to set up a Statutory Authority the employees of the Statutory Authority in any event may be subject to different codes but in principle are still Government employees and there is a whole argument about whether that is the case or not, there have been numerous cases in the UK for example on that point. Certainly the Leader of the Opposition is correct that if the Government decide that the Gibraltar Health Authority can pursue recruitment and thereafter disciplinary action on a different basis then of course the Government would be sanctioning that process and that power has been there since 1987 when the Ordinance was voted in with a unanimous support of the House at that point presumably with their support.

**HON J J BOSSANO:**

The Minister knows full well that in 1988 the first thing we did was in fact to discontinue the creation of separate employment outside the civil service which was not something that the employees wanted and which we did not think made sense and therefore the Minister knows full well that this was stopped in 1988 and to our knowledge it has not been reinstated post 1996. The Government have not gone back to the 1987 position where people were told, "if you work for the Health Authority you are no longer part of the Government sector and for example, you are not even interchangeable you are no longer part of the whole service." At that time what was intended before 1988 did not happen in 1988 and to our knowledge has not happened since. If it is the case what we want to know is, has the policy decision been taken by the Government telling the Health Authority "you can recruit people directly" without them being Government employees. I take the point that that may still make them Crown employees but I think that is a separate issue, certainly it is an issue in which we are interested if they are still Government employees or not even if they are employed by the Authority but we want to establish the first one because it has been suggested that that may be the reason for the original answer that we have been given.

**HON DR B A LINARES:**

The level of the Government policy I can tell the hon Member at that level of policy the matter is being presently reviewed by myself in relation to the individual cases which are there and it will come under the broad review of policy which my Colleague has explained has been established for some time and that I am now reviewing.

**HON J J BOSSANO:**

Let me try and get a clear answer, what is being reviewed the policy not to have direct employment which has been the position until now as we have understood it or is it that the position has not been done until now?

**HON DR B A LINARES:**

What is being reviewed is the present position as has been evidenced in this debate, that is, that employees have been taken on directly under contract on a temporary basis and some employees for particular reasons which have been explained to me but I am now in the process of actually reviewing that policy.

**HON J J BOSSANO:**

If the Minister is saying that he is reviewing that policy, is he saying then that that was a policy previously introduced by the Government and sanctioned by the Government because this is what I am trying to establish. I am trying to establish, did the Government, did the Council of Ministers or the Minister at one point in time say "as from today the Health Authority may engage people directly" which was not something that was happening previously and is not something that we are aware of, we did not know that this was happening?

**HON K AZOPARDI:**

Before I give way to my hon Colleague to answer this specific point can I just say that as a matter of fact the vast majority of people working within the Health Authority consider themselves to be GHA employed people whether in fact they are not is a different matter. The nurses, doctors there are 600 people working in the Health Authority, the vast majority, over 300 nurses, 30-40 doctors and the vast majority consider themselves to be GHA employees. This is only a sensitive question in relation to the clerical grades that aspire or may have views of getting promoted and be transferred to other departments but for the vast majority that do not aspire to that and have no prospect of being transferred, a nurse is not going to work in the Income Tax Department, this is not an issue for them and in fact the view of people at ground level is that they see that the GHA Ordinance as passed in 1987 should indeed be pursued in all its glory.

When I was Minister I can tell the hon Member that there were different schools of thought. The school of thought that the GHA should continue in a very centralised fashion to be an integral part of the core Government and the civil servants and the view which I happen to share this personal view not the Government policy let me stress, the view that the GHA is a public service which has been set up as a Statutory Authority under the 1987 Ordinance which requires flexibility and requires a degree of

manoeuvre to be able to respond to the patient need that it should be allowed to distance itself a bit from the core Government so that it can perform its function in the most efficient way. What that means is that it should be allowed that flexibility to recruit staff and engage them and discipline them in accordance with its professional rules which are appropriate in the circumstances of each case and therefore if something is alleged against a nurse they should be disciplined by the Nurses' Board not by a Civil Service Board, those are my views but I highlight them simply to emphasise that there is a markedly different views as to how the GHA can perform its functions which was the subject after all of the 1986 review that led to the 1987 Ordinance. Even back then 15 years ago people were tussling with these questions of how the GHA was properly and best going to perform its functions. Fifteen years later we have seen different reviews, we have still not reached a categorical answer on that but let me be quite clear I stand firmly in the school of thought that beliefs that one cannot deal with the Health Service in an efficient manner as if it was just another Government department staffed by core civil servants. These are employees, public sector employees, that does not mean that they cease to be public sector employees, but these are public sector employees, to a very large extent of a different ilk subject to different professional rules and guidance notes and we need to be in touch with that and in touch with the fact that this is a far more interactive service with the consumer and the patient, that there are vastly increasing expectations and needs and that the only way that we are really going to deal with that is if we take a more radical approach to the structural questions that not only this Health Service but all Health Services around the world are battling with.

**HON J J BOSSANO:**

That is all very interesting and I am interested in the personal thoughts of the Minister but what I am trying to establish is the facts, what is happening, are these people employed by the Health Authority or by the Government I would have thought that the Government would know which of the two it is because I would have thought that if it is employment by the Health Authority a policy decision has been taken at some time consonant with the philosophy of the Minister that if that has happened it has happened unannounced, we did not know that it was happening, is it that the Government are not sure whether it has happened or not and cannot give me a straightforward reply "yes" or "no".

**HON DR B A LINARES:**

It has obviously happened because the evidence is there and it is consonant with the philosophy and the thinking that my hon Colleague has put across but as I say at this moment in time at the level of policy decisions by the Government the Authority is reviewing that practice.

**HON J J BOSSANO:**

So in fact what we are being told is that even though, for example, there are cooks from June 1998, it has happened as far back as 1998 without a conscious, positive policy decision by the Government that it should.

**HON K AZOPARDI:**

All I can tell the Leader of the Opposition is again I do not have the facts or circumstance of each individual case as to who has employed these people all I have been saying to the hon Member is that when I was Minister I thought that the priority was that if we were going to meet patients' needs and expectations we needed to provide an element of structural flexibility and so I was driving for four years when I was Health Minister to try to achieve a greater degree of devolution to the Gibraltar Health Authority if not independence. On this specific question we would need to examine the contracts that each of these individual have signed. I do not believe that the cooks have signed contracts with anyone other than the Government of Gibraltar, I stand to be corrected and therefore I do not believe that we have taken massive steps or inroads into these policy questions that the hon Member is suggesting. Maybe a different matter if we examine whether I would have wished to have done so but that is a different issue. On the facts of the question have we in fact taken the specific policy decision to make the inroad here this will probably be no even though we may have been advised by different quarters to do so.

**HON J J BOSSANO:**

An explanation has been given, for example, in the case of the Ward Clerks that date from a year ago 2001 and if we have got four Ward Clerks employed in January last year and in October last year and no final decision has been taken on the permanence of what is a new post, that is an explanation that makes sense but if we have got six cooks and presumably this is not a temporarily phenomenon, people will still have to eat why does one want a cook on ones books temporary since 1998, are Government still deciding whether they are going to need to cook or not to cook? Is it that if the Government said "look we are considering contracting out the facility and that is why we do not want to make them permanent" that would be an explanation but if that is not the case can the Minister explain why there are still cooks not confirmed in their position since 1998 because the explanation for the Ward Clerks makes sense but these ones we do not seem to be able to get an answer.

**HON DR B A LINARES:**

My hon Colleague has given honestly his own personal thinking and philosophy which has led to this and I am sure has inspired or influenced this situation that we find here and now. As I have explained before I am actually reviewing the situation generally as a matter of policy and in that context looking at particular cases such as those of the cooks.

**HON J J BOSSANO:**

Do Government not accept that in fact under the provisions of the legislation against dismissal people are entitled to continued employment if they have got open contracts lasting more than 12 months therefore they cannot be temporary long, is that not the case?

**HON K AZOPARDI:**

The Crown is bound by the Employment Ordinance and therefore any consequence that gives rise under Employment Legislation would obviously have to be adhered to by the Crown.

**NO. 572 OF 2002**

**THE HON MISS M I MONTEGRIFFO**

**GHA – ENROLLED NURSES**

Can Government now state whether any Enrolled Nurses have applied to be able to train up to the level of Staff Nurse?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

No Enrolled Nurse has applied to follow the distance learning conversion course being offered by the GHA through the School of Health Studies.

**SUPPLEMENTARY TO QUESTION NO 572 OF 2002**

**HON MISS M I MONTEGRIFFO:**

Can the Minister give the reasons why?

**HON DR B A LINARES:**

One reason of course would be the decision by the persons involved in entering into this process, another, and I am speculating, may well be that they do not come up to the entry requirements that Sheffield University is requesting as the validating body and that is at least five GCSEs to enter the course.

**HON MISS M I MONTEGRIFFO:**

I remember asking about the Enrolled Nurses a similar question to this where the Minister said that he would be looking at this problem of the GCSEs in view of the fact that many of the Enrolled Nurses that were there already previously had not been required to have these entry qualifications, has he pursued the line that he said he was going to?

**HON DR B A LINARES:**

Yes, I have pursued it, it is a matter that I have under constant discussion with Sheffield University, the hon Lady has to understand that the validating authority is Sheffield University so in that respect we are reliant on the acceptance of Sheffield University for any course of action here, I did say more than that actually which I will offer to the hon Lady, I said that it is my personal feeling is that equivalent experience on a par with academic qualifications should also be considered as a point of entry for any particular course which is accessible to a particular Enrolled Nurse.

**HON MISS M I MONTEGRIFFO:**

I cannot understand, if it was the Government who introduced the minimum requirements for GCSEs how come that when we were in Government we did not require those entry requirements and Sheffield did not insist on GCSEs for untrained nurses to actually train as staff nurses, how come they are insisting on it now?

**HON DR B A LINARES:**

Because there was no school of Health Studies locally and the School of Health Studies which was validated by Sheffield University insisted and I am glad that they did to require certain entry academic qualifications for a Diploma Course which takes three years.

**HON MISS M I MONTEGRIFFO:**

The Minister is not really answering my question because I have actually told him that when we had Sheffield, we contracted Sheffield in the first place, they were looking at this question of whether Enrolled Nurses should continue in Gibraltar or not, they came to Gibraltar, they validated the school, they validated the whole question of studies in relation to nurses and they never told us that untrained nurses would be requiring a minimum of GCSEs to train up to Staff Nurse level.

**HON DR B A LINARES:**

I am not sure of the relationship that existed during the previous administration with Sheffield but certainly it is Sheffield and no one but Sheffield which insists that in order to enter for a diploma course which is actually qualified and validated by them this is the minimum requirement. Five GCSEs for Staff Nurses and three GCSEs for Enrolled Nurse.



**HON J J BOSSANO:**

In UK there is no Enrolled Nurse training and therefore there cannot be any requirement in Sheffield because Sheffield does not do it, we do it here, so how come?

**HON DR B A LINARES:**

That is the requirement that Sheffield imposes on the School of Health Studies locally because we maintain the course of studies for Enrolled Nurses and that is their requirement. It is irrelevant whether the Enrolled Nurse exist in UK or not. They exist here, they have to be trained, that course of training is structured and validated by Sheffield and that is one of the requirements that Sheffield has put to us.

**HON J J BOSSANO:**

How can Sheffield put requirements to us for a qualification which is in existence exclusively in Gibraltar and not something that can be used in the United Kingdom. Is it that the Government asked Sheffield whether they would agree that the course could be taken by people who did not have two GCSEs and Sheffield said no?

**HON DR B A LINARES:**

As the Leader of the Opposition will know Universities all have their own entry requirements to their own courses, it happens with all other degree courses and some universities will have higher or demanding entry requirements than others. It is their own degree, it is their own badge and therefore they have the right to impose their own structure for the course including their level of qualifications that they need for entry. That is Sheffield perhaps if we marketed around for another University we might find that another University, but nevertheless the Government are very happy with the relationship with Sheffield, with the assistance that they have given us in structuring and continue with these excellent courses and that I think it is important and I am sure that the management of the GHA that we should be much more demanding for the good of the professional development of our staff of demanding proper academic qualifications for anyone wishing to pursue a course which at the end of the day carries tremendous responsibility in the care of patients.

**HON J J BOSSANO:**

Yes but the fact that somebody has got a GCSE in a language or in mathematics does not necessarily mean that they are going to be a better nurse when it comes to caring for patients or more or less professional because if the theory of the Minister was correct then according to him we will have to wait for the new Enrolled Nurses to go through because none of the existing Enrolled Nurses would have met his requirements and I think it is wrong to suggest that they are any inferior to the new crop coming in. All the people there now do not have two GCSEs, all the ones that are doing it, all the ones that are looking after the patients and surely the Minister is well aware from his own background in Education that, for example, the Open University pioneered it but many Universities have subsequently demonstrated that there are many people quite capable of developing academically and of benefiting from being given the opportunity which would not get that chance if one adheres to

the sort of strict and in my judgement inadequate view that if one gets through two GCSEs one is okay. This is going back to the mentality of the 11-plus.

**HON DR B A LINARES:**

The Leader of the Opposition has said a lot of things and one would have difficulty in answering each of the different facets of his position. I would agree with some of the points raised that for instance an academic qualification does not guarantee particularly in the field of nursing were other aspects of care and relationships and all that does not necessarily guarantee that but nevertheless there is one aspect on which I with my background as an educator must also insist that academic qualifications not necessarily in that particular course or in that particular career but nevertheless academic qualifications in language for instance or in mathematics establishes the academic potential of a particular student which actually would warrant the possibility of pursuing a course with professional thrust and importance. That is something that must also be maintained, there has to be a balance but in any case in recognition of another aspect that he has put before us with regard to the Enrolled Nurses which we have and that never were required to have these academic qualifications I have already stated that I am very seriously discussing with Sheffield the possibility of recognising what is called equivalent experience as a possibility of launching a person who may so wish but would nevertheless also have to be assessed as to the potential for following and for coming up to the demands that professions demand in that course. I am open to that scenario of knowing that Enrolled Nurses have the opportunity of coming into the service with particular GCSEs, there have been particular instances where they have actually within employment bothered to catch up with their academic qualifications in terms of GCSEs. I know of particular cases in order to be able to progress and all that has to be recognised.

**HON MISS M I MONTEGRIFFO:**

Will the Minister remind Sheffield that when we contracted them and they accepted the grade of Enrolled Nurse they never actually insisted that the Enrolled Nurse should have a minimum of GCSE qualifications, will the Minister remind them of that?

**HON DR B A LINARES:**

I am not familiar with what arrangements were made by the previous administration with Sheffield, all I know that the arrangements that we made when we established on a proper footing which I do not think quite frankly with respect was exactly the situation before during the previous administration, when we established the proper footing the School of Health Studies and negotiated with Sheffield to have a proper professional structure to the courses available there that certainly what I am telling the hon Lady today about entry requirements was very much the requirement of Sheffield to us.

**NO. 573 OF 2002**

**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 EDUCATION, TRAINING, CULTURE & HEALTH**

No.

**SUPPLEMENTARY TO QUESTION NO 573 OF 2002**

**HON MISS M I MONTEGRIFFO:**

Is the Minister in a position to say when he expects this claim to be solved or whether in view that so many years have gone by it is a question of having a dormant claim for evermore?

**HON DR B A LINARES:**

I am not in a position to state when or wherefore.

**HON J C PEREZ:**

Am I right in saying that the individual concerned is acting in the post at the rate of the previous Chief Executive that passed away, is that the situation?

**HON DR B A LINARES:**

He is not acting in the post, he has been appointed as the Chief Executive. How it compares with the level of the previous Chief Executive, I ask my hon Colleague.

**HON K AZOPARDI:**

I think he is on the Senior Officer salary as substantive Chief Executive, hence the claim.

**HON J C PEREZ:**

Was it not the case that when he was acting whilst the individual in post was away his salary was higher than now that he has got the substantive post?

**HON DR B A LINARES:**

That is the case, that is the ground for the present claim.

**HON J C PEREZ:**

Do Government not agree that such a key figure in the structure of the Health Authority that a solution should not have been arrived at yet given the anomaly that has existed in the past of the individual concerned having been earning more than when he got the substantive post, is this not something that should have been settled some time now?

**HON DR B A LINARES:**

I agree that this is an important key figure in the service as Chief Executive and that whatever anomalies exist in the present position should be obviously resolved in consideration of that fact with which I agree.

**HON J J BOSSANO:**

Is the post of Chief Executive one where employment is by the Health Authority or by the Government?

**HON K AZOPARDI:**

This officer is plainly employed by the Government of Gibraltar.

**NO. 574 OF 2002**

**THE HON MISS M I MONTEGRIFFO**

**GHA – COST OF TREATING TEMPORARY VISITORS IN UK**

Can Government now state what was the latest available cost to the UK treating temporary visitors from Gibraltar in respect of 2001/2002?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

Answered together with Question Nos 544 to 547, 551, 552 and 576 to 581 of 2002.

**NO. 575 OF 2002**

**THE HON MISS M I MONTEGRIFFO**

**GHA – ELDERLY PATIENTS**

How many elderly citizens are awaiting a place at Mount Alvernia and how many of these are occupying a bed at St Bernard's Hospital as at the end of March 2002?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

There were 53 patients awaiting a place at Mount Alvernia as at the end of March and 12 of these patients were occupying a bed at St Bernard's as at the end of March 2002.

**SUPPLEMENTARY TO QUESTION NO 575 OF 2002**

**HON J J BOSSANO:**

Does that therefore mean that the reason for moving 12 was because there were not more people in St Bernard's waiting to go?

**HON DR B A LINARES:**

No there were more than 12 patients in St Bernard's waiting to go, the reason why 12 transferred is because 12 additional beds in Mount Alvernia were made available to us.

**HON J J BOSSANO:**

If the Minister has said that there were 53 people waiting for a place and 12 were in St Bernard's it means that now there are none in St Bernard's because the 12 that were are gone.

**HON DR B A LINARES:**

With respect I did not say that of the 53 patients generally awaiting for a bed in Mount Alvernia 12 were in St Bernard's. There may be more than 12 in St Bernard's among those 53. What I have said is that 12 of these patients were actually de facto transferred to Mount Alvernia as at the end of March 2002 but that does not necessarily mean that there are no other patients in St Bernard's who are also on the waiting list for Mount Alvernia.

**HON J J BOSSANO:**

Then the Minister has not answered the question that was put because the question says, "How many are awaiting a place and out of these how many are in St Bernard's" and the Minister said 12.

**HON DR B A LINARES:**

I agree. I have answered that 53 are on the waiting list for Mount Alvernia and obviously the question wanted to know of these 53 how many were in St Bernard's but the way the answer has been given to me is that only 12 have been moved but not strictly the point of the question which is how many others there could be, I agree.

**HON J J BOSSANO:**

So it means in fact that of the 41 waiting there could be some who are in St Bernard's that is correct is it?

**HON DR B A LINARES:**

That is correct.

**HON J J BOSSANO:**

I assume that we have left it that the Minister is going to go back and get the information?

**HON MRS Y DEL AGUA:**

If I could just expand on that, in Mount Alvernia there exists an Admission Criteria Board and there is a waiting list for Mount Alvernia. It just so happens that at the period on which the question is based there were 12 patients in St Bernard's Hospital who were in the waiting list for Mount Alvernia, they had applied for Mount Alvernia it just so happens that we made 12 beds available at Mount Alvernia and those 12 patients who were in St Bernard's were within the waiting list of Mount Alvernia, the general waiting list, and they just so happened to be within the 12 (a) priority cases and that is why they were transferred. So the answer to the question is that those 12 patients were in the waiting list because they had applied. Since then it might be the case that there have been more applications or there are patients there who would require full-time residential care at Mount Alvernia.

**HON J J BOSSANO:**

Yes but the information that we have been given is that at the end of March, that waiting list consisted of 53 persons and 12 as we understood the answer of those 53 were in St Bernard's but it turns out that there could be more than 12 on the March list.

**HON K AZOPARDI:**

We think there are more, the answer has not been framed correctly and we will find out and provide the hon Member this information.



**NO. 576 OF 2002**

**THE HON MISS M I MONTEGRIFFO**

**GHA – SOCIAL SECURITY PENSIONERS**

Can Government now state how many Gibraltar Social Security Pensioners, who were not also in receipt of a UK Social Security Pension, were resident in UK in 1999?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

Answered together with Question Nos 544 to 547, 551, 552, 574 and 577 to 581 of 2002.

**NO. 577 OF 2002**

**THE HON MISS M I MONTEGRIFFO**

**GHA – SOCIAL SECURITY PENSIONERS**

Can Government now state how many Gibraltar Social Security Pensioners who were not also in receipt of a UK Social Security Pension, were resident in the UK in 2001?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

Answered together with Question Nos 544 to 547, 551, 552, 574, 576 and 578 to 581 of 2002.

**NO. 578 OF 2002**

**THE HON MISS M I MONTEGRIFFO**

**GHA – SOCIAL SECURITY PENSIONERS**

Can Government now state how many Gibraltar Social Security Pensioners who were not also in receipt of a UK Social Security Pension, were resident in the UK in 2002?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

Answered together with Question Nos 544 to 547, 551, 552, 574, 576, 577 and 579 to 581 of 2002.

**NO. 579 OF 2002**

**THE HON MISS M I MONTEGRIFFO**

**GHA – UK SOCIAL SECURITY PENSIONERS**

Can Government now state how many UK Social Security Pensioners, who were not also in receipt of a Gibraltar Social Security Pension, were resident in 2001, and registered with the Group Practice Medical Scheme?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

Answered together with Question Nos 544 to 547, 551, 552, 574, 576 to 578, 580 and 581 of 2002.

**NO. 580 OF 2002**

**THE HON MISS M I MONTEGRIFFO**

**GHA – UK SOCIAL SECURITY PENSIONERS**

Can Government now state how many UK Social Security Pensioners, who were not also in receipt of a Gibraltar Social Security Pension, were resident in 2002, and registered with the Group Practice Medical Scheme?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

Answered together with Nos 544 to 547, 551, 552, 574, 576, to 579 and 581 of 2002.

**NO. 581 OF 2002**

**THE HON MISS M I MONTEGRIFFO**

**GHA – UK SOCIAL SECURITY PENSIONERS**

Can Government now state how many UK Social Security Pensioners, who were not also in receipt of a Gibraltar Social Security Pension, were resident in 1999 and registered with the Group Practice Medical Scheme?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

**Answer to Question No 544**

Twenty -six quota patients were treated in the UK during the period 1<sup>st</sup> February 2002 and 31<sup>st</sup> March 2002. The UK has not given us details of costs.

**Answer to Question Nos 545, 552 and 574 of 2002**

The average cost of treating pensioners in the UK for the years 2000 and 2001 and the cost to the UK of treating temporary visitors from Gibraltar in respect of 2001/2002 are not yet available.

**Answer to Question No 546 of 2002**

Of the patients who have been given a choice to obtain treatment in Spain from 7<sup>th</sup> February 2002 to 24<sup>th</sup> April 2002, 39 elected to do so.

### **Answer to Question No 547 of 2002**

A total of 123 non-quota patients were treated in the UK between 1<sup>st</sup> February 2002 and 31<sup>st</sup> March 2002. The cost invoiced to date is £589.

### **Answer to Question No 551 of 2002**

The costs for the quota patients treated in the UK from 1<sup>st</sup> April 2001 to 31<sup>st</sup> October 2001 have not been submitted by the UK.

### **Answer to Questions 576 to 581 of 2002**

There have been no developments since I answered these questions in the last session of the House. The question about how many UK Pensioners resident in Gibraltar in 1999 registered with the GPMS and not in receipt of a Gibraltar pension that is what we have more recent information, that is 57. The question of UK Pensioners resident in Gibraltar in 2000 registered with the GPMS and not in receipt of a Gibraltar pension the figure is 92 but that includes the 57 from the previous question and the question about the UK pensioners resident in Gibraltar in 2001 registered with the GPMS and not in receipt of a Gibraltar pension is 128 which of course also includes the 92 which I have already quoted.

I think I owe the House an explanation why I have clustered all these questions together. At this stage it is very difficult as we are still relying, as I have explained in other meetings of the House, we are still relying on the latest reconciliation. The latest working out of the formula with exact figures was done I believe in 1988 and the figure then was established at 120.

### **SUPPLEMENTARY TO QUESTION NOS 544, TO 547, 551, 552, 574, AND 576 TO 581 OF 2002**

#### **HON MISS M I MONTEGRIFFO:**

It is very difficult to follow the Minister when we are talking about so many questions, I will need time to look at the figures in order to be able to react but I think that I have detected if I am not mistaken that he has not answered Question No 576 of 2002, is that correct?

#### **HON DR B A LINARES:**

I have answered and I have not answered, I have answered in the sense that I have answered the hon Lady that we do not have the information. Yes, that is the information I have or rather the lack of information that I have.

**HON MISS M I MONTEGRIFFO:**

Since we are talking about years that the Gibraltar Health Authority is not receiving the information that they require in order to actually implement the, as the Minister referred to it in the last meeting of the House of Assembly, the notorious formula, are Government looking at the possibility of changing that formula and can the Minister at the same time also confirm when it was that they received a settlement in relation to the Sponsored Patients as being sent to the UK and the UK Visitors and Pensioners in Gibraltar, when was the last time there was a settlement as far as the reciprocal agreement is concerned?

**HON DR B A LINARES:**

In 1998/1999, I have mentioned that a moment ago, that was the last time that there was a reconciliation, there was a proper in-depth examination of the quota, of the formula with the detailed information which was brought by UK. I am told by the Chief Executive that he is expecting or that it has been promised a further working visit from officials in the UK from the Department of Health precisely to review the formula. When I say to review the formula I do not know whether it means reviewing the structure or the nature of the formula or just simply to flesh it out with available information which at the moment is not available.

**HON MISS M I MONTEGRIFFO:**

Can the Minister confirm what was the nature of the settlement in 1998/99?

**HON DR B A LINARES:**

Yes also with respect I have mentioned that, the established quota was 120 and that is the notional figure which we are actually working on at the moment. A quota of 120 Gibraltar patients for whose treatment in UK, the cost, the UK Government makes itself responsible. That is patients not referrals. One patient can have quite a number of referrals.

**HON MISS M I MONTEGRIFFO:**

No I was referring to the actual net effect, was there a surplus for the Gibraltar Health Authority or did they expend any monies, I am talking about the nature of the actual settlement?

**HON DR B A LINARES:**

I would not be able to answer that question across the floor I would need more detailed figures to be provided by the finance section of the Gibraltar Health Authority.

**HON J L BALDACHINO:**

In Question No 546 of 2002 the Minister has not answered the question as posed by my hon Colleague because the Minister has given the answer as 39 elected to do so



but the question asks how patients are being given the choice of being treated in Spain as opposed to UK as Sponsored Patients and have elected to go to Spain since February 2002, he has not answered how many patients were asked he has given the answer of 39 that decided to do so.

**HON DR B A LINARES:**

Well I thought the intent of the question was to find out how many patients have actually chosen given the option and that was 39.

**HON J J BOSSANO:**

How can Government make a judgement as to what is the intention and decide to provide an answer based not on what they are being asked but on what they think that we want to know, is that a new approach to answering questions?

**HON DR B A LINARES:**

The Leader of the Opposition is twisting my reply, it is an honest to goodness reply. How many patients have been given a choice of being treated in Spain as opposed to the UK, they all have the option in general terms pending of course particular circumstances and 39 of the patients have opted for this.

**HON J J BOSSANO:**

Patients were going before to Spain anyway and therefore this is not an issue of whether 39 have gone in a particular period, presumably 39 might have gone the previous year when that policy decision was not announced. What we want to know is that if as a result of a statement of policy by the Government a patient tomorrow is told "would you like to go to UK or would you like to go to Spain," we want to know how popular the Spanish option is and we cannot know if it is 39 out of 39 or 39 out of 390, surely the Minister could have assumed that that was the reason why my Colleague was asking how many were given the choice and how many picked the Spanish option because we want to see to what extent the option is one that meets consumer demand.

**HON DR B A LINARES:**

We have not made that analysis exactly but certainly the number of patients opting to go to Spain has increased and I was looking for the figure for the previous questions but I do not have it at hand but it has increased in recent months. There are patients for instance who would normally be referred to UK for heart treatment, angiograms, angioplasty surgery and they are now themselves of their own initiative asking and requesting to be sent to hospitals in Spain. To actually gauge the trend and the tendency of patients in seeking this provision, this facility, I would have to carry out and I would have to ask the Chief Executive to carry out an analysis of the figures in comparison with the figures that we had even before that option was announced and made public.

**HON MISS M I MONTEGRIFFO:**

Can the Minister confirm if I have heard him correctly that of the 39 that he has actually mentioned today these also include patients that would normally have been going previously to Algeciras for scans, dialysis, et cetera?

**HON DR B A LINARES:**

This is in line with the question that the Leader of the Opposition has just asked and I told him that I would have to actually carry out an analysis to see how many would be the normal run of patients who go to Spain and were going to Spain before this option was offered and how many are really just taking up now the expanded facility that we have offered.

**HON J J BOSSANO:**

Surely if the Minister does not know whether the 39 includes people going for scans to Algeciras as my Colleague has asked, he ought to know that because in fact if that is included then the answer to the question totally misrepresents the information being sought because if we are asking how many people have chosen to go to Spain as opposed to UK and one is including somebody going for a scan to Algeciras what is being said is that before they would have gone to England for a scan, now we are not talking about people who would not have gone to the UK.

**HON DR B A LINARES:**

This figure does not include patients who go for scans to Algeciras. We are talking about those who are given a choice so the 39 would be those who have had a choice as to where, what the destination is. Those going for investigations and scans in Spain as they have always done are not given a choice, that is an automatic procedure.

**NO. 582 OF 2002**

**THE HON MISS M I MONTEGRIFFO**

**GHA – COMPLAINTS PROCEDURE**

Can Government state the number of complaints that are being received through the GHA's Complaints Procedure from 1<sup>st</sup> February to end of March 2002?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

Three complaints were received through the Complaints Procedure from 1<sup>st</sup> February 2002 to the end of March 2002.

**SUPPLEMENTARY TO QUESTION NO 582 OF 2002**

**HON MISS M I MONTEGRIFFO:**

Has the Minister taken note and has he spoken to the Ombudsman as he said in my last question in this House over the same matter whether in fact he is looking at the recommendations made by the Ombudsman that the Government should in view of all the complaints and the long time it takes where patients are really being put off to make a complaint whether they should institute an independent body looking at the complaints as the Ombudsman recommends rather than the GHA looking at their own complaints?

**HON DR B A LINARES:**

The question as to whether I have discussed the matter with the Ombudsman is yes it is a matter that has been discussed with him. It is a very tentative suggestion that was made by the Ombudsman in his report more as a suggestion than a proposal. That suggestion is not being at presently considered by the Authority, what we are doing is looking at the actual Complaints Procedure as it stands in order to ensure as I had explained before, we have had this debate before, that it is made more effective in terms of particularly resources available to process and to expedite the Complaints Procedure and certainly we also have this arms length provision which adds an independent dimension to the whole system with a Complaints Procedure Board which is totally independent of the practitioners in the Health Authority and which monitors and watches over the operation of the Complaints Procedure. They too have pointed out, I will be frank and honest, deficiencies in the operation of the procedure and we are taking it to heart and again discussing with them as well as with the Ombudsman ways of improving the system as intended by the Government which is to offer transparency and a medium to patients which they never enjoyed before.

**HON MISS M I MONTEGRIFFO:**

The Minister is going back I think referring to our time and does he not accept or is he unaware that we did in fact have a Complaints Procedure the only thing is that we did not pass it by law and does he not accept that we never had as many complaints as he has got now?

**HON DR B A LINARES:**

Hardly had less complaints than three in one month that is really the sub-total of the complaints that we have had from February to the end of March and I am certainly not aware that they had any formal or structured Complaints Procedure. I am just saying that I am not aware I will not doubt the hon Lady's declaration to that effect but I have certainly never come across any information about that.

**HON J C PEREZ:**

Perhaps the Minister should not take comfort in the official figure, in the official Complaints Procedure and try and understand that out there there are a lot of people with a lot of complaints and that the procedure is not adequate to take into account the complaints and the needs of the users and this is what the Ombudsman pointed out and this is what we are pointing out. The fact that the Minister stands up in the House and says I have only received three complaints in the procedure is in fact saying that the procedure is not working because anyone in Gibraltar walking up and down Main Street can tell the House that the talk of the town today is the complaints about the Health Authority.

**HON DR B A LINARES:**

That is of course the image which the Opposition in their holier than thou attitude are portraying, as if during their time there were no complaints and everything was marvellous and rosy and perfect. Every Health Authority in Gibraltar throughout the years and in other parts of the world are subject, it is a sensitive area, to complaints.

There are also “out there” as the hon Member puts it many people who are entirely satisfied with the service that the practitioners in the Health Authority give to them and of course that is not what the Opposition will get on to.

**NO. 583 OF 2002**

**THE HON DR J J GARCIA**

**GARRISON LIBRARY**

Can Government say whether the Ministry of Defence are now asking for any payment before the Garrison Library is handed over to the Gibraltar Government?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

The Ministry of Defence are not now asking for any payment before the Garrison Library is handed over to the Gibraltar Government.

**SUPPLEMENTARY TO QUESTION NO 583 OF 2002**

**HON DR J J GARCIA:**

Given that that is the case can the Minister say at what stage the negotiations are because there never seems to be an end in sight?

**HON DR B A LINARES:**

As I explained in a previous question we had this debate and I was very frank and open as to saying that there are no strict formal negotiations going on. There are discussions, meeting of minds as to the different approaches and philosophies and particularly in the context of the heritage value of the Garrison Library and ensuring that this is preserved and maintained. The problem now is that there is a new Chief of

Staff, most of our discussions were carried with Colonel Moorby who was the Chief of Staff until quite recently and the new Chief of Staff has asked that he wants to become familiar with all the correspondence and all the discussions that have gone before before he can pick up the threads.

**HON J C PEREZ:**

Is it that the Ministry of Defence would want to know what use will be made of the Garrison Library by the Government before they agree to transfer it, is that the matter that is being discussed?

**HON DR B A LINARES:**

Yes that of course is a matter that is being discussed. It is natural that they would want to know what the aims and objectives and what is the mind of the Government as to its future use. That is one of the matters that has been in an exploratory manner discussed and of course it is also a concern of the Library Committee as the hon Member knows there is a Library Committee which has in Trust the running of the Garrison Library and they too are interested.

**NO. 584 OF 2002**

**THE HON DR J J GARCIA**

**HOTEL, CATERING AND HOSPITALITY SERVICES COURSE**

Can Government say how many persons have registered for the Hotel, Catering and Hospitality Services course due to commence in April?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, TRAINING, CULTURE & HEALTH**

Eleven persons have registered for the Hotel, Catering and Hospitality Services course run by the School of Tourism and which actually started last week.



**NO. 585 OF 2002**

**THE HON J C PEREZ**

**HARBOUR VIEWS PROMENADE**

Can Government state whether the issues surrounding the tender award for a cafeteria and other facilities at the Harbour Views Promenade have now been resolved, and if so, when is it now intended that the project will be realised.

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND TELECOMMUNICATIONS**

The issues remain unresolved and neither the Government nor any parties are pursuing the award of this tender at present.

**SUPPLEMENTARY TO QUESTION NO 585 OF 2002**

**HON J C PEREZ:**

Neither the Government nor any party is pursuing the award of the tender, that is to say, that neither the Government are intending to put it out to tender nor in the Government's view is anyone interested in tendering for it, is that the case?

**HON K AZOPARDI:**

No what I have said is that the position stands where it was when we have answered previous questions, the Government had a general intention, it went out to tender and then issues needed resolution which were discussed last time in the House but today as the hon Member asks the question again there has been no progress from the point where we were at when we last discussed this and it is not an issue of great priority to the Government where we have decided that if we needed to revive the tender or, and nor is it the case, that the person who was awarded the tender has been pursuing the matter with the Government to resolve any issues. The matter has seen no progress in the last few months and therefore that is where it lies and the Government have been distracted by other issues and that is where we are at.

**NO. 586 OF 2002**

**THE HON DR J J GARCIA**

**GRAND MAGAZINE**

Can Government say what organisations were consulted and when, over their decision to include a low rise residential complex near the Grand Magazine site?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND TELECOMMUNICATIONS**

Answered together with Question Nos 587 and 588 of 2002.

**NO. 587 OF 2002**

**THE HON DR J J GARCIA**

**ROSIA BAY/ VICTUALLING YARD**

Can Government give the grounds why the only tender for the development of the Rosia Bay/Victualling Yard area was rejected?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND TELECOMMUNICATIONS**

Answered together with Question No 586 and 588 of 2002.

**NO. 588 OF 2002**

**THE HON DR J J GARCIA**

**ROSIA BAY**

Given that there was more than one expression of interest for the development of the Rosia Bay area, can Government say whether they attached any conditions to the development of the site which led to only one tender being submitted?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND TELECOMMUNICATIONS**

The tender in respect of Rosia Bay and the Victualling Yard required the sites to be used for leisure and entertainment use. No special conditions above that were placed on the development proposals. Only one tender was received and it did not comply with the required invitation to tender. Government have been of the view for some time that the Grand Magazine site should be put out for a low rise residential development. In reaching their decision the Government have not formally consulted any external organisation. While Government had initially decided to proceed with this invitation separately given the lack of interest in the Rosia Bay/Victualling Yard tender, it was decided to combine these development possibilities with a view to maximising their commercial viability and ensuring that the Rosia Bay project comes to fruition.

## **SUPPLEMENTARY TO QUESTION NOS 586, 587 AND 588 OF 2002**

**HON DR J J GARCIA:**

When the Minister says in his reply that the one tenderer did not comply with the conditions of the tender, does that mean that he made provision for a residential development when it should have been a leisure and entertainment area?

**HON K AZOPARDI:**

It goes beyond that actually, the hon Member is correct, there were four expressions of interest when we went out last year and this matter was being driven by my Colleague the Minister for Tourism. We received ideas that the Government felt were unacceptable in principle and so that we did not drive or mislead people in a future tender process we decided instead of producing a design brief and advising people of the type of project that we really wanted to see in the Rosia Bay/ Victualling Yard area. Because of its heritage sensitivity we do not want to see in particular residential development on the Rosia Bay and Victualling Yard site. When I say no special conditions about that were included that is precisely the case but of course the containment of the Rosia Bay/Victualling Yard project for leisure and entertainment only was in itself the special condition that perhaps some people did not find attractive. The tender that was received complied with that aspect of the invitation to tender but did not comply with the invitation to tender in the sense that it was clear from the submissions to tender that the applicants for the tender wanted to receive an allocation of a plot of land for residential development outside Rosia Bay and the Victualling Yard as a precondition to the tender acceptance. I was not too clear what they meant by their offer when it was received and I asked my department to get confirmation from them whether they were saying that they would not be able to pursue the Rosia Bay/Victualling Yard project unless they obtained this direct allocation of land for residential development. The answer I got is that indeed that was the case because they felt that Rosia Bay/Victualling Yard was commercially unviable by itself and so therefore they did not comply with the invitation to tender as we had originally envisaged which was that this project should be a self-standing project able to be pursued in its own right. As I say, at the time also, and going back three or four months before the tender invitation was issued when we came to the point where we wanted to produce a design brief for Rosia Bay/Victualling Yard the department also came up with a holistic view of the entire site including the Grand Magazine site and suggested and recommended to Government that this was a prime area for low rise residential development which Government should consider to put out to tender in due course and we decided that that was a good recommendation that we would pursue separately but in view that we have not been able to attract tenderers for the Rosia Bay/Victualling Yard, and this is now the second time effectively that we have gone out for public interest we have decided to combine it because we think that in combining it we would probably attract more people to pursue the leisure/entertainment regeneration of Rosia Bay which is I think in all our interests, and that would be backed up by the commercial viability paid for by the low rising residential project. I hope that clarifies the situation.

**HON DR J J GARCIA:**

I am grateful for the explanation, that clarifies that point but there are a number of issues which arise from the three or four questions which are being answered together and one of them is, the Minister rightly refers to the various expressions of interest a process which commenced in December 1999 were prospective tenderers were asked to submit their expressions of interest. There then followed a very long process of consultation from December 1999 all the way through to January 2002 which is when the original tender closed, that was then extended to the 15<sup>th</sup> February of this year and then it has been retendered now in April. Given that the actual consultation process itself took so long and I am assuming in asking the question that the tenderer was one of the four original, the case is that the original four who had expressed interest in the project dropped that interest and that the tenderer who was not successful is actually somebody else. So, given that the consultation process took so long is there any reason why the prospective tenderer did not participate in that process and get to understand what ideas the Government had in mind for the area?

**HON K AZOPARDI:**

I am not sure if the hon Member has understood what I have been saying as being the process. There was a process being driven by my Colleague the Minister for Tourism by which expressions of interest were sought, obtained and then we saw that they included ideas that the Government did not like generally and so we produced a design brief within the Government which then formed the basis of the tender process that flows in February or March as a result of which no tender complied with the invitation to tender. We have now gone out, the basis of adding the commercially viable site, the Grand Magazine, I am not sure what process of consultation the hon Member is getting at.

**HON DR J J GARCIA:**

Was it a particular reason why this unsuccessful tenderer was not involved in the process that took place from December 1999 were expressions of interest were invited?

**HON K AZOPARDI:**

I do not know why he did not express his interest at that stage and decided to express his interest at this stage. It is a matter for him but certainly from my recollection this particular applicant was not one of the four entities that had then decided to express an interest.

**HON DR J J GARCIA:**

One other aspect which is the heritage considerations, can the Minister say why the heritage trust was not consulted prior to the decision to have a low rise development on the Grand Magazine site and can the Minister clarify to the House what exactly is low rise in this context?

**HON K AZOPARDI:**

I said that they had not been formally consulted, I say formally consulted because in fact they had been informed by me and I remember in a couple of meetings I told them that this is the type of idea that we want to contemplate in particular the most basic reason why that is the case is because the Heritage Trust hold the lease to the Victualling Yard and they have been trying to dispose of it and return it back to the Government. I think that they obtained the Victualling Yard from the last administration back in 1994 or 1995 and they have been trying to return it to the Government because they consider it a huge liability to hold. It is in that context that clearly anything done in the Victualling Yard would have to be done with their agreement and they have agreed to surrender it to us so that it is included in the tender process for a certain usage and so I have discussed the type of usage that we wanted it to go out to tender for with the Trust in that connection I did give them a copy of the design ideas for the entire area, not just for Rosia Bay/Victualling Yard that the department had produced several months ago which included marking the Grand Magazine site for low rise residential so they have been aware of that idea for some time and as to their input on the specific ideas that I have brought forward I have undertaken to discuss with him the tenders received on Rosia Bay and Victualling Yard and we will no doubt discuss also any heritage sensitivities that may arise on the Grand Magazine site especially because of the Trust's involvement in the Planning Commission.



**NO. 589 OF 2002**

**THE HON DR J J GARCIA**

**SHEPPARD'S MARINA**

Can Government say how many representations, if any, have been received in respect of the proposed development by Monaco Ocean Village Ltd at Sheppard's Marina?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND TELECOMMUNICATIONS**

A total of three representations were received.

**SUPPLEMENTARY TO QUESTION NO 589 OF 2002**

**HON DR J J GARCIA:**

Is it possible for the Minister to say whether these were favourable to the development or were they unfavourable to the development?

**HON K AZOPARDI:**

Basically there were two letters from individuals making specific design and architectural points, one person who lived nowhere near the development, the other

person lived in Marina Court. There is also a letter that is basically a petition signed by Marina Court owners , the majority of the owners signed a petition about 40 of them I think, and this one essentially objects to the developments on several grounds. It is quite a long letter, one is the perceived depreciation of value in their apartments, issues of natural light, hazards to residents and children of the block because of increased traffic, the threats to their building by development on the adjacent plot of land which is on reclaimed land and then they make several points generally on the development. They think that the commercial units that would be included in the development would remain empty, that there are no indications on the plans of access for services, services meaning sewage and things like that and some aesthetic concerns. Some of those representations the hon Member will see are really not objections of a planning nature.

**NO. 590 OF 2002**

**THE HON DR J J GARCIA**

**INTERREG PROGRAMME**

Have Government identified any projects for the 425,000 euros allocated to Gibraltar under the Interreg Programme announced in December?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND TELECOMMUNICATIONS**

At present Government Departments and Agencies are in contact with other participating regions of the Community Initiative Interreg IIIB to identify and develop joint projects which may be of benefit to Gibraltar. Once these projects are substantially developed these will be referred to Government for endorsement, prior to submitting a formal application.

**NO. 591 OF 2002**

**THE HON DR J J GARCIA**

**ROCK HOTEL – PROPOSED DEVELOPMENT**

Has the environmental impact assessment ordered into the proposed two projects at the Rock Hotel now been submitted to the Government?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND TELECOMMUNICATIONS**

No.

**SUPPLEMENTARY TO QUESTION NO 591 OF 2002**

**HON DR J J GARCIA:**

Do Government know when the impact assessment report is going to be submitted?

**HON K AZOPARDI:**

No.

**HON DR J J GARCIA:**

Can the Minister say who is producing the report?

**HON K AZOPARDI:**

Yes but I do not have the information with me. I will supply the information to the hon Member.

**NO. 592 OF 2002**

**THE HON DR J J GARCIA**

**DEVELOPMENT AND PLANNING COMMISSION**

Can Government say at what stage is the Development and Planning Commission's consideration of the following proposed projects:

- (a) North Block Naval Hospital;
- (b) Former Garrison Medical Centre, Royal Naval Hospital;
- (c) Gun Wharf?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND TELECOMMUNICATIONS**

North Gorge Naval Hospital - Former Garrison Medical Centre, Royal Naval Hospital  
In respect of these the DPC has signalled informally that Outline Planning Permission will be granted and the formal issue of the permits are now awaiting minor issues being cleared at interdepartmental level.

Gun Wharf – Outline Planning Permission was granted on 30<sup>th</sup> April 2001. An application to extend validity of the certificate will be considered by the DPC on the 9<sup>th</sup> May 2002.

**SUPPLEMENTARY TO QUESTION NO 592 OF 2002**

**HON DR J J GARCIA:**

Does the application to extend the validity of the certificates relate to any delay in the projects?

**HON K AZOPARDI:**

It is a standard thing because the outline planning permissions are granted. The statute says that they are granted for three years unless the DPC says so otherwise and as a matter of standard practice we have granted certificates for 12 months on the basis that we grant renewals as an automatic process. We just want to keep a closer hand of developments to monitor them.

**NO. 593 OF 2002**

**THE HON DR J J GARCIA**

**DEVELOPMENT AND PLANNING COMMISSION**

Can Government say how many meetings of the Development and Planning Commission have taken place and on what dates in January, February, March, and April 2002 to date?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND TELECOMMUNICATIONS**

Three meetings of the Development and Planning Commission have taken place since January to date.

24<sup>th</sup> January 2002; 28<sup>th</sup> February 2002; and 4<sup>th</sup> April 2002.

There is another scheduled for the 9<sup>th</sup> May 2002.



**NO. 594 OF 2002**

**THE HON DR J J GARCIA**

**ECOM LIMITED**

Can Government say whether the collapsed Ecom Project will be taken over by another company?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND TELECOMMUNICATIONS**

Government do not have any indications that this will be the case.

**SUPPLEMENTARY TO QUESTION NO 594 OF 2002**

**HON DR J J GARCIA:**

Can the Minister say what will happen to the land which was granted under this project?

**HON K AZOPARDI:**

The Government are reviewing the uses to which that land can be put and the matter is currently under consideration.

**HON J C PEREZ:**

Could I ask the Minister whether he thinks that the prospects of E-commerce are still there as a potential growth to the economy or whether he thinks that we might have lost the boat in terms of the timing of it, if he can understand the gist of my question?

**HON K AZOPARDI:**

I think so, I think I can understand what the hon Member is asking. I do think that e-commerce and telecommunications technology has still got a lot of potential for Gibraltar in the context of diversification into new industries and new business and there is a lot of potential for job creation in these industries. The Government see that as a potential fourth pillar to the economy as I like to describe it and we are dedicating some marketing efforts and some promotion in that regard but the hon Member needs to put that intention and that aspiration and that view that the Government have together with the general downturn in technology globally and the massive not stagnation but almost contraction of growth that there has been since mid 2000 in technology and e-commerce world-wide. Whereas before to obtain venture capital funding all one needed to do was add dot com after ones name, now adding dot com is almost an indication to people that they should not fund you. In that global context it is more difficult to obtain funding and therefore more difficult to attract the more speculative end of the market to Gibraltar but the case is still there for some niche industries to locate to Gibraltar and we will try to ensure that that is the case and apart from trying to attract in good investment, try to grow and reposition at least the technological potential of Gibraltar in the sense of training and infrastructure with a view to expanding further when the downturn finishes and there is a renewed growth in that market.

**NO. 595 OF 2002**

**THE HON DR J J GARCIA**

**INDUSTRIAL PARK – LATHBURY BARRACKS**

When do Government expect to be in a position to allocate Phase 1 of the industrial park at Lathbury Barracks?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND TELECOMMUNICATIONS**

The units should be going out to tender sometime during the summer of this year.

**SUPPLEMENTARY TO QUESTION NO 595 OF 2002**

**HON DR J J GARCIA:**

Has the Government already set the level of rent for these units or will tenderers be expected to bid for the area they want?

**HON K AZOPARDI:**

No we have not set a level of rent although I anticipate that they will be set in the context of the North Mole Industrial Park and the Governor's Cottage Industrial Park. We have to take a view of that but we have not actually set that yet.

**NO. 596 OF 2002**

**THE HON DR J J GARCIA**

**EUROPA BUSINESS CENTRE**

What is the total of rent owed by tenants in the Europa Business Centre as at 31<sup>st</sup> March 2002 and what is the total number of tenants?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND TELECOMMUNICATIONS**

The total amount of rent owed at Europa Business Centre as at 31<sup>st</sup> March 2002 is as follows:

- (a) Active accounts £62,732;
- (b) Inactive accounts £34,277.

The total number of tenants is 45.

**SUPPLEMENTARY TO QUESTION NO 596 OF 2002**

**HON DR J J GARCIA:**

Can the Minister provide a breakdown in relation to the 45 tenants who are presently there, how does that relate to the £62,000 owed by active tenants or £34,000 who are inactive?

**HON K AZOPARDI:**

What I mean by active I think is that the £62,000 is owed by the current number of tenants so it is the £62,000 divided amongst the 45. Of that sum, £39,288 is actually owed by three of those tenants who I am told are about to enter into arrears agreements with Treasury. The inactive accounts have all been passed on to Treasury.

**HON DR J J GARCIA:**

How many ex-tenants are involved in the £34,000 figure.

**HON K AZOPARDI:**

Fifteen.

**NO. 597 OF 2002**

**THE HON DR J J GARCIA**

**NEW HARBOURS**

What is the total amount of rent owed by tenants in the New Harbours as at 31<sup>st</sup> March 2002 and what is the total number of tenants?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND TELECOMMUNICATIONS**

The total amount of rent owed at New Harbours as at 31<sup>st</sup> March 2002 is as follows:

- (a) Active accounts £278,879.61;
- (b) Inactive accounts £264,821.74.

The total number of tenants is 100.

**SUPPLEMENTARY TO QUESTION NO 597 OF 2002**

**HON DR J J GARCIA:**

As with the previous question, how many tenants make up both figures?

**HON K AZOPARDI:**

The £278,000 relates to the current number of tenants, 100, of that figure £152,800 is owed by eight tenants of that figure of 100 which again I am told they are entering into arrears agreements with Treasury and the inactive accounts relate to 25 tenants.

**NO. 598 OF 2002**

**THE HON DR J J GARCIA**

**EUROPORT BUILDING**

Can Government say whether the applicant has now been notified of the status of the application for a change of land use in the Europort Building and if so what is it?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND TELECOMMUNICATIONS**

Yes, informally. I am happy to discuss the circumstances why formal notification has not yet been issued with the hon Member privately if he wants to ask me later.



**NO. 599 OF 2002**

**THE HON DR J J GARCIA**

**LAND RECLAMATION WITHIN THE HARBOUR**

Can Government say whether they intend to go ahead with a feasibility study into the viability of carrying out land reclamation within the harbour?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND TELECOMMUNICATIONS**

Yes.

**SUPPLEMENTARY TO QUESTION NO 599 OF 2002**

**HON DR J J GARCIA:**

Does the Minister have a time-scale within which the study will be commissioned or has it been commissioned already?

**HON K AZOPARDI:**

Yes, the study will take approximately six to nine months I am told and it would be intended for it to be carried out this year.

**NO. 600 OF 2002**

**THE HON DR J J GARCIA**

**CATALAN BAY**

Can Government say whether the Little Genoa Development in Catalan Bay is going to proceed given that Skanska has pulled out of the project?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND TELECOMMUNICATIONS**

Skanska have now confirmed to Government that contrary to initial indications they have now reviewed their position and remain involved in the project as they had originally envisaged. The project is therefore proceeding on the basis of the original award.

**SUPPLEMENTARY TO QUESTION NO 600 OF 2002**

**HON J J BOSSANO:**

Did they have a deadline by which they were supposed to commence in the original award?

**HON K AZOPARDI:**

Not that I am aware of.

**HON J J BOSSANO:**

Is it not normal when something is put out for development that in the tender they are required to commence by a certain date and then if they do not use the land the Government have the right of recovery, is that not standard?

**HON K AZOPARDI:**

What is standard practice is for that requirement to be included in the development licence which would contain such a clause. The hon Member will recall that during the last Question and Answer session we did discuss whether Skanska were or were not involved in the project and as a result of the tooing and froing that there has been on that issue the development licence has as yet not been signed, but now that they have said we are proceeding and it has taken the parties who submitted the tender with Skanska, the local party, it has taken them quite a few months and visits to Gibraltar by senior members of Skanska from Sweden to decide this question. Now that they have decided that, we are discussing the issue of the development licence which will contain the start standard clauses.

**HON DR J J GARCIA:**

Can the Minister say whether Skanska remain interested in other projects in Gibraltar which was their original intention when they arrived?

**HON K AZOPARDI:**

Not that I am aware of but they may be.

**NO. 601 OF 2002**

**THE HON DR J J GARCIA**

**EU FUNDING**

Can Government list the parties who have applied for EU funding since 1<sup>st</sup> February 2002, indicating the amount of funding that was requested and the purposes for which it was intended, listing those applications that have been successful, those that have been unsuccessful and those applications that are still pending?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND TELECOMMUNICATIONS**

One applicant has applied for EU funding since the answer given at the last Question Time in the House.

Project No	EU Grant	Sponsor	Purpose of Gran	Status
014	£4,116 (EU) £4,116 (GOG) Total £8,232	Internet Direct Ltd	Purchase of IT Equipment and Furniture	Under Consideration

**NO. 602 OF 2002**

**THE HON DR J J GARCIA**

**ELECTRONIC COMMERCE ORDINANCE**

Can Government say whether the Minister has requested that the contents of any web site be removed or modified since the Electronic Commerce Ordinance came into force, and if so, when and what web sites?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND TELECOMMUNICATIONS**

No requests have been made to remove or modify the contents of any web site by the Minister since the Electronic Commerce Ordinance came into force. We have investigated one case to evaluate this issue even though there was no formal request.

**SUPPLEMENTARY TO QUESTION NO 602 OF 2002**

**HON DR J J GARCIA:**

Is it possible for the Minister to say what the case related to?

**HON K AZOPARDI:**

Yes, there was a case where someone registered and seems to be operating a web site from Gibraltar using the name of a local bank. It is the name of the bank, then it has

offshore.com. My view is that it is unhelpful for that to be there but when we looked at the Ordinance it was clear that there needed to be a request, the particular bank in question took advice from its London office and decided not to make a formal request because it considered that the contents itself was irrelevant. So we took no action on that basis because the bank felt that they did not want to take action.

**HON DR J J GARCIA:**

When the Minister said that the web site was operated from Gibraltar does that mean that the actual computer with the information happened to be here because the domain under which it was registered is a dot.com which could be anywhere in the world, is that the case?

**HON K AZOPARDI:**

The people who are behind the web site are here in Gibraltar who have registered a domain name with a dot.com and therefore have bought it from the institution that sells it in Virginia or wherever it is, but that they are here and therefore it is operated from Gibraltar in that sense.

**NO. 603 OF 2002**

**THE HON DR J J GARCIA**

**ELECTRONIC SIGNATURES**

Can Government say whether the Minister has approved any party to issue accreditation certificates for electronic signatures and whether any application is under consideration?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND TELECOMMUNICATIONS**

No party has been approved to issue accreditation certificates for electronic signatures and there are no applications at present.

**NO. 604 OF 2002**

**HON DR J J GARCIA**

**EU FUNDING**

Can Government say whether the applications for EU funding known as projects numbers 10, 11, 12 and 13 have been approved, rejected or are pending consideration?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND TELECOMMUNICATIONS**

These applications for EU funding have all been approved.



**NO. 605 OF 2002**

**THE HON DR J J GARCIA**

**GOVERNMENT ASSISTANCE TO CONFERENCES**

Can Government say how many conferences it has assisted with, sponsored or co-sponsored in February, March and April 2002 to date?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND TELECOMMUNICATIONS**

Over the period in question, Government have assisted, co-sponsored or sponsored the following events:-

- Finance Centre Protected Cell Company Seminar on 11<sup>th</sup> March.
- The World Association of Small and Medium Enterprises, (WASME) Conference on 8<sup>th</sup> – 10<sup>th</sup> April.
- The Trans-Border Institute, “The Effects of the Euro on the Economies of the Strait”, on 12<sup>th</sup> – 13<sup>th</sup> April.

**NO. 606 OF 2002**

**THE HON DR J J GARCIA**

**FINANCIAL SERVICES COMMISSION**

What proposals for changes to the Regulations governing the fees payable to the FSC have been put forward?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND TELECOMMUNICATIONS**

Answered together with Question No 607 of 2002.

**NO. 607 OF 2002**

**THE HON DR J J GARCIA**

**FINANCIAL SERVICES COMMISSION**

When did consultations commence between the Government and the Financial Services Commission regarding the Regulations governing the fees payable to the FSC?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND TELECOMMUNICATIONS**

The new Fee Regulations came into effect on the 7<sup>th</sup> March 2002. Consultations with Government and the Industry commenced in August 2000. There has been close co-operation and consultation with the market prior to the introduction of these changes.

**NO. 608 OF 2002**

**THE HON DR J J GARCIA**

**COMPANIES ORDINANCE**

Can Government list the companies that have been struck off under Section 203A of the Companies Ordinance in February and March 2002?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND TELECOMMUNICATIONS**

During February and March 2002 no company has been struck off pursuant to Section 203A.

**NO. 609 OF 2002**

**THE HON DR J J GARCIA**

**NEW BANKING LICENCES**

Have there been any new banking licences issued in February, March or April 2002 to date and if so to whom and when?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND TELECOMMUNICATIONS**

There have been no new banking licences in February, March or April 2002 to date.

**NO. 610 OF 2002**

**THE HON DR J J GARCIA**

**PROTECTED CELL COMPANIES**

Can Government say whether any protected cell company has been formed in Gibraltar since the legislation was brought into effect, and whether any formal applications have been made?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND TELECOMMUNICATIONS**

One protected cell company has been formed in Gibraltar and an application has been made by a PCC insurance company to carry on insurance business in Gibraltar.

**NO. 611 OF 2002**

**THE HON DR J J GARCIA**

**EU/GOG – LOANS AND GRANTS**

Can Government say whether improvements to hairdressing salons would qualify for European Union or Gibraltar Government loans or grants?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND TELECOMMUNICATIONS**

In principle improvements to hairdressing salons can qualify for European Union or Gibraltar Government loans or grants. It is not necessarily the use to which the business will be put which is the only relevant factor. Specific criterias apply governing the grant of funds.

**SUPPLEMENTARY TO QUESTION NO 611 OF 2002**

**HON DR J J GARCIA:**

Can the Minister list the criteria which would apply?

**HON K AZOPARDI:**

The criteria set in the single programming document and all the EU funding criteria that is available is quite extensive but I can certainly provide that to the hon Member if he

wants. The criteria is not driven only by the Government given that there are EU funding requirements but certainly I can write to him and give him a flavour of that criteria.

**HON DR J J GARCIA:**

I would be grateful for that information but can the Minister also go through the procedure in terms of the various bodies or boards through which such an application would go?

**HON K AZOPARDI:**

Again extensive information can be supplied to the hon Member and I am happy to do so, there are explanatory booklets that have been produced to simplify the process and I will send them to the hon Member if he so wants. I can supply that they are indeed publicly available and they have been so for some time. I do not know if what is at the heart of this question is a recent application for a hairdressing salon and there was some confusion as to the eligibility of that application for EU funding and if that is what is at the heart of the question I am certainly happy to discuss that application with the hon Member. In that application, if that is what the hon Member is trying to get at, in that application the refurbishment, this is the distinction that I make, improvements to a hairdressing salon are eligible in principal but refurbishment of a hairdressing salon did not meet the EU eligibility criteria for funding assistance under the programme and this was pointed out by the Business Advisory Unit to the particular applicant some months ago. I know there has been correspondence between the applicant and the department setting out at least the department's clarification on those issues but I am certainly happy on a more abstract and holistic level to supply the hon Member with the criteria and explanatory booklets for his attention.

**HON DR J J GARCIA:**

I would certainly like to discuss the case with the hon Member. One of the issues which arises from it is this question whether refurbishment would apply or not and the other one was the question of it that is being refused on the basis of opening floodgates or not opening floodgates in terms of them getting other people to apply for the same thing which is why we were requesting the actual criteria that would be required for this. The second one was the role of the Enterprise Initiative Board in the actual decision making process and whether the conclusions which the Board arrives at can then be overturned?

**HON K AZOPARDI:**

The Enterprise Initiative Board does not make any decisions. It merely sifts through the applications, considers whether they meet the criteria, advises with the help of the Business Advisory Unit, and points them in the right direction and tells them "you are eligible for EU funding or you are not eligible." In this case "not eligible for EU funding" and therefore the only other sources of funding one can obtain is direct Government funding under the Gibraltar Enterprise Scheme, nothing to do with the EU funding requirements and criteria, criteria set by the Government, independent of EU funding requirements which again I am happy to send the hon Member. The Board in that respect again would sift through and make recommendations to the Government who



would then take the funding decisions. On this specific case I would be happy to discuss it with the hon Member.

**NO. 612 OF 2002**

**THE HON J J BOSSANO**

**J & B ENTERPRISES LTD**

Can Government say whether the goods possessed from J & B Enterprises were sufficient in value to cover the whole amount of the loan made to that Company?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND TELECOMMUNICATIONS**

We have estimated the value of the goods to be sufficient to cover the loan amount. However, until the goods are auctioned and the value realised we will not be able to confirm this.

**SUPPLEMENTARY TO QUESTION NO 612 OF 2002**

**HON J J BOSSANO:**

At the time of the original answer there were other companies, has anything been done to recover the loans or the arrears of anybody else other than this one, at the time I think the Minister said that this was the only one that something was being done about?

**HON K AZOPARDI:**

I cannot recall the exact answer, I seem to recall that there were three companies in question and that there had been action taken in another as well but I cannot precisely remember that and I do not have the note of my last Question and Answer with me. The hon Member has asked a very specific question on this company so I did not bring that information because I did not think that he wanted it but if he wants to write to me or raise that question again I would be happy to give him that information.

**NO. 613 OF 2002**

**THE HON J C PEREZ**

**GOVERNMENT EMPLOYEES – INDUSTRIAL ACTION**

Can Government confirm that they have now abandoned their policy of denying their employees the right to selective industrial action?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Employees have no such right, and it is therefore not a question of it being denied by Government policy.

**SUPPLEMENTARY TO QUESTION NO 613 OF 2002**

**HON J C PEREZ:**

Is it then that Government choose and pick on when they threaten their workers with putting them off pay if they take selective industrial action depending on which workers take action or is it that the Government have no policy on the matter at all?

**HON CHIEF MINISTER:**

That is a different issue that does not raise questions of rights on the part of the employee, it raises the opposite question of when the Government choose to exercise their rights under the employment contract. The Government have the right to insist on people that they employ fulfilling the entirety of the contract of employment and not picking and choosing which parts of their contract of employment they undertake whilst expecting to be paid as if they were undertaking all of it, so that is a Government right at stake, not an employee right and certainly the Government are free to decide in which cases they enforce that right and in which cases they do not. The Government policy which is what the hon Member has asked me about is that employees are free to decide whether to withhold their labour or not but if they withhold their labour then they must withhold it all and therefore if employees undertake what is called selective industrial action which is little more than picking and choosing which part of their contractual duties they decide they want to carry out whilst being paid for it all the general Government policy is that such people are thought to be and treated as if they were on strike and are regarded as not being at work and are not allowed to carry out any part of their duties. It is true that the Government's ability to deploy that policy becomes harder when there are essential services involved. Government have their policy but are not willing to endanger life in order to impose their policy on any factual situation. So if the hon Member has in mind the current example, for example, of the firemen, that is a case which the Government feel that their policy is being violated and it is now a matter for judgement for the Government whether they choose to apply their policy at the expense of there being no emergency cover for possible fires and other emergency situations that might arise or not and the Government have chosen so far not to.

**HON J C PEREZ:**

I have not got that area in mind and indeed I am not suggesting that the Government should put any employee off pay for taking selective action, it is my view that the right belongs to the worker to take selective action and not to the Government as the Chief Minister has stated. The case that I have in mind is that were as the Government took that action against school attendants when they took selective industrial action it did not take any such action against members of Prospect in the clerical grades when they were taking selective industrial action against the Government, there the emergency services were not involved and the Government chose to take a different view and I would think that if they take a lenient view with one group of workers, they should take that same lenient policy view with the school attendants.

**HON CHIEF MINISTER:**

I am not aware whether Prospect have ever been taking any selective industrial action but certainly if they have it has not been noticeable at least not noticeable in my office so that I would have been moved to take action. I am not aware that Prospect is taking any selective industrial action but the policy applies to all of them and if the hon Member is trying to suggest that this policy is selectively applied depending on the union involved.....

**HON J C PEREZ:**

To a group.

**HON CHIEF MINISTER:**

I have already explained to him the basis upon which some groups are easier than others in this respect to apply the policy. The same policy applies to all public servants and what sometimes happens is that the so-called selective industrial action is something that is not specifically provided for in the job specification and then there is an issue about whether they are entitled to stop doing, then it is not so much a question of selective industrial action in terms of not carrying out part of the clear contractual duties, then it becomes a question of whether it is contractual duty or goodwill that is being withdrawn and there are sometimes grey areas around that which make the Government have to be particularly cautious. I cannot agree with the statement of the hon Member, I think all employers are entitled to insist that their employees carry out their full contracts of employment. All employers should respect the right of their employees to exercise what I think nowadays has to be regarded as a human right and that is to withdraw one's labour in pursuance of a dispute but withdrawing one's labour means withdrawing one's labour and I do not believe that the hon Member, who is in this House to scrutinise the Government in their stewardship of public funds, possibly believes that it is right for the tax payer to pay people 100 per cent of their salary for doing 50 per cent of their contractual obligations.

**HON S E LINARES:**

The Chief Minister seems to have a very short memory because in the last debate we had in this House he said that the industrial action that was taken at that time, that is the civil service one which he does not recollect and seems that nobody in his office was in selective industrial action at the time, did not involve the omission or performance of any jobs specified in their jobs specification of any of the officers involved. That means that he was aware of the strike and the second thing that I would say to the Chief Minister is that he said at the time when I posed the question was " ...but the policy does not have any exceptions," now he seems to have exceptions to wherever it is needed or wherever he requires or wants to.

**HON J J BOSSANO:**

Can the Chief Minister say whether and if so when this policy has been formally put to the Union by the Industrial Relations Officer or Personnel Office.

**HON CHIEF MINISTER:**

No I cannot but the Unions are aware that that is a Government policy.

**HON J J BOSSANO:**

They may be aware because they listen to the House and we are live on radio but the point is that since this Government think that they do not have the right which they had until 1996 in the public service and indeed in the rest of Gibraltar including the MOD, is this not a sufficiently important change in the way that the Gibraltar Government conduct their industrial relations for this to be something that the Unions would have been told ".....look you no longer are able to put your members on to black something or a go slow or anything without risking having them all locked out and sent home and not paid"?

**HON CHIEF MINISTER:**

Unions are aware that that is Government policy.

**HON J J BOSSANO:**

Have the Unions raised any objections towards the Government policy?

**HON CHIEF MINISTER:**

It is not for the Government to disclose to the hon Member what the Unions choose to put to it.

**NO. 614 OF 2002**

**THE HON J C PEREZ**

**GOG/PROSPECT – SALARY REVIEW ARBITRATION**

Have Government now agreed the details of the arbitration with Prospect, over their differences over the 1999/2000 salary reviews, and if so, when is the arbitration scheduled to commence and what are its terms of reference?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The Government and Prospect are working constructively to take the arbitration forward. It is not appropriate to make further public comment at this stage.

**SUPPLEMENTARY TO QUESTION NO 614 OF 2002**

**HON J C PEREZ:**

Can the Chief Minister state whether it is intended to choose an independent arbitrator to the satisfaction of both sides or whether the intention is to pick one from either side to look at the matter, are details of that nature in the domain of the Chief Minister to give?



**HON CHIEF MINISTER:**

I think that is precisely one of the issues that is currently under discussion, the union Prospect is taking the commendably responsible position that it is exercising patience to the Government in recognition of the fact that the Government are substantially distracted with matters of external challenge to Gibraltar, a stance for which the Government are grateful to that union and certainly we will not abuse that delay in the sense that it is our intention to get on with that arbitration which was a Government suggestion and which both the Government and the Union are keen to get on with.

**HON J C PEREZ:**

Could I ask whether there will be a specific written agreed terms of reference under which that arbitration will work?

**HON CHIEF MINISTER:**

It is intended that the issue and the procedures should be agreed between Prospect and the Government and that is precisely the discussions that need to take place and are taking place.

**NO. 615 OF 2002**

**THE HON J C PEREZ**

**POST OF COLLECTOR OF CUSTOMS AND PERSONNEL MANAGER**

Are Government now in a position to open the vacancies of Collector of Customs and Personnel Manager?

**ANSWER**

**THE HON THE CHIEF MINISTER**

There is as yet no change to the position stated in response to the last time the hon Member asked this question.

**SUPPLEMENTARY TO QUESTION NO 615 OF 2002**

**HON J C PEREZ:**

Do Government not feel that certainly the question of the Personnel Manager is something that is now becoming urgent given the remarks made by the District Officer of the TGWU in his May Day Message which is a repeat of what he has said on a couple of occasions already in terms of industrial relations?

**HON CHIEF MINISTER:**

No. The Government do not consider that it is urgent for that reason nor do the Government necessarily agree with everything that the District Officer said in his May

Day message this year or the previous years. The Government are trying to redistribute the functions presently being carried out by the Personnel Manager in order to accommodate the predisposition of the acting incumbent in respect to the various functions that exist. We are seeking to split once again the Personnel resources, establishment type of function from the industrial relations functions and that the two functions may not necessarily reside in the same place or even on the same person.

**HON J C PEREZ:**

In respect of the Collector of Customs if I recall well the Chief Minister initially said that they were giving a chance to people there to act in the post and gain experience in the run up to opening the post but I believe that this has now taken quite a while, when does the Chief Minister expect to be in a position to open the post or is it that they are thinking of filling it in again from outside the Customs Service?

**HON CHIEF MINISTER:**

I cannot answer the hon Member's question of why this has still not been done but I can answer the hon Member as I think I have done in the past that the Government are not intending to bring in a Collector of Customs from outside the service.

**HON J C PEREZ:**

The Customs Service.

**HON CHIEF MINISTER:**

From outside the Customs Service yes that is how I understood his question.

**NO. 616 OF 2002**

**THE HON J C PEREZ**

**LAND PROPERTY SERVICES**

Have the Treasury now looked at the recommendations made by Baker Tilley over the contractual arrangements with Land Property Services , and if so, are Government now in a position to finalise the review of the contract?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The position remains as it was when I last answered a question by the hon Member on this subject, there has been no developments as far as I am concerned except that I am aware that there have been further discussions. There is this Baker Tilley Report which I have not seen and I therefore cannot say exactly where the discussions are between the company and the Treasury who are conducting these discussions but certainly Ministers have not been required to make a decision one way or the other or to choose options or anything like that.

**SUPPLEMENTARY TO QUESTION NO 616 OF 2002**

**HON J C PEREZ:**

So the position is that the Treasury have the Baker Tilley Report but the recommendations have not been put to the Ministers?

**HON CHIEF MINISTER:**

That may be the position but that is not how I formulated the answer. There has been a backlog of papers in my office since the external situation obtained the dimensions that it has recently obtained and it may well be that there is a minute in my office. If there is I have not yet attended to it and have not seen it so I would not wish to say that it has not come up for ministerial decision but that ministerial decisions have not yet been taken in respect of it. I would have to check to see if that is because it has not come up or because we have not yet had an opportunity to look at it even though it has come up for ministerial decision.

**NO. 617 OF 2002**

**THE HON J C PEREZ**

**BREATHALYSER TESTS**

Can Government state whether the Royal Gibraltar Police is now involved in the practical application of the use of breathalyser tests, and if so, whether this is having the desired result or whether some problems are being encountered?

**ANSWER**

**THE HON THE CHIEF MINISTER**

No.

**SUPPLEMENTARY TO QUESTION NO 617 OF 2002**

**HON J C PEREZ:**

So although the legislation was passed and I believe that the equipment is in Gibraltar it is still not being made use of, that is the position?

**HON CHIEF MINISTER:**

Yes I understand that at present the position is that guidelines are being drawn up between the Attorney General's Chambers and the RGP dealing with Section 47C (1) of the new Ordinance, namely situations which could give rise to a police officer having reasonable cause to suspect that a person has driven or attempted to drive a motor vehicle in a public place or is in charge of a motor vehicle in a public place after having consumed so much alcohol that the proportion of it in his breath, blood or urine exceeds the prescribed limits.

**NO. 618 OF 2002**

**THE HON J C PEREZ**

**COMPETENT AUTHORITY**

Do Government know whether a revised list of competent authorities in respect of the application of Council Directives 93/75 EEC and 78/55 EEC has been published by the European Commission after 24<sup>th</sup> April 2001, and if so, whether the Captain of the Port appears on the list as Gibraltar's competent authority?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The Government have made enquiries and established that the Commission have been made aware of Gibraltar's competent authority in this respect. Nevertheless, the Commission have not yet included us in any list. However, the Commission's list of competent authorities for this directive is due to be updated shortly and it is to be expected and hoped that Gibraltar's competent authority will be added at this time.

**SUPPLEMENTARY TO QUESTION NO 618 OF 2002**

**HON J J BOSSANO:**

When the Chief Minister says that the Commission has been informed, is it that the United Kingdom has informed the Commission?

**HON CHIEF MINISTER:**

The Foreign Office has established from the Commission that they are aware that Gibraltar's Captain of the Port needs to be listed as a competent authority. I would rather articulate it that way which is how it appears by the papers that I have in front of me because I cannot actually confirm to him that that awareness was the result of any formal notification, but certainly the Foreign Office has confirmed to us that they have checked with the Commission and that the Commission is aware that the appropriate directorate of the Commission is aware.

**NO. 619 OF 2002**

**THE HON J C PEREZ**

**GIBTEL/NYNEX**

Will Government urge Gibtel and Nynex to take legal proceedings against the European Commission for failure to act against Spain, if this is deemed necessary, in respect of the individual cases brought to the Commission by the respective companies?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Yes. In their capacity as shareholder with board representation.



**NO. 620 OF 2002**

**THE HON J C PEREZ**

**NON-RECOGNITION BY SPAIN OF 350 CODE**

Are Government aware whether the European Commission have now indicated a willingness to act against Spain for their non-recognition of Gibraltar's internationally recognised 350 code?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The Government are not aware that the EU Commission has given any such indication.

**SUPPLEMENTARY TO QUESTION NO 620 OF 2002**

**HON J C PEREZ:**

Will Government therefore be deeming it necessary to ask their shareholders in Gibtel and Nynex to act against the Commission as a result of no movement there?

**HON CHIEF MINISTER:**

The companies are aware of the Government's views.

**NO. 621 OF 2002**

**THE HON J C PEREZ**

**STUDY OF ROCK FACE**

Have Government already engaged a specialist consulting engineer to conduct a thorough inspection of the rock face, and if so, what are the terms of reference of the consultancy and what is the cost?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Government engaged Golder Associates Ltd, who are a firm of geotechnical engineering consultants, to inspect the cliff face in the area of the Dudley Ward Tunnel entrance. They have been asked to prepare a report on the condition of the cliffs and advise on any remedial stabilisation measures that may be required. The fee costs for this work (the consultancy) have amounted to £7,738.67.

**SUPPLEMENTARY TO QUESTION NO 621 OF 2002**

**HON J C PEREZ:**

Would the Government consider taking advantage of the consultancy now that it is here to look at the part of the cliff face just behind Catalan Bay where there are sporadic rock falls and where indeed it was deemed necessary at some stage when the school was there to vacate the school for the reason that there were rock falls in that area, would the Government consider including that in the consultancy or have a separate consultancy now that the company is there to look at the rock face in that area?

**HON CHIEF MINISTER:**

Yes and indeed there was a significant landslide the hon Member will recall. That has already been done and the recommendation is that a “rock bund” is to be built there and I think that the hon Member will find, I do not know if it is specifically disclosed as a project but that there are funds in the Improvement and Development Fund this year for the construction of a “rock bund” which I understand is a catchment area, a ditch so to speak to catch rocks as they fall.

**NO. 622 OF 2002**

**THE HON J C PEREZ**

**TELEPHONE NUMBERING PROBLEM**

Have the European Commission now been informed by Gibtel, Nynex or both, of the offer of extra telephone numbers made by Spain and in particular of those aspects of the offer which run contrary to Community Law?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question No 623 of 2002.

**NO. 623 OF 2002**

**THE HON J C PEREZ**

**TELEPHONE NUMBERING PROBLEM**

Can Government state whether the British Government have been made aware of the aspects of the Spanish offer of extra telephone numbers which run contrary to Community Law, and if so, can they state whether this has led to the British Government taking a different view on the matter?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Yes.

**SUPPLEMENTARY TO QUESTION NOS 622 AND 623 OF 2002**

**HON J C PEREZ:**

On both counts?

**HON CHIEF MINISTER:**

Yes. My only doubt is to whether in answer to the question as to whether the Commission have been told whether they were told by the companies or whether they have been told by the Government, they may have been told by both, certainly the Government have told them and have been told that the companies have told them as well.

**HON J C PEREZ:**

I believe on the last occasion I asked a similar question I was told that the companies were seeking a meeting with the Commissioner, have they had a response from the Commissioner is this to take place or has this taken place?

**HON CHIEF MINISTER:**

Yes, it is important for there to be an obvious and clearly discernible distinction which of course there is in fact but it is important that we should not be blurring it here between the Government on the one hand and the companies as commercial private litigants on the other. Therefore the hon Member will understand that the Government cannot answer formally for the companies in that respect but that having said all that such a meeting has recently taken place and the companies have expressed directly to the Commission in a meeting their analysis and concerns purely commercially without straining to the political concerns which the Government for their part have done in a letter that I wrote to the Commission in question. My understanding of the information that has filtered back to the Government through our representation on the Board is that the Commission have not been particularly receptive or sympathetic to the points that have been made, not out of any judgement or assessment of the merits of the point but only I suspect in response to the fact that it was an unwelcome invitation to follow the line other than the line of least resistance which is the line that they were embarked on.

**HON J C PEREZ:**

Can the Chief Minister disclose in what way this has now changed the British Government's perception of the issue given that he has said 'yes' to both questions?

**HON CHIEF MINISTER:**

The only census of which the Gibraltar Government are aware that it has affected the British Government's perception is one in the very different treatment that this issue got in the communiqué after the last bilateral ministerial meeting compared to the glowing warmth with which it had be welcomed after Barcelona. What happened in-between is that the Gibraltar Government provided the British Government with an assessment and pointed out the cunning plan which one supposes had not been spotted before in London, secondly the fact that meetings had taken place between London and Madrid based on all of these issues that the Gibraltar Government at the political side and regulatory side and licensing side had pointed out and which the companies themselves had pointed out in respect of the commercial consequences to them of those points. So, the British Government understand that this is not quite as simple as they had at first thought and the deal is not closed so to speak on that and that the British Government are aware that the numbers are not presently being used, the alleged new numbers are not presently being used because they are not being made available at this end because it would involve accepting the conditions which come with them which are wholly unacceptable.

**HON J J BOSSANO:**

Who is it that would have to accept those conditions, the Government, the company, or the Regulator?

**HON CHIEF MINISTER:**

The owner of the numbering plan is the Government, it is a national asset. The numbering plan is administered on the owner's behalf by the Regulatory Authority and also the Government's involvement more directly is as Licensing Authority. The Government have to license people and the ability to license people is of course restricted by the fact that when one has licensed them there is no numbers for them to use. So, the answer to the hon Member's question is that it is a matter for the Government and through the Government and on their behalf the Regulatory Authority as administrator of the numbering plan on the Government's behalf to establish what the numbering plan is. In other words, commercial licencees which is what the two commercial operators are, are not free to select their own national numbering plan and put it into operation.

**HON J J BOSSANO:**

Is the way that it has been done in the legislation indicative of the fact that a company could go directly to Telefónica and say I want some of these numbers and get it, is that what the Spanish legislation implies?

**HON CHIEF MINISTER:**

Is the hon Member referring to the Spanish 'decreto',

**HON J J BOSSANO:**

Yes.

**HON CHIEF MINISTER:**

Yes, and I do not know if the hon Member is aware of a second Spanish 'decreto' much more recent which purports to give the same treatment to the existing 30,000 numbers. The hon Member may be aware and I think that I have explained this to him before in the past that we take the view that the 30,000 numbers in Gibraltar's original numbering plan are not numbers that Spain has given to Gibraltar but rather Gibraltar numbers which are accessible from the Spanish network. One of the objections to the alleged new 70,000 numbers was that they were 70,000 numbers out of and from the Spanish numbering plan so Spain was saying "...out of my numbering plan, I am making these 70,000 numbers available for use by Gibraltar," therefore incorporating Gibraltar physically and unarguably for the first time into the Spanish numbering plan. Given those 70,000 numbers were and under the terms of the 'decreto' assigned by the Spanish Regulator or the Controller of the Spanish numbering plan, I am not sure it is the Regulator, to Telefónica and therein lies one of the commercial complaints by the local operators, that they are in effect in the hands of the competitor, and that any Gibraltar operator that wanted access to those numbers should apply to Telefónica

who would sub-licence them. So, these were Spanish numbers assigned by the Spanish operator to a Spanish licensee, Telefónica, to whom Gibraltar licensees were supposed to go and apply “....please can I have 1,000 numbers,” which deprives the Government of Gibraltar of ownership of the plan, deprives the Licensing Authority of any licensing input over the numbers and deprives the Regulator of the Regulation of that numbering plan, in effect usurping to Spain ownership, licensing and regulatory functions applying to the numbering plan and in a second ‘decreto’ they have said “oh and by the way and that is the case with the first 30,000 numbers as of now,” even though it had not been the case in the past and that is where matters stand.

**HON J J BOSSANO:**

Can Government give the date of the second one because I am not aware of it, I was referring to the one of November or if it is readily available it will save us searching for it?

**HON CHIEF MINISTER:**

I will certainly make a copy of it available to him but I do not have one here. It is quite recent a month to six weeks perhaps.

**HON J J BOSSANO:**

I am grateful for that information but in fact my question was narrower than that and more specific, I was saying “is it the way that the Spaniards have set it out,” is it that in theory that somebody turns up tomorrow and says I want ‘X’ numbers and Telefónica is in a position to give it to them?

**HON CHIEF MINISTER:**

I suppose people could but physically those numbers could not be used in Gibraltar unless certain switches were thrown in Gibraltar which they will not be and have never been. There are physical things that Gibraltar has to do to allow subscribers in Gibraltar physical access to those numbers.

**HON J J BOSSANO:**

Would Nynex be the one that would be responsible for taking that step?

**HON CHIEF MINISTER:**

Technically yes but they are subject to instructions of the Regulator in that respect.



**NO. 624 OF 2002**

**THE HON J C PEREZ**

**HARBOUR VIEWS PROMENADE**

Have Government reconsidered their position with respect to providing bathing facilities at the Harbour Views Promenade by properly demarcating an area for swimming, and if so, will this be ready for the commencement of the official summer season?

**ANSWER**

**THE HON THE CHIEF MINISTER**

No, Government have not altered their previously stated position.

**SUPPLEMENTARY TO QUESTION 624 OF 2002**

**HON J C PEREZ:**

The Chief Minister has not seen the light yet.

**HON CHIEF MINISTER:**

Not on this issue, no.

**NO. 625 OF 2002**

**THE HON DR R G VALARINO**

**HOUSE PRICES**

Can Government state what has been the increase in average house prices in the last financial year?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question No 626 of 2002.

**NO. 626 OF 2002**

**THE HON DR R G VALARINO**

**HOUSE PRICES**

Can Government explain how inflation in house prices is reflected in the Index of Retail Prices?

**ANSWER**

**THE HON THE CHIEF MINISTER**

House prices do not form part of the basket of goods and services in respect of which the Index of Retail Prices measures quarterly changes. The Government cannot therefore state what has been the increase in average house prices last year.

**SUPPLEMENTARY TO QUESTION NOS 625 AND 626 OF 2002**

**HON J J BOSSANO:**

Do Government not think it is desirable to monitor the movement in average house prices?

**HON CHIEF MINISTER:**

I am not aware that Government have evidence of that, there is of course a casual monitoring in the sense that Ministers like everybody else are aware of the fact that house prices are rising and no one is under any conclusion that house prices are rising substantially in Gibraltar as elsewhere and this is good for homeowners and not good for first time homebuyers which is why the Government are shortly to unveil large scale housing programmes for such people.

**HON J J BOSSANO:**

Given the fact that homeownership is now much greater in terms of percentage of population in that area, would the Government not think it would be a good idea to get the Statistics Department to look at a way of measuring, we all know they are going up they are not coming down, but that the rate at which they are going up I would have thought would be a useful statistic for the Government and everybody?

**HON CHIEF MINISTER:**

The only source of that information of course is to individually log the information, for example, Government have two occasions upon which it could do that, on a deed by deed basis. When it comes to stamp duty or when it comes for registration as a land title deed I suppose that a note could be made and now with the age of information and technology I suspect that that is probably quite feasible and I would certainly suggest it to the Government Statistics Office to see if they could do that. It will not provide information as accurate as the hon Member and the Government might hope because the hon Member is aware that one of the ingredients because of the historical 7 per cent limit on home ownership resales annual increase, this practice has arisen whereby part of the purchase price is described as being in respect of fixtures and fittings and that does not appear on the title deed so in fact such Statistics would understate the amount that people are paying for their houses and therefore the extent to which they have increased.

**NO. 627 OF 2002**

**THE HON MISS M I MONTEGRIFFO**

**TRANSFER OF BOATS AT WESTERN BEACH TO COALING ISLAND**

Are Government now in a position to state when they can expect the transfer of boats at Western Beach to the area of Coaling Island to commence?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Negotiations with MOD and relevant third parties are at an advanced stage. Government hope to be able to commence this project soon.

**SUPPLEMENTARY TO QUESTION NO 627 OF 2002**

**HON MISS M I MONTEGRIFFO:**

How soon?

**HON CHIEF MINISTER:**

Given that this is a project that the Government are very excited about and would dearly have loved to have done and have no reason to seek to delay I can express regret that it has not been possible to move for a variety of reasons all out of our control as fast as I would like. Suffice me to tell the hon Lady that the current delay is that we are awaiting and have been for some considerable time the MOD to specify

their requirements as to the facilities to be reprovided by us on those currently existing on Coaling Island wharf to be reprovided by us now in the Gun Wharf protrusion.

**HON MISS M I MONTEGRIFFO:**

Can the Chief Minister confirm whether negotiations have been successful as far as the third party is concerned?

**HON CHIEF MINISTER:**

Yes the other third party being a private company with an interest in the land on Gun Wharf, that is being exchanged.

**NO. 628 OF 2002**

**THE HON DR J J GARCIA**

**AIRLINES**

Can Government say if they are aware of how many airlines are interested in flying a possible Gibraltar-Madrid route and if so which airlines they are?

**ANSWER**

**THE HON THE CHIEF MINISTER**

No airline has expressed to the Gibraltar Government an interest in that route.

**SUPPLEMENTARY TO QUESTION NO 628 OF 2002**

**HON DR J J GARCIA:**

Having discussed the matter with the Minister for Tourism earlier, the answer which the Chief Minister gives is not surprising but are the Government aware of the statements made by the Diputación de Cadiz including the Mayors of Algeciras and Los Barrios which in Spanish says that an act of goodwill would be having flights between Madrid and Gibraltar in which already several European carriers have expressed an interest, are the Government then not aware which carriers they are referring to?

**HON CHIEF MINISTER:**

No. One of the problems with this sort of local initiative is that there seems to be a great rush to get into the public domain before the details of it are worked out. The answer is that the Gibraltar Government are not aware and indeed that remains the position. Let me say to the hon Member generally, in respect of that initiative, the Gibraltar Government are indeed very interested in pursuing that. The idea of forming a joint company is that if no established commercial airline could do it then the joint company would itself do it. At the end of the day all that needs to be done is to charter an aeroplane so that the idea is that the joint company would preferably find some commercial airline to do it but if one could not be found and I have seen what they have said in their press about the level of interest that exists in that respect but if one could not be found then the joint venture company itself could do it.



**NO. 629 OF 2002**

**THE HON DR J J GARCIA**

**EU-FREE MOVEMENT OF GOODS**

Can Government say at what stage is the Commission's action against the United Kingdom in five test case directives relating to Gibraltar and the free movement of goods?

**ANSWER**

**THE HON THE CHIEF MINISTER**

I apologise to the hon Member for what is a very unhelpful and ill informative answer that has been prepared for me to give him but I am advised that the matter is still pending before the European Court of Justice. I suppose what he meant is at what procedural stages it is in. From my personal memory of it, which I would ask him to give me the opportunity to check, the United Kingdom has just sent in its response to the considered opinion. That is my recollection of the exact stage.

**SUPPLEMENTARY TO QUESTION NO 629 OF 2002**

**HON DR J J GARCIA:**

In the light of recent developments we take it the United Kingdom is still proceeding to fight this case and to maintain that the free movement of goods should not apply to Gibraltar?

**HON CHIEF MINISTER:**

I am not sure what recent developments the hon Member is referring to if he means the sudden interest in discussing Gibraltar's possible status within the Common Customs Union, to which of course this is inextricably linked. The answer is I have detected no change of posture or argument. The United Kingdom believes the Commission is wrong on this issue and is defending the case on that basis. The hon Member already knows the Gibraltar Government's views about the desirability or not of Gibraltar's status changing but leaving to one side what the UK may want to do at some stage on that issue legally I think it can defend itself and is defending itself rather than using some desire as a pretext not to defend the position. That is the position as I see it at the moment if I detect any change of tactic on the part of the UK I will of course bring it to the House's attention.

**NO. 630 OF 2002**

**THE HON DR J J GARCIA**

**NUMBER OF STAFF IN GIBRALTAR OFFICES**

Can Government list the number of staff and the posts at:

- (a) the Gibraltar Office in London;
- (b) the Gibraltar Office in Madrid;
- (c) the Gibraltar Office in Brussels;
- (d) the Gibraltar Office in Washington?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Yes I can although I will just mention to the hon Member before I do so that none of these are Government posts. The present complement is as follows:

**(a) Gibraltar Office in London**

Director  
Tourism Development Manager  
Tourism Sales Manager  
Accounts Manager  
Sponsored Patients Welfare Officer/Calpe House Liaison Officer  
Secretary to the Director  
4 General Information Officers including a part-timer

**(b) Madrid Office**

Marketing Co-ordinator  
Administrator – vacant (post already advertised)

**(c) Brussels Office**

Gibraltar Government Representative

**(d) Washington Office**

Gibraltar Government Representative

**SUPPLEMENTARY TO QUESTION NO 630 OF 2002**

**HON DR J J GARCIA:**

In relation to the Washington Office is that actually physically a Gibraltar Office establishment where the person goes full time or not?

**HON CHIEF MINISTER:**

There is an office, a physical place, I have never visited it myself but one of my Colleagues has visited it, I have never been to it myself but there is an office there, I think it is in an office block and there is just this one person Perry Stieglitz whom I presume the hon Member knows, certainly the Leader of the Opposition does, works out of it. There is no other staff, I understand it is one of these support offices or managed space where there is a central typing service, telephonist service and this sort of thing.

**NO. 631 OF 2002**

**THE HON DR J J GARCIA**

**GTB – INFORMATION OFFICER**

How many persons applied for the vacancy for a Grade 1 Information Officer in the Gibraltar Tourist Board as advertised on 2 February 2002?

**ANSWER**

**THE HON THE MINISTER FOR TOURISM AND TRANSPORT**

Twenty-six persons applied for the post of Grade 1 Information Officer, 19 were interviewed and two appointed.

**SUPPLEMENTARY TO QUESTION NO 631 OF 2002**

**HON DR J J GARCIA:**

Can Government say if those appointed came from within the Government service or the unemployed lists?

**HON J J HOLLIDAY:**

I think that the two successful applicants came from outside the service.

**NO. 632 OF 2002**

**THE HON DR J J GARCIA**

**GTB – NUMBER OF CIVIL SERVANTS**

Can Government say how many persons are employed in tourism as civil servants outside the Gibraltar Development Corporation?

**ANSWER**

**THE HON THE CHIEF MINISTER**

This information is available to the hon Member in the Estimates of Revenue and Expenditure just laid in the House.

**NO. 633 OF 2002**

**THE HON DR J J GARCIA**

**GIBRALTAR DEVELOPMENT CORPORATION**

Can Government give the total amount of persons employed by the Gibraltar Development Corporation as at 31<sup>st</sup> March 2002, indicating how many are employed in tourism?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The total amount of persons employed by the GDC as at 31<sup>st</sup> March 2002, was 159 including 69 employed in tourism.

**NO. 634 OF 2002**

**THE HON DR J J GARCIA**

**VISAS FOR NON-EU NATIONALS**

What is the total number of visas issued in British Consular Offices in Morocco for non-EU nationals wishing to travel to Gibraltar on a monthly basis in February, March and April 2002 to date, providing a breakdown showing those issued in Tangier and Casablanca?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The total number of visas for Gibraltar issued in Morocco since 1<sup>st</sup> February 2002 up to and including 22 April 2002, on a monthly basis is as follows:-

February 2002	-	56
March 2002	-	68
April 2002 (Up to and inc 22.4.2002)	-	57
Total No of visas issued	-	181



The number of visas issued by Tangier and Casablanca is:-

	<u>Tangier</u>	<u>Casablanca</u>
February 2002	46	1
March 2002	56	1
April 2002 (Up to and inc 22.4.2002)	40	11

**NO. 635 OF 2002**

**THE HON DR J J GARCIA**

**RESIDENCE PERMITS**

Can Government say how many applications for a Gibraltar residence permit for the non-EU national spouse of British residents of Gibraltar are currently pending, listing from what date has each been pending, and showing the country of origin of the spouse?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question No 636 of 2002.

**NO. 636 OF 2002**

**THE HON DR J J GARCIA**

**RESIDENCE PERMITS**

Can Government list the requirements for British residents in Gibraltar who marry non-EU nationals abroad who want to apply for a residence permit for their spouse?

**ANSWER**

**THE HON THE CHIEF MINISTER**

**Answer to Question No 635 of 2002**

There are currently 10 cases under consideration although a further six enquiries have been received recently in respect of which formal applications could materialise. The cases being considered are:

<u>Country of Spouse's Origin</u>	<u>Date of Request</u>
Moroccan	10.1.02
Moroccan	4.2.02
Moroccan	11.3.02
Indian	14.3.02
Indian	22.3.02
Moroccan	25.3.02
Indian	25.3.02
Indian	16.4.02
Moroccan	23.4.02
Indian	Visa application lodged in India on 9.3.02 but request for residence is still awaited.

## **Answer to Question No 636 of 2002**

As a matter of immigration practice, requests to reside in respect of the non-EU spouses of Gibraltar residents are considered on their individual merits. Requests are carefully assessed in order to establish that the marriage is valid in law and the relationship is genuine and not one of convenience. The accommodation which the couple are to occupy, other relatives who may have to live with them and the ability of the resident to maintain his or her spouse without recourse to public funds are the main factors that are taken account of.

## **SUPPLEMENTARY TO QUESTION NOS 635 AND 636 OF 2002**

**HON DR J J GARCIA:**

One document which has been requested from applicants who have come forward with information is a request for a certificate of non-impediment on marriage. Our understanding is that this is not issued by the Government of Gibraltar itself and what we cannot understand is how, for example, obtaining a certificate that one is not married in India necessarily guarantees that one has not got married somewhere else?

**HON CHIEF MINISTER:**

Is the hon Member describing a certificate that is requested on an application for residence or an application for a marriage licence in Gibraltar?

**HON DR J J GARCIA:**

It relates first of all to the residency but perhaps if I go over the case it may perhaps clarify the situation. It relates to a Gibraltar resident, who say, wants to get married, before going through that process they are asked for a certificate of non-impediment from the jurisdiction where the wife originates. This causes all sorts of problems because some of the jurisdictions, like we do, do not actually issue this certificate and a guarantee by a notary public is apparently not considered enough by the Government. We are wondering if this was something that the Chief Minister was aware of and perhaps something which could be looked into?

**HON CHIEF MINISTER:**

No I am not aware of it, I will certainly look into it but I think that the hon Member is confirming by his last supplementary that this is something that is required when somebody seeks to get married in Gibraltar and not when somebody seeks to apply for a residence permit here. As I understand, what the hon Member is describing is a certificate that one is required to show that there is no impediment to marrying in Gibraltar, that is perhaps something that the Marriage Registrar might ask for when entertaining an application for a licence to marry, not residence. I will certainly look into it and let the hon Member know, I have never heard of such a documentary

requirement for the case of a residence application. Residence in the first instance is not a question of marriage, it is not a question of your spousal status.

**HON DR J J GARCIA:**

Another area I think that the Chief Minister has alluded to is the question of the recognition of the validity of the marriage in law presumably in British law. Some of these marriages, as is obvious, are with spouses who are either Indian or Moroccan. There is one individual case where the person got married, was provided with a certificate as a testimony to that marriage in another jurisdiction, in a ceremonial way not in a civil way, and on returning to Gibraltar in order to make the wife resident was told obviously that they needed proof that the person is actually his wife and they needed to get married either locally or somewhere else. The problem is that on presenting the certificate of marriage the certificate is not a recognised certificate in Gibraltar which maybe is not recognised under British Law. The problem is that although they are saying that the certificate is not recognised in Gibraltar they do recognise that the person is married which means that in order to obtain a residence permit for the wife the person cannot get married here because the Gibraltar authorities are recognising his marriage somewhere else but they are not recognising the document that is being presented as a testimony of that marriage. This is probably one of the cases which the hon Member has listed but it is particularly a difficult one because there is a circular argument involved whereby the person cannot get married here and make the wife resident because he is married somewhere else, but the certificate of the marriage somewhere else is not recognised locally. This has created all sorts of difficulties for individuals who after all are British Gibraltarians and who are residents and who perhaps would like some clarification on this point.

**HON CHIEF MINISTER:**

If the hon Member wants me to answer questions on individual cases then he needs to give me notice of them, I would say in response to the situation that he has explained is that knowing as I do the calibre and characteristics of the individuals, particularly the Head of Department in the Civil Service responsible for these things, I must say he has never struck me as somebody who would adopt quite an irrational position such as the hon Member has described in his supplementary, he either accepts the certificate or he does not but he cannot accept it for one purpose and not for another. My understanding and therefore he will forgive me if I in ignorance of the facts and having only the hon Member's version, or rather the version that has been put presumably by the affected party to the hon Member, he will forgive me if I do not on the basis of what he has been told by the complainant, if I can call him that, do not rush to accept the premise of his supposition but I will check it, I will ask the Civil Status and Registration Office whether the situation is as he is describing. My understanding is that the procedural requirement generally on these things is that the Gibraltar Government accept whatever is the certification under the law of the country where the marriage is alleged to have been celebrated and that is because people have got to bring in a marriage certificate from the country in which they have been married. The problem is I suppose that sometimes people bring in letters or certificates without the necessary official certification but on the whole I think it follows that these international certificates are recognised, but I will look into it and have the answer provided to the hon Member to see if the case, I suppose there will be somebody in the department who will be able to recognise the case from the facts that the hon Member has recited and I will have him informed of what the position is in respect of that case and generally. Mr Speaker, with your indulgence, if I could just

say that apparently the administration is presently grappling with three cases of marriages that appear to have taken a religious ceremony but not the appropriate civil ceremony in the country in question and that therefore there are difficulties of establishing the validity in law of the marriages in those countries. It may be and that the hon Member's case is one of those three.

**HON DR J J GARCIA:**

I do think it is one of those three, is there any set procedure to tackle those cases or is this something that has never happened before and that is why it is taking its time?

**HON CHIEF MINISTER:**

I will have to come back to the hon Member on that, I am not aware if there is.

**NO. 637 OF 2002**

**THE HON DR J J GARCIA**

**OFFSHORE BETTING**

Can Government say how many people are employed in the offshore betting industry indicating how many are part-time and how many are full-time as at 31<sup>st</sup> March 2002, listing the companies where such persons are employed, and how many are Gibraltarians, how many are EU nationals and how many are non-EU nationals?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The latest available information supplied by the licensed operators as at 31<sup>st</sup> January 2002 was provided in answer to Question No 317 of 2002 in February of this year. This information is normally updated periodically and it is planned to be next reviewed at the end of June 2002.

**NO. 638 OF 2002**

**THE HON DR J J GARCIA**

**OFFSHORE BETTING**

Can Government say whether there have been any new applications for a licence to conduct offshore betting from Gibraltar in February, March and April 2002 to date, and whether any applications have been approved, rejected, or remain under consideration in that time?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Six enquiries have been received post the information provided in answer to Question No 316 of 2002 in February 2002, of which two resulted in formal applications and are under consideration. With regard to the previous applications referred to in answer to Question No 316 of 2002 the position remains the same.



**NO. 639 OF 2002**

**THE HON DR J J GARCIA**

**IMPORT DUTY**

What was the amount of import duty paid on building materials on a monthly basis in January, February and March 2002?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The amount of import duty paid on building materials for the months of January, February and March 2002 is as follows:

January 2002	£30,340.39
February 2002	£30,173.34
March 2002	£27,960.43

**NO. 640 OF 2002**

**THE HON DR J J GARCIA**

**INTERNET CAMERAS AT THE FRONTIER**

Can Government say whether the internet cameras will again be operational at the land frontier once the works in the area are completed by the end of April as planned?

**ANSWER**

**THE HON THE CHIEF MINISTER**

No.

**SUPPLEMENTARY TO QUESTION NO 640 OF 2002**

**HON DR J J GARCIA:**

Can Government say why they have taken that decision, not to put them back?

**HON CHIEF MINISTER:**

The purpose for which they were originally set up has passed, they were set up in the midst of the very excessive frontier delays and the hon Member will recall that when we last had an exchange on this issue in the House I informed him that members of the business community, hotel trade and others were concerned that the cameras on the internet were simply being used by potential day visitors to check the state of the queue before coming down and if they saw a long queue they would not bother to

come and that that was generally thought to be contrary to Gibraltar's interest. Given the view that the Commission appears to have taken now on this issue which will be covered in another question in the order paper, the balance of interests in having them or not having them has now swung into not having them given that their presence is no longer improving the prospect of the Commission in taking any action.

**NO. 641 OF 2002**

**THE HON DR J J GARCIA**

**CASEMATES DEVELOPMENT**

Can Government say what type of business each of the five tenderers who applied for the three vacant units at the Casemates development intend to set up if awarded a unit?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question No 642 of 2002.

**NO. 642 OF 2002**

**THE HON DR J J GARCIA**

**CASEMATES DEVELOPMENT**

Can Government say whether any units at Casemates have been vacated or reassigned in February, March or April 2002 to date, and if so which ones?

**ANSWER**

**THE HON THE CHIEF MINISTER**

**Answer to Question No 641 of 2002**

The proposed type of businesses each of the five tenderers who applied for the three vacant units at Casemates development intend to set up if awarded a unit are as follows:

1. Confectionary, Selected Spirits and Tobacco Shop.
2. Moroccan House Accessories Specialist Shop
3. Pick 'N' Mix Old Fashioned Sweet Shop
4. Tapas Bar
5. A Specialist Chocolate/Sweet Shop.

### **Answer to Question No 642 of 2002**

No unit has been vacated at Casemates as such, Unit 3 Water Gate House held by Dan Trading Limited has been closed for a number of months now. Forfeiture Proceedings were issued against Dan Trading Limited on the 20<sup>th</sup> November 2001 to lead to the recovery of possession and arrears of rent on the unit. The position is that the defendant did not acknowledge service within the prescribed time after the Service of Claim. The Government are waiting for a judgement in default. No units have been assigned in February, March or April 2002.

### **SUPPLEMENTARY TO QUESTION NOS 641 AND 642 OF 2002**

**HON DR J J GARCIA:**

Is it the case then that the three units remain vacant and the Government are expecting to allocate those to the five people who have applied and in what time scale is that expected to take place?

**HON CHIEF MINISTER:**

No. The hon Member should not assume that just because there are as many applicants as there are vacant units that each applicant gets a vacant unit. The Government remain determined to carefully control the business activities within the Casemates Development to ensure that it does not become additional premises for the sort of retail outlets which add nothing to the Casemates experience and therefore from the list of five that I gave him some are entirely unlikely to prosper particularly the spirits and tobacco one. There has to be an element of speciality, it does not matter what but there has to be an element of curios or specialist retailing, it has got to be something special. So the sweets, tobacco and spirits one and also the tapas bar have not succeeded, the Pick 'N' Mix Old Fashioned Sweet Shop has been given the option to take over units 7C Casemates Arcade when surrendered but this has not yet been finalised.

**NO. 643 OF 2002**

**THE HON DR J J GARCIA**

**CASEMATES DEVELOPMENT**

Of the total number of tenants in the old Health Centre building at Casemates, as at 31 March 2002, how many have rent outstanding as follows:

- (a) current monthly only;
- (b) over three months;
- (c) over six months;
- (d) over twelve months?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos 644 to 646 of 2002.

**NO. 644 OF 2002**

**THE HON DR J J GARCIA**

**CASEMATES DEVELOPMENT**

Of the total number of tenants in the Casemates Development, excluding the old Health Centre block, as at 31<sup>st</sup> March 2002, how many have rent outstanding as follows:

- (a) current month only;
- (b) over three months;
- (c) over six months;
- (d) over twelve months?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos 643, 645 and 646 of 2002.



**NO. 645 OF 2002**

**THE HON DR J J GARCIA**

**CASEMATES DEVELOPMENT**

What is the total amount of rent owed by tenants in the old Health Centre block at Casemates as at 31<sup>st</sup> March 2002 and what is the total number of tenants?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos 643, 644 and 646 of 2002.

**NO. 646 OF 2002**

**THE HON DR J J GARCIA**

**CASEMATES DEVELOPMENT**

What is the total amount of rent owed by tenants in the Casemates Development, excluding the old Health Centre block as at 31<sup>st</sup> March 2002 and what is the total number of tenants?

**ANSWER**

**THE HON THE CHIEF MINISTER**

**Answer to Question No 643 of 2002**

- (a) Two
- (b) Nil
- (c) Nil
- (d) One.
- (e)

**Answer to Question No 644 of 2002**

- (a) Current month only 11
- (b) Nil
- (c) Nil
- (d) Nil.

**Answer to Question No 645 of 2002**

Total amount of rent outstanding at 31.3.02 = £11,719.95

Total number of tenants = 6

**Answer to Question No 646 of 2002**

Total amount of rent outstanding at 31.3.02 = £19,646.80

Total number of tenants = 26

**NO. 647 OF 2002**

**THE HON DR R G VALARINO**

**HOUSING – 50/50**

How do Government propose to establish the market value of the 50/50 homes to compare it with the proposed 4 per cent annual increase on the initial cost price in order to arrive at the sale price?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos 649 to 655 of 2002.

**NO. 648 OF 2002**

**THE HON DR R G VALARINO**

**HOUSING – 50/50**

Can Government state whether they have now identified a site in order to build further affordable housing units on a 50/50 basis as this is now an urgent issue?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The Government have identified sites for all their intended house building projects but do not consider it appropriate to make them public just yet.

**SUPPLEMENTARY TO QUESTION NO 648 OF 2002**

**HON DR R G VALARINO:**

Will the Government decide to make them public in the near future at budget time or will it be some time in the summer or autumn recess?

**HON CHIEF MINISTER:**

I cannot tell the hon Member exactly when the Government will announce them because it is really a question of making final decisions about the distribution of which particular type of project to place on which particular site. One or two of the sites still have one or two loose ends which still need to be tied up so rather than encourage

speculation and then have to retract we would rather wait until we are ready to make the announcement. We do not expect it to be long and it might even be possible to do it during the budget maybe.

**HON DR R G VALARINO:**

This could also include sites for homes for the elderly as the Chief Minister has said previously.

**HON CHIEF MINISTER:**

Yes the Government are terribly proud of their achievements in respect of the Bishop Canilla Home for the elderly, a novelty of this Government's manifesto which I do not recall reading in anybody else's manifesto of the last election. We do have this manifesto commitment to build more of these houses they have been a roaring success and terribly popular with the elderly people and the Government fully intend to build more of them, not just because it is a very convenient form of housing for elderly persons who want to avail themselves of that sort of housing but also because it has the effect of freeing up much larger houses elsewhere in the Government's housing stock so everyone is a winner all around. It is a very value for money way of providing a maximum number of large houses in Gibraltar for people on the waiting lists.

**HON DR R G VALARINO:**

Will Government take into account that the largest number of people on the waiting lists are on the 1RKB and 3RKB lists and will this show appropriate increases for these type of houses?

**HON CHIEF MINISTER:**

I assume the hon Member is now talking about Government housing rental stock. Yes, the hon Member is right, the Government have carefully thought about the configuration of the supply that it now needs to make available and that amongst other factors have been taken into account.

**HON J J BOSSANO:**

Given that the original answer asked about housing units on a 50/50 basis, is the reply that we have had confirmation that there are going to be for home ownership on a 50/50 basis?

**HON CHIEF MINISTER:**

I have spoken of the Government's various housing projects. There are various types of projects with different types of conditions, the Government intend to comply with our manifesto commitment in respect of 50/50 schemes which I am sure the hon Member is familiar with the terms of that commitment so there will be all sorts of housing including homeownership.

**HON J J BOSSANO:**

Is the number of units going to be influenced by the success of the proposed sale, is the money that is going to be raised from the proposed sale of the existing going to be channelled into building more and therefore does one affect the other?

**HON CHIEF MINISTER:**

Certainly the Government are intent on reinvesting any money that we retrieve. Any capital that we unlock from the 50/50 scheme the Government are intent in investing in housing and theoretically the more money the Government have available the more we can build on housing for rental, the capital cost of which has got to be assumed by the Government as opposed to other sorts of housing, 50/50 scheme part of the capital cost of which can be retrieved, so at the moment the scheme is not dependent on it. The financing of these projects is not conditional or dependent upon capital being available to the Government from the source that we have mentioned in the supplementary.

**HON DR R G VALARINO:**

Will this housing be means tested as explained in the manifesto?

**HON CHIEF MINISTER:**

We keep all our manifesto promises.

**NO. 649 OF 2002**

**THE HON J J BOSSANO**

**HOUSING – 50/50**

Can Government say how many homeowners have registered an interest in buying out the Government's share of 50/50 homes to date, giving a breakdown by estate?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos 647 and 650 to 655 of 2002.



**NO. 650 OF 2002**

**THE HON J J BOSSANO**

**HOUSING – 50/50**

Can Government confirm that the 4 per cent price increase for the sale of Government's share of 50/50 homes will apply from 1<sup>st</sup> June 2002?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos 647, 649 and 651 to 655 of 2002.

**NO. 651 OF 2002**

**THE HON J J BOSSANO**

**HOUSING – CO-OWNERSHIP HOUSES**

Can Government state whether the 4 per cent annual increase offer for the sale of Government's share of co-ownership homes requires the whole of the Government's share of each property to be bought by the other co-owner?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos 647, 649, 650 and 652 to 655 of 2002.

**NO. 652 OF 2002**

**THE HON J J BOSSANO**

**HOUSING – CO-OWNERSHIP HOUSES**

Can Government say what is the estimated value of the Government's share of co-ownership homes on the basis of the offer for sales at the level of 4 per cent per annum increase on the original purchase price giving a breakdown by estate?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos 647, 649 to 651 and 653 to 655 of 2002.

**NO. 653 OF 2002**

**THE HON J J BOSSANO**

**HOUSING – CO-OWNERSHIP HOUSES**

Can Government say which estates are covered by the extension of the 7 per cent price increase by one year to May 2002?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with question Nos 647, 649 to 651 and 654 to 655 of 2002.

**NO. 654 OF 2002**

**THE HON J J BOSSANO**

**HOUSING – CO-OWNERSHIP HOUSES**

Can Government say which estates are still covered by the original nine year 7 per cent per annum price increase giving the date by which the nine year old period expires in respect of each estate?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos 647, 649 to 653 and 655 of 2002.

**NO. 655 OF 2002**

**THE HON J J BOSSANO**

**HOUSING – CO-OWNERSHIP HOUSES**

Can Government state as at the beginning of this financial year what the estimated value was of the Government's share of co-ownership homes and the number of flats involved giving a breakdown by estate?

**ANSWER**

**THE HON THE CHIEF MINISTER**

**Answer to Question No 647 of 2002**

The Government have obtained valuation advice based on transactions on the current market value of the dwellings in each of the estates benefiting from the 50/50 scheme and will be applying those values to each of the estates, respectively.

**Answer to Question No 649 of 2002**

Co-owners have been able to register their interest in buying Government's share in their properties since 16<sup>th</sup> April 2002. As at 25<sup>th</sup> April the total number of expressions of interest received was 106. I do not think that it is appropriate to give publicly the breakdown that he seeks, at this early stage.

**Answer to Question No 650 of 2002**

Government can confirm that the offer applies from the date that the offer was announced on the 17<sup>th</sup> April 2002. Every co-owner interested in buying has a different original completion date from which the value of Government's share will be calculated. It depends on when they bought, that is when the 4 per cent will start.

### **Answer to Question No 651 of 2002**

The current proposal is for the whole of the Government's share to be purchased.

### **Answer to Question No 652 of 2002**

The estimated value of the Government's share of the properties based on a 4 per cent per annum increase over the original purchase price is £52.7 million. The breakdown by estate is as follows:

	(£m)
Montagu Gardens	15
Montagu Crescent	5
Westview Park	3
Harbour Views	19
Sir William Jackson Grove	7
Brympton	3
	<hr/>
Total	52
	<hr/>

### **Answer to Question No 653 of 2002**

If the purchase dates in any of the co-ownership estates were before the 1<sup>st</sup> May 1992 they would have reached the end of the nine year period on the 30<sup>th</sup> April 2001. The extension to 10 years (under the Trust Deed) would mean that from 1<sup>st</sup> May 2001 to 30<sup>th</sup> April 2002 Government would not charge market value for any purchase of Government's shares they would restrict the price to the 7 per cent per annum. Montagu Gardens (Westside One) Phases I and II completed in early 1992. Phase III various dates throughout 1993 and 1994. Harbour Views (Westside Two) Phases I and II completed between August and November 1992 and the majority of Phase III between December 1992 and May 1993. Brympton Estate – Completions commenced in March 1993.

### **Answer to Question No 654 of 2002**

Montagu Gardens – Phase III the last completion was in April 1995 (expiry April 2004).

Brympton Estate – The last completions were April 1994 (expiry April 2003).

Sir William Jackson Grove – The majority of 50/50 purchasers completed between June and August 1994 (expiry August 2003).

### **Answer to Question No 655 of 2002**

The estimated market value at the beginning of the financial year of the Government's share of the properties was £73 million. The estimated breakdown by estate is the following:

	(£m)
Montagu Gardens	30
Montagu Crescent	10
Westview Park	5
Harbour Views	23
Sir William Jackson Grove	5
	<hr/>
Total	73
	<hr/>

The Government will respect the contractual rights of anyone whose nine year period has not yet expired but would equally offer them the more favourable option of 4 per cent as soon as they want to take it without requiring them to wait until the end of the nine year so it is entirely the option of the owner.

### **SUPPLEMENTARY TO QUESTION NOS 647, AND 649 TO 655 OF 2002**

#### **HON DR R G VALARINO:**

Since the answer is such a lengthy one I wonder whether the Chief Minister would be gracious enough to allow us a copy of his reply?

#### **HON CHIEF MINISTER:**

As the hon Member is well aware the Chief Minister always tries to be as gracious as circumstances permit to the hon Members and therefore will happily make to them available prematurely a copy of the answer which he has just read. As to his last question Brympton seems to be missing I will check that for the hon Member.

#### **HON J J BOSSANO:**

The Chief Minister has just referred to the fact that in one of the questions I was saying the number of flats involved, that has not been included in the answer I take it?

#### **HON CHIEF MINISTER:**

No. I regret that it has not been included and I will provide that to him but from memory I think that about 120 of these flats are subject to the 50/50 scheme with the exclusion perhaps of the Sir William Jackson Grove where there are many so called Option 'C' flats but I will provide him with the number of flats involved. The only information that I meant not to give him was the breakdown by estate of expressions of interest at this stage but there is no reason why he should not have the number of flats in which the Government have a 50/50 interest broken down by estate, he is welcome to that information but I cannot explain why it has not been provided to me for me to give him. I will provide it.



**HON J J BOSSANO:**

I take it that the information sought described the 50/50 as being interpreted as including 60/40's or 70/30's, that is to say people who have had resales presumably are covered in this offer for the balance that they do not own and therefore would that be included in all these calculations?

**HON CHIEF MINISTER:**

I would hope so, they should certainly be included in the information that I have given him as to the market value of the Government's shares. I would hope so, the name 50/50 scheme is a generic name which covers 70/30 and 60/40 so I hope that the answer to the hon Member's supplementary is yes but I will check.

**HON J J BOSSANO:**

Have Government a figure of the total number of units of which 106 we know have expressed an interest so that we can get a feel for just what the ratio is? Are we talking about 10 per cent of the possible ones or 20 per cent?

**HON CHIEF MINISTER:**

I cannot give an indication, the figure may have risen by now because this was as at 25<sup>th</sup> April 2002 and inquiries have been coming in but from memory I think there is about 1800 flats in all, that information will be clear when I have provided the hon Member with the number of flats.

**HON J J BOSSANO:**

The position then is that anybody wanting to buy between now and the end of the year will be able to buy at this price and then after January it goes back to whatever was the relevant criteria before this move was made?

**HON CHIEF MINISTER:**

Yes if anyone does not buy before the end of the year and the period of limitation has already expired then one is exposed to a Government entitlement thereafter to charge market value for their share. As the hon Member has seen from the answers I have given there are still some estates whose nine year period will not have expired come the end of the year, they will retreat but to their 7 per cent position. No one will be worse off than they are now.

**HON J J BOSSANO:**

I also asked if I am not mistaken about what the value would be of the property with the 7 per cent as opposed to the 4 per cent?

**HON CHIEF MINISTER:**

That was the last answer, the hon Member asked "What was the market value based at 4 per cent?," that was Question No 652 of 2002 and I gave him the figure of £52 million and then his Question No 655 of 2002 was the estimated market value of the Government's share of the properties at the beginning of the financial year and the estimated market value for those properties still subject to the nine year rule is cost plus 7 per cent per annum. In respect of all properties because the others are still subject to the one year extension and the figure that I have given him subject to this not adding up/ omission of Brympton is £73 million without Brympton £80 million perhaps including Brympton and the difference has to be those 3 per cent for each of those nine now in some cases 10 years. I have not done the calculation to see if that is mathematically sensical or non-sensical.

**HON J J BOSSANO:**

I did not actually refer to the 4 per cent or the 7 per cent as the market value, I took the market value to be the value based on the valuation advice that the Chief Minister said that they had obtained.

**HON CHIEF MINISTER:**

I did say, the hon Member may not have heard me, valuation advice based on transactions. Therefore the valuation advice is not based on what somebody thinks that the house is worth but on an assessment of what the market is producing for them. On the basis of an assessment of the going rate for them in the market in terms of real purchases and sales that have taken place. This is not a sort of valuation on the basis of assessment of what somebody thinks of the value and thinks that the property is worth and those transactions upon which these valuations are based are transactions which have been subject to the 7 per cent rule and therefore must include the 7 per cent rule subject to the money which changes hands outside of the transaction and which is not taken into account here.

**HON J J BOSSANO:**

Is the £80 million the result of the value in the books of the companies that own the property or the result of the valuation advice?

**HON CHIEF MINISTER:**

It is the result of what the hon Member asked for in his question which was the market value. The market value means because of the conditions attached to the Trust Deed, the market value actually means cost plus 7 per cent per year except to the extent that that is frustrated in fact by money changing hands for fixtures and fittings which the Government are disregarding in these valuations.

**HON J J BOSSANO:**

Given that the actual statement issued by the Government is that they will sell their share of the property at either 4 per cent per annum increase or the market value

which ever is lower, that is the press release that the Government issued assuming that the Government cannot think that it is possible for 7 per cent to be lower than 4 per cent they must have been thinking about something else?

**HON CHIEF MINISTER:**

Yes we are thinking about something else, I had assumed that the hon Member would spot that. Obviously for the bulk of these things 4 per cent or 7 per cent is less than real market value except, there is a block in which market value might be less than cost plus 7 per cent or cost plus 4 per cent and that is Westside I Phase III which the hon Members will recall was subject to complications and price hikes and all manner of things which resulted in the fact that the cost paid for that particular block increased by 4 per cent may actually be more than the market value which has not run so fast in those flats than in the others because they paid much more for the flats originally and the reason why the Government have put that formula is just to give the option to those Phase III of Westside I who may be in that position. It very much depends on when one bought, how much one paid, whether it is a flat with a view or not a flat with a view but it is there just in case somebody needs to benefit from that rather than from the cost plus 4 per cent.

**HON J L BALDACHINO:**

Is the offer open only to owners at present, for example, if somebody were to sell his property tomorrow on a 60/40 or 70/30, will the offer also apply to the person buying now?

**HON CHIEF MINISTER:**

The offer applies to anyone that is in a position to buy from the Government their share before the end of the year, that might include somebody who is not the owner today but who buys between now and then and indeed may buy relying on that possibility, so the answer to the hon Member is certainly yes it includes such people.

**HON J J BOSSANO:**

Can I just point out that in answer to Question No 655 of 2002 the higher value put on Sir William Jackson Grove is £5 million whereas the 4 per cent value put in Question No 652 of 2002 is £7 million and that cannot possibly be right.

**HON CHIEF MINISTER:**

It can be right because the Government have in Sir William Jackson Grove.....

**HON J J BOSSANO:**

But we are talking about the same price in both questions. Unless what we are being told is that the market value in the case of Sir William Jackson Grove follows the rule the Chief Minister has just said, which is that it is 4 per cent per annum, the fact that there are properties that are not 50/50 should be reflected in both, the answer to

Question No 652 of 2002 and the answer to Question No 655 of 2002 because it is the same question but a different multiplier.

**HON CHIEF MINISTER:**

The questions are not exactly formulated in the same way but I would accept at least if I had been reading these questions for answer the differences would not justify giving the answer on a different basis, I accept that even though they are not exactly formulated. I will have the clarification of all of these issues for the House tomorrow.

**NO. 656 OF 2002**

**THE HON J J BOSSANO**

**HOUSING – CO-OWNERSHIP HOUSES**

Can Government state how many homeowners have purchased part, or the whole, of the Government's share of their co-ownership homes in the last financial year and the total value of such sales and the comparable figure for the preceding year?

**ANSWER**

**THE HON THE CHIEF MINISTER**

A total number of 26 homeowners have voluntarily purchased the remaining Government's share of their co-ownership homes during the financial year 2001/2002. The total value of these sales was £794,908.91. The comparable sales figures in the preceding year 2000/2001 were a total number of seven homeowners who purchased Government's share of their co-ownership homes, and the total value of these sales was £205,051.35.

<b>2001/2002</b>		
<b>Estate</b>	<b>Number of homeowners who purchased</b>	<b>Value of Sales (£)</b>
Montagu Gardens	13	440,320.83
Montagu Crescent	1	45,500.00
Harbour Views	5	122,457.64
Sir William Jackson Grove	6	167,130.44
Brympton	1	19,500.00
<b>Total</b>	<b>26</b>	<b>794,908.91</b>

<b>2000/2001</b>		
<b>Estate</b>	<b>Number of homeowners who purchased</b>	<b>Value of Sales (£)</b>
Montagu Gardens	4	126,502.41
Harbour Views	2	57,561.34
Sir William Jackson Grove	1	20,987.60
<b>Total</b>	<b>7</b>	<b>205,051.35</b>

**SUPPLEMENTARY TO QUESTION NO 656 OF 2002**

**HON J J BOSSANO:**

I take it that the proceeds of these sales are in the cash holdings of the residential property company which is shown in the estimates as cashing in Government companies, is that the case?

**HON CHIEF MINISTER:**

It is, yes.

**HON J J BOSSANO:**

Would the policy of reinvesting the proceeds of sales back into investment in property apply to the money that has been raised until now?

**HON CHIEF MINISTER:**

Yes indeed.

**NO. 657 OF 2002**

**THE HON DR J J GARCIA**

**IMPORTS – COMPUTERS**

What was the value and number of computers imported into Gibraltar on a monthly basis in 2000, 2001 and 2002 to date?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The value of computer hardware imported into Gibraltar, on a monthly basis in 2000, 2001 and 2002 to date is as follows:-

Imports of Computer Hardware			
Month	2000 (£000's)	2001 (£000's)	2002 (£000's)
January	525	284	391
February	232	396	1161
March	273	373	819
April	215	2542	-
May	263	267	-
June	1030	200	-
July	229	621	-
August	701	241	-
September	459	333	-
October	251	1224	-
November	388	416	-
December	279	562	-
Total	4845	7459	2371



**SUPPLEMENTARY TO QUESTION NO 657 OF 2002**

**HON J J BOSSANO:**

I take it that the Government's own spending in computers will be reflected in these figures will they?

**HON CHIEF MINISTER:**

Yes the Government are now dutiable like any other importer on all items.

**HON J J BOSSANO:**

Will that have been the case in the three years?

**HON CHIEF MINISTER:**

I would have to check about 2000 but it was certainly the case in 2001 and may even have been the case by 2000.

**NO. 658 OF 2002**

**THE HON J J BOSSANO**

**FRONTIER FENCE**

Have Government now decided how they are going to replace the frontier fence?

**ANSWER**

**THE HON THE CHIEF MINISTER**

No.

**SUPPLEMENTARY TO QUESTION NO 658 OF 2002**

**HON J J BOSSANO:**

Given the time that they have been considering it, is there a particular complication in the design of this or is it that they are not necessarily going to do it anymore?

**HON CHIEF MINISTER:**

No, there is no complication. It is just one of those projects which are non-priority projects which have just stayed stuck in the sort of finance centre, tax reforms, relaunched external affairs talks that we have been dealing with. It is just one of those projects that have not been given a push, the stage at which it is at is actually the stage at which we last discussed it and that was that certain fencing proposals had been put up to the Government which were not thought to be appropriate because they were too non-transparent. If the hon Member is asking whether there is any political complication, non has been brought to my or the Government's attention.

**HON J J BOSSANO:**

No, no I was asking why it was proving so difficult, presumably the Government have someone working on this, I would have expected that if it was a question of design they would have come up with something by now.

**HON CHIEF MINISTER:**

I think this was one of the projects that awaits ministerial decision as to the nature of the fencing. One of the latest proposals in front of the Government is fencing of the nature that one finds outside the Fortress Headquarters building next to the 100 Ton Gun. That is the latest proposal and we have not moved beyond that.

**HON J J BOSSANO:**

I think in a supplementary on a similar question previously I had asked the Government whether they had looked into this business of the MOD at one stage being responsible for that fence and for its upkeep, has that been considered?

**HON CHIEF MINISTER:**

I fear that if we ask the British Government to contribute to the cost of the fence, first of all they would not and secondly they might take the opportunity to express a desire to pull it down altogether in the current climate and we would not wish to provoke that.

**NO. 659 OF 2002**

**THE HON J J BOSSANO**

**CONSOLIDATED FUND**

Have any transfers been made to the Consolidated Fund from the Short-Term Benefits Fund in the last financial year?

**ANSWER**

**THE HON THE CHIEF MINISTER**

No. The sum of £5 million was transferred from the Short-Term Benefits Fund to the Social Assistance Fund as he will see from appendix 'H' of the estimates laid.

**SUPPLEMENTARY TO QUESTION NO 659 OF 2002**

**HON J J BOSSANO:**

Why was the Social Assistance Fund selected as a recipient of the £5 million?

**HON CHIEF MINISTER:**

This is an issue which I am certain the hon Member would prefer to discuss with me in private.

**HON J J BOSSANO:**

The Chief Minister knows that I do not agree with the money being taken out of the Short-Term Funds and we voted against it. Is it not the case that that money could have been transferred to the Closed-Long Term Benefits Fund which requires constant money being put in it and was that not something that was given consideration?

**HON CHIEF MINISTER:**

It could have been transferred anywhere but the use to which it was put given that the fund was in significant surplus over its foreseeable requirements was a purpose which better suited its description of Short-Term Benefits.

**HON J J BOSSANO:**

Given that the money which goes into the Closed Long-Term Benefits Fund is money which is monthly transferred from the Open Long-Term Benefits Fund, it is initially the result of Social Insurance Contributions the same as this, would the Government not agree that if monies are required in that fund the logic is that it should come from here?

**HON CHIEF MINISTER:**

Government could have applied this money to any number of purposes and the effect of using it for one and not for another is that for the other the money has to come from some other place. Now in respect of the decision to have used the money to supplement the Long-Term Fund, yes, that is a possibility but the requirements of the Long-Term Fund will need to be supplemented. The hon Member knows that the Long-Term Fund is not a fully funded fund, the money could have been used for that. Instead it has been used for another purpose the hon Member will find equally desirable.

**HON J J BOSSANO:**

I have no doubt about the desirability of the purpose but I am not questioning the purpose, I am questioning whether money that has been paid for by people who pay social insurance should not go where all the other money from the social insurance is going and this is a point that we made when the Ordinance was amended last year and we voted against.

**HON CHIEF MINISTER:**

The Leader of the Opposition knows that money from the Social Insurance contributions goes to several places including the Group Practice Medical Scheme, it is not true that money from the Social Insurance Contribution goes only either into the Short-Term Benefits Fund or to the Long-Term Benefits Fund. There are other purposes for which the money goes, we had this debate at the time that this Bill was passed at the House, the Government do not share the view that this is money which is earmarked for use only for one or other of the uses to which Social Insurance

Contributions are made. The entitlements to people under the Short-Term Benefits Legislation are statutory and completely unconnected to the existence of the cash fund itself so whether the Government take all or part or none of the money out of this fund the purpose for which it was put remains an entitlement of the recipient payable by the Government, in fact there is more than enough money left in that fund to pay the requirements of that and the Government does not share the hon Member's view that this money should have been used for the particular purpose that he has mentioned either because it is one of other destinations of social insurance contributions or otherwise it was not the view that the Government took.

**HON J J BOSSANO:**

The Government know full well that the separation of Short-Term and Long-Term Benefits came post 1988 as a result of the liability of Spanish Pensioners which the United Kingdom acquired, and when in 1996 and 1997 when the funds were restored the position of the Government was that the very high level of reserves in the Short-Term Benefits Fund which had been put there for a particular reason at the time would be made available to the Long-Term Benefits, that is what was said at the time so why have the Government not done it?

**HON CHIEF MINISTER:**

I can only rely on his memory for the fact that it was said at the time. I do not recall whether anything was said at the time and if so whether it was what the hon Member has just recited or not. The funding certainly may have been said that that was one of the possible uses for which to put it and indeed it was and is, it is just not what was eventually decided. What was eventually decided was what the Government were advised was another perfectly legitimate use of those monies and that is the decision that was made. Certainly the decision that the hon Member would have preferred could also have been made but the Government chose not to make that one, it chose to make a different one.

**HON J J BOSSANO:**

Was the sum arrived at on the basis that it was desired to provide £5 million to the SAF or that the correct balance for the Short-Term Benefit was the £6.4 million that has been left behind?

**HON CHIEF MINISTER:**

No. I understand that the capital that was left behind is still far in excess of the reasonably foreseeable requirements of the Short-Term Benefits Fund and therefore it is not that this figure has been chosen because it has the effect of depleting the balance left of capital in the Short-Term Fund to that which has been actuarially calculated it should be. It is still more than it needs to be.

**HON J J BOSSANO:**

I do not think that is the answer that I was given by the Financial and Development Secretary earlier but the implication is that if it is in the Government's judgement or advice of what is required it is still possible to draw further on that fund?

**HON CHIEF MINISTER:**

The hon Member would understand that it is all a matter of judgement on interest and investment rates but yes subject to that variable, yes.

**NO. 660 OF 2002**

**THE HON J J BOSSANO**

**INCOME TAX – SELF EMPLOYED PERSONS**

Can Government now state what were the amounts assessed in respect of self-employed persons for each tax year from 1995/96 to 2000/2001 giving the amounts discharged, confirmed and paid and the number of tax payers involved and can they further show in respect of each year whether this was based on returns provided by the tax payer or on estimates by the department as at 31<sup>st</sup> January 2002?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The schedule that I now hand the hon Member provides the statistical information requested in respect of self-employed persons. The data is as at 24<sup>th</sup> April 2002 and does not distinguish between estimated and non-estimated assessments. The Commissioner of Income Tax advises that this statistical data has been compiled in-house using the computer data transfer function available to the department since April 2001.



	1995/96	1996/97	1997/98	1998/99	1999/00	2000/01
	£m	£m	£m	£m	£m	£m
<b>Assessed</b>	7.6	7.8	9.5	9.6	45.2	8.4
<b>Discharged</b>	4.7	4.4	5.4	5.4	40.7	3.4
	2.9	3.4	4.1	4.2	4.5	5.0
<b>Paid</b>	1.9	2.4	2.6	2.7	2.8	2.0
<b>Outstanding</b>	1.0	1.0	1.5	1.5	1.7	3.0
<b>No of Taxpayers</b>	1177	1122	1144	1056	997	823

### **SUPPLEMENTARY TO QUESTION NO 660 OF 2002**

**HON J J BOSSANO:**

Obviously the £45 million for the year 1999/2000 on self-employed persons is a figure estimated by the department, is there a particular explanation for that which seems extraordinarily high given that we are talking about 1,000 people being the number of tax payers?

**HON CHIEF MINISTER:**

I believe, although I have to check for him, that this question arose last Question Time and that the answer then was that there had been a computer input error which could only be reversed by a corresponding figure on the debit side and that that explains why it is £45.2 million and £40.7 million and not two figures between zero and 10 as is the case in all other years. I believe that to be the explanation but I cannot tell the hon Member with certainty. I will endeavour to find that out by tomorrow. Whilst I am on my feet can I just mention to the hon Member that he will notice if he compares this information with the information as to 1995/96 and 1996/97 and 1997/98 that we gave in answer to Question No 446 of 2001 which he asked in February of that year. At the time the facility to download and manipulate data for statistical and managing purposes was not available to the Commissioner of Income Tax as it now is and the information given in answer to that question in February was provided by the Information Technology Unit. The Income Tax Office has been unable to find out exactly why the differences arise hence why they have not been answering the hon Member's questions when he asked it, for example, in October 2001 and in February 2002, he asked similar questions, Question No 1233 of 2001 and Question No 326 of 2002, so whereas the Commissioner of Income Tax has drawn the information now given to him from the department's own manipulation of

the data available to them from new programmes, softwares, now in operation, they do not currently compare with information given from another source back in February 2002 in respect of those three years and the Commissioner of Income Tax has not yet succeeded in finding out why the Information Technology Unit provided that information in that form.

**HON J J BOSSANO:**

In relation to my supplementary on the £40 million I think that the Chief Minister is thinking of a figure of £80 million that appeared in reply to a previous question which was on corporation tax, can I take it then that this is considered to be more accurate than the figure previously provided in respect of the earlier years?

**HON CHIEF MINISTER:**

It is so considered by the Commissioner of Income Tax who is now able to extract given his new computer and software facilities. The Commissioner is now able to draw this internally as management information from his own system so I am certain that he would consider this information to be such that he can vouch for it.

**HON J J BOSSANO:**

In the distinction which is the same that is drawn between companies where a tax return is made and companies where an assessment is made by the department, is it that the department cannot differentiate in respect of any year or would they be able to do it for more recent years but not going further back?

**HON CHIEF MINISTER:**

Again I cannot give the hon Member an entirely reliable answer to that but my reading of the Commissioner's explanation is that his new computer system is not programmed to report that distinction. Whether it can be programmed to report that distinction I would have to find out but what he is saying is that the data does not distinguish between estimated and non-estimated and knowing the Commissioner of Income Tax he would only have failed to make that distinction in answer to a question from the Leader of the Opposition if he physically could not and it would not have been out of any choice not giving it. It may be that it can be programmed and that there is a limit but certainly as I said to the hon Member if there is any sort of information to which they for reasons of their own attach a particular importance they are certainly free to write to the Minister, in this case me, and I would be very happy to do all that is reasonably possible to get the appropriate department's computer programmed so that it reports information in the way that the hon Member wants it in answer to his questions. Where the difficulty comes in is where the Government spend a lot of money programming computers which serves the departments needs and the departments supposed desire for management information of how they want it and then the hon Member comes and asks the question in a slightly different format and then one finds that the computers have not been programmed in that way. Certainly if he has got particular requirements I am perfectly happy to feed them in and have the computers programmed in that way if possible, I do not understand these things but I suppose it must be possible.

**NO. 661 OF 2002**

**THE HON J J BOSSANO**

**INCOME TAX – PAYE**

How much was collected in PAYE each month since December 2001?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The figures (net of refunds) and subject to possible adjustments when reconciled with the Treasury Books are as follows:

	£M
December 2001	4.0
January 2002	5.0
February 2002	4.1
March 2002	3.7

**NO. 662 OF 2002**

**THE HON J J BOSSANO**

**INCOME TAX – PAYE**

Can Government say what was the amount collected in PAYE in the last financial year by area of employment as follows:

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

**ANSWER**

**THE HON THE CHIEF MINISTER**

The total amount of PAYE collected in the Financial Year 2001/2002 was £54.7 million analysed as follows:

	£M
MOD	4.2
Government of Gibraltar	19.4
Government owned & Joint Venture Companies	2.4
Private Sector Employment	28.7
	<hr/>
	54.7
	<hr/>

These figures are subject to possible adjustments when reconciled with the Treasury Books.

**NO. 663 OF 2002****THE HON J J BOSSANO****INCOME TAX – PAYE**

What is the current estimated amount of PAYE payable in the tax year 2000/2001 by area of employment and the number of employees in each area as follows:

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

**ANSWER****THE HON THE CHIEF MINISTER**

Based on the Employers' Annual Statement, Declaration and Certificate submitted up to 24.4.02 the information sought is as follows:

	£M	Approximate No of Employees
(a) MOD	3.9	2700
(b) Gibraltar Government	14.5	5100
(c) Government owned and joint venture Companies	2.5	700
(d) Private sector employment	27.1	15500
	<hr/>	<hr/>
	48.0	24000
	<hr/>	<hr/>

## **SUPPLEMENTARY TO QUESTION NO 663 OF 2002**

**HON J J BOSSANO:**

How do Government explain that in answer to Question No 1232 of 2001 the figure that I was given for the private sector was higher even though at the time the caveat was entered that a total of 433 employers had not yet returned their PAYE declaration and that consequently one assumes that since that answer more people have made returns so how come the figure has come down?

**HON CHIEF MINISTER:**

I suppose the hon Member is referring to Question No 1230 of 2001?

**HON J J BOSSANO:**

Question No 1232 of 2001, Question No 1230 of 2001 was the figure for the months of PAYE?

**HON CHIEF MINISTER:**

What was the figure given for private sector?

**HON J J BOSSANO:**

For the private sector we were told it was £29.4 million and 16,000 and at the time 433 employers had not yet made their returns so consequently the indications were that when those returns arrived the figure would be higher?

**HON CHIEF MINISTER:**

I would have thought so, I cannot give an explanation but I will tomorrow.

**NO. 664 OF 2002**

**THE HON J J BOSSANO**

**INCOME TAX – PAYE**

As at 31<sup>st</sup> March 2002 how many employers had returned the 2000/2001 Employers' Declaration and PAYE Certificate and what was the total amount of tax deducted and the number of employees affected?

**ANSWER**

**THE HON THE CHIEF MINISTER**

As at 31<sup>st</sup> March 2002, a total of 1,549 employers had submitted their 2000/2001 Employers' Declaration and PAYE Certificate. The total amount of PAYE tax deducted was £47.3 million and the number of employees was 22,170.

**SUPPLEMENTARY TO QUESTION NO 664 OF 2002**

**HON J J BOSSANO:**

The figures of employees do not seem to tally with the ones that I have just been given in the previous answer which is for the same tax year.

**HON CHIEF MINISTER:**

In what respect are they not consistent?

**HON J J BOSSANO:**

The answer that I was given was a breakdown which showed MOD, Gibraltar Government, Government owned and private sector and if we add that I think that that comes to more than the 22,000 that I have just been given.

**HON CHIEF MINISTER:**

The only explanation that is possible from the information that I have in front of me is that whereas Question No 663 of 2002 is given up to the 24<sup>th</sup> April 2002 , Question No 664 of 2002 is up to 31<sup>st</sup> March 2002 whether those days are capable of explaining the difference I cannot calculate on my feet at this time of the night but I can find out and try and confirm it.



**NO. 665 OF 2002**

**THE HON J J BOSSANO**

**INCOME TAX – PAYE**

As at 31<sup>st</sup> March 2002 how many employers had not yet returned the 2000/2001 Employers' Declaration and PAYE Certificate and what is the estimated number of employees affected?

**ANSWER**

**THE HON THE CHIEF MINISTER**

As at 31<sup>st</sup> March 2002, 356 employers had not yet returned the 2000/2001 Employers' Declaration and PAYE Certificate. The estimated number of employees affected was 1,800.

**SUPPLEMENTARY TO QUESTION NO 665 OF 2002**

**HON J J BOSSANO:**

When I was given the information last time that there were 433 who had not yet returned, it included the Government, are Government still included there?

**HON CHIEF MINISTER:**

What was then the number of employees?

**HON J J BOSSANO:**

It was 433 employers and the figure which was not in the written thing was something of the order of 4,000.

**HON CHIEF MINISTER:**

I would then guess but it would be no more than a guess that the Government are no longer included here but I can find that out for him.

**NO. 666 OF 2002**

**THE HON J J BOSSANO**

**INCOME TAX – PAYE**

Of the 124 employers who had not yet returned the Employers' Declaration and PAYE Certificate for the tax year 1996/97 as at 31<sup>st</sup> January 2002, how many are still trading and of these how many have failed to make returns for subsequent tax years?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The department has reason to believe that 71 of the 124 employers are still trading and that the remaining 53 employers are currently not trading and no one has seen fit to arm me with the other information that the hon Member seeks, namely how many are the ones thought still to be trading, have failed to make returns for subsequent years but I suppose that all of them otherwise the answer that I have given would presumably not be formulated on the basis of reason to believe. If they were trading, if they had submitted subsequent returns presumably there would be evidence that they were still trading.

**SUPPLEMENTARY TO QUESTION NO 666 OF 2002**

**HON J J BOSSANO:**

Is the Chief Minister saying that the fact that they are trading is based on the fact that they have made returns?

**HON CHIEF MINISTER:**

I do not know I was giving the hon Member information and making one possible supposition from it. The hon Member asked , "...of the 124 how many are still trading and of the ones that are still trading how many have failed to make returns for subsequent years, and the only information that I have given him is that the department has reason to believe that 71 of the 124 are still trading and that 53 are not trading but they do not tell me of the 71 that they believe to be trading they do not tell me whether or not they have made or failed to make returns in subsequent years and I am supposing that they have not because if they had it would not be a question of believing them still to be trading but knowing them still to be trading but that is supposition on my part. If the hon Member is particularly keen to have that part of his question answered I can ask but I suppose that it means inspecting all 71 files.

**HON J J BOSSANO:**

Would the Government not agree that if there are employers that have retained the PAYE of their employees from 1996/97 and are trading and have continued doing it ever since something ought to be done about it?

**HON CHIEF MINISTER:**

I agree with the hon Member.

**HON J J BOSSANO:**

That is why I want to know.

**HON CHIEF MINISTER:**

As the hon Member knows enforcement of the Income Tax legislation is not something that political government gets involved in. The Hon Member has asked me whether I believe that it is a situation that requires or indicates that something should be done that people should be in arrears of PAYE by five years and that they should still be trading and no one tackles them and the answer is that I believe that that is an unacceptable situation if it is happening and something should be done about it. As to what should be done about it I suppose it is the usual answer if one takes the necessary proceedings one jeopardises the jobs but there comes a time which is implicit in the hon Members point that these jobs are not sustainable anyway they can only be definitely sustained on the basis of non-compliance with fiscal obligations. The hon Member should not assume that nothing is done although clearly if there are 71 companies that have not paid their PAYE from 1996/97 then there is at least 71 cases of the sort that he has described.

**HON J J BOSSANO:**

What I am suggesting is that would the Government not agree that it is a sufficiently manageable number to say "...instead of chasing somebody else," I would have thought that the people who have been defaulting longest ought to be tackled first.

**HON CHIEF MINISTER:**

I agree entirely with the hon Member and I would make the suggestion to the Commissioner of Income Tax.

**NO. 667 OF 2002**

**THE HON J J BOSSANO**

**INCOME TAX – CORPORATION TAX**

What was the total amount of Corporation Tax collected in each month since January 2002?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The Corporation Tax collected in each month since January 2002 (net of refunds) was as follows:

	£M
January 2002	0.4
February 2002	0.2
March 2002	3.4

These figures are subject to Treasury Books reconciliation.

**NO. 668 OF 2002****THE HON J J BOSSANO****INCOME TAX – CORPORATION TAX**

As at 31<sup>st</sup> March 2002 how many companies in each of the tax years 1995/96 to 2001/2002 had been assessed for company tax, the amounts of tax payable and amounts paid in respect of each tax year?

**ANSWER****THE HON THE CHIEF MINISTER**

I hand the hon Member a schedule giving the information he has requested.

	<b>1995/96</b>	<b>1996/97</b>	<b>1997/98</b>	<b>1998/99</b>	<b>1999/00</b>	<b>2000/01</b>	<b>2001/02</b>
	<b>£m</b>	<b>£m</b>	<b>£m</b>	<b>£m</b>	<b>£m</b>	<b>£m</b>	<b>£m</b>
<b>Assessed</b>	15.7	15.2	17.9	24.4	85.3	21.0	12.6
<b>Discharged</b>	5.2	4.1	6.7	11.0	71.1	8.4	1.4
	10.5	11.1	11.2	13.4	14.2	12.6	11.2
<b>Paid</b>	9.5	10.2	10.2	12.4	12.8	9.6	4.2
<b>Outstanding</b>	1.0	0.9	1.0	1.0	1.4	3.0	7.0
<b>No of Companies</b>	1436	1410	1449	1421	1477	1385	1000

## **SUPPLEMENTARY TO QUESTION NO 668 OF 2002**

**HON J J BOSSANO:**

In a supplementary to Question No 1222 of 2001 which provided the same information which has now been updated, I asked for an explanation why the number of companies had come down in respect of 1995/1996 and 1996/1997 notwithstanding the fact that the amounts had not altered, I note that the figure has gone up again to the one provided in Question No 450 of 2001, can Government confirm at a later stage which is the accurate one?

**HON CHIEF MINISTER:**

For which year?

**HON J J BOSSANO:**

In the year 1995/96 in answer to Question No 450 of 2001 I was told that it was 1,430 taxpayers assessed at £15.5 million, this then became 1363 assessed at £15.7 million and I found it odd that the amount assessed had gone up and the number of taxpayers had come down. In the supplementary that I put at the time, in fact the information did not come back, but I notice that now the figure is £15.7 million and it is 1436 as opposed to the 1363 that I was given before so I would like to know which is the correct figure.

**HON CHIEF MINISTER:**

Question No 450 of what year?

**HON J J BOSSANO:**

It was Question No 450 of 2001 was one figure and then Question No 1222 of 2001 was the other figure.



**NO. 669 OF 2002**

**THE HON J J BOSSANO**

**INCOME TAX – CORPORATION TAX**

As at 31<sup>st</sup> March 2002 how many companies had been assessed by the Commissioner of Income Tax, without having made a return of taxable profit, (a) above and (b) below £35,000 in taxable profit for the years 1998/99 to 2001/2002, what was the tax assessed and paid in each case and for each category and each year what were the amounts of tax assessed and paid by qualifying companies?

**ANSWER**

**THE HON THE CHIEF MINISTER**

I hand the hon Member a schedule giving the information that he has requested.

**Answer to Question 669 of 2002****COMPANIES OTHER THAN QUALIFYING COMPANIES**

	Year of			
	Assessment			
	1998/1999	1999/2000	2000/2001	2001/2002
	£	£	£	£
<b><u>Under £35,000</u></b>				
No of Companies assessed	943	868	705	730
Total assessed (i.e. total tax payable)		1.5M	1.4M	1.5M
Total paid under	1.2M	0.7M	0.4M	0.2M
<b><u>Over £35,000</u></b>				
No of Companies assessed	57	56	38	52
Total assessed (i.e. total tax payable)		3.3M	2.2M	2.7M
Total paid over	3.2M	2.8M	1.6M	0.8M

**QUALIFYING COMPANIES****Under £35,000**

No of Companies assessed	23	27	5	Nil
Total assessed (i.e. total tax payable)		26K	2K	Nil
Total paid	2K	0.16K	0.32K	Nil

**Over £35,000**

No of Companies assessed	2	8	10	Nil
Total assessed (i.e. total tax payable)		54K	0.2M	Nil
Total paid	Nil	22K	0.1M	Nil

**NO. 670 OF 2002**

**THE HON J J BOSSANO**

**INCOME TAX – CORPORATION TAX**

As at 31<sup>st</sup> March 2002 how many companies had declared a taxable profit (a) above £35,000 and (b) below £35,000 for each of the tax years 1998/99 to 2001/2002, what was the tax assessed and paid in each category and can Government state in each category and for each year how many were qualifying companies and what were the amounts of tax assessed and paid by such companies?

**ANSWER**

**THE HON THE CHIEF MINISTER**

I hand the hon Member a schedule giving the information that he has requested.

**Answer to Question 670 of 2002****COMPANIES OTHER THAN QUALIFYING COMPANIES**

	Year of Assessment			
	1998/1999 £	1999/2000 £	2000/2001 £	2001/2002 £
<b><u>Under £35,000</u></b>				
No of Companies assessed	142	175	209	119
Total assessed (i.e. total tax payable)		353K	463K	245K
Total paid under	314K	331K	413K	115K
<b><u>Over £35,000</u></b>				
No of Companies assessed	53	48	62	44
Total assessed (i.e. total tax payable)		6.3M	6.9M	6.6M
Total paid over	6.2M	6.3M	5.9M	3.0M

**QUALIFYING COMPANIES****Under £35,000**

No of Companies assessed	5	7	Nil	Nil
Total assessed (i.e. total tax payable)		4K	Nil	Nil
Total paid	3K	4K	Nil	Nil

**Over £35,000**

No of Companies assessed	10	14	3	1
Total assessed (i.e. total tax payable)		1.4M	157K	82K
Total paid	865K	1.4M	97K	Nil

**NO. 671 OF 2002**

**THE HON J J BOSSANO**

**GOVERNMENT DEBENTURES**

As at 31<sup>st</sup> March 2002, what was the value of Monthly Income Debentures and Pensioners Monthly Income Debentures issued by the Gibraltar Savings Bank?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The value, as at 31<sup>st</sup> March 2002, of the Monthly Income Debentures and the Pensioners Monthly Income Debentures is as follows:

Monthly Income Debentures	£17,552,800
Pensioners Monthly Income Debentures	£18,950,300

**NO. 672 OF 2002**

**THE HON J J BOSSANO**

**I & D FUND**

Was the £10 million loan for the Improvement and Development Fund drawn in the last financial year?

**ANSWER**

**THE HON THE CHIEF MINISTER**

A total of £8 million was borrowed for the Improvement and Development Fund during the financial year ended 31<sup>st</sup> March 2002.

**SUPPLEMENTARY TO QUESTION NO 672 OF 2002**

**HON J J BOSSANO:**

Was the £8 million drawn under the (a) facility of the NatWest Loan which is the revolving one?

**HON CHIEF MINISTER:**

I honestly do not know, I do not take the same keen interest that the hon Member used to take in the minutiae of treasury management, I honestly do not know but if the hon Member is particularly keen to know I shall find out for him.

**NO. 673 OF 2002**

**THE HON J J BOSSANO**

**GIBRALTAR COMMUNITY CARE LIMITED**

Have any more purchases been made from Gibraltar Community Care Limited of 11.875 per cent 2005 Gibraltar Loan?

**ANSWER**

**THE HON THE CHIEF MINISTER**

No. The holding by Gibraltar Community Care Ltd of Gibraltar 11.875 per cent 2005 loan still stands at a nominal of £36,438,000.

**SUPPLEMENTARY TO QUESTION NO 673 OF 2002**

**HON J J BOSSANO:**

I was told on the previous occasions which is now some years ago that the timing of this was so that they would not be getting the money closer to the maturity date when the market value comes down to the nominal value, is this no longer a consideration?

**HON CHIEF MINISTER:**

My understanding is that those in Gibraltar Community Care Limited who have carefully assessed the actuarial funding requirements have not yet offered any more of their stock for sale, I would not want to be more specific than that. The hon Member and myself could have a private conversation if he wants to.

**NO. 674 OF 2002**

**THE HON J J BOSSANO**

**EMPLOYMENT SURVEY REPORT**

Do Government still expect the results of the October 2001 Employment Survey to become available this month?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The October 2001 Employment Survey Report was finalised in March this year and has been tabled earlier on at the beginning of this meeting of the House.



**NO. 675 OF 2002****THE HON J J BOSSANO****EMPLOYMENT SURVEY REPORT**

Can Government state whether GBC, the Office of the Ombudsman and the Refuse Incinerator company are included in the Private Sector in the October 1998, 1999 and 2000 Employment Survey Reports and if so give a breakdown by nationality of the number of full-time and part-time employees accounted for by these three employers?

**ANSWER****THE HON THE CHIEF MINISTER**

The Government can confirm that GBC, the Office of the Ombudsman and the Refuse Incinerator company were included in the Private Sector in the October 1998, 1999 and 2000 Employment Survey Reports. The breakdown by nationality and full-time/part-time employees is shown in the table provided.

<b>GBC, Office of the Ombudsman, Onyx (Gibraltar) Ltd</b>						
	<b>1998</b>		<b>1999</b>		<b>2000</b>	
	<b>Full-Time</b>	<b>Part-Time</b>	<b>Full-time</b>	<b>Part-time</b>	<b>Full-Time</b>	<b>Part-time</b>
<b>Gibraltarian</b>	30	12	40	10	51	12
<b>Other British</b>	1	1	2	1	6	-
<b>Spanish</b>	-	-	2	-	1	-
<b>Other EU</b>	-	-	-	-	1	-
<b>Other</b>	-	-	1	-	1	-
<b>Total</b>	<b>31</b>	<b>13</b>	<b>45</b>	<b>11</b>	<b>60</b>	<b>12</b>

**NO. 676 OF 2002**

**THE HON J J BOSSANO**

**CENSUS OF GIBRALTAR**

When do Government expect to be in a position to publish the results of the 2001 Census?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The Government expect to be in a position to publish the 2001 Census of Gibraltar by autumn of this year.

**SUPPLEMENTARY TO QUESTION NO 676 OF 2002**

**HON J J BOSSANO:**

When was the last date for the forms being collected, was it earlier this year or was it last year?

**HON CHIEF MINISTER:**

I could not possibly say but I can tell the hon Member that coding and data input is some 85 per cent complete and that data validation of the information inputted has also commenced and I am told by way of comparison that the reports in respect of November 1981 Census and the October 1991 Census were published in December 1982 and November 1992 respectively.

**NO. 677 OF 2002**

**THE HON J J BOSSANO**

**ABSTRACT OF STATISTICS**

Can Government now say when the 1998 Abstract of Statistics will be published?

**ANSWER**

**THE HON THE CHIEF MINISTER**

I cannot offer the hon Member an explanation of why there has been an interruption in the publication of the abstract but I am assured by the Chief Secretary that the 2001 Abstract, which will include all the missing years, will be published before the end of this year on the basis of a revamped set of statistics and tabled presentation. The Statistics Office seem to think that it will be much improved based on the data available in the Census and in the data that will be available in the Input/Output Study and this apparently will be an all singing and dancing Abstract of Statistics which still does not explain why it has not been published in the old form for the missing years but let us hope that the new one is worth waiting for.

**SUPPLEMENTARY TO QUESTION NO 677 OF 2002**

**HON J J BOSSANO:**

Presumably that will only affect the results for the last year because the years up to the year 2000 would be done I take it on historic data which is available within different departments, is that the case?

**HON CHIEF MINISTER:**

Yes I think that must be right.

**NO. 678 OF 2002**

**THE HON J J BOSSANO**

**GROSS DOMESTIC PRODUCT**

Can Government say how they have calculated that the Gross Domestic Product is currently £450 million?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The GDP figure of £450 million is an estimate based on the preliminary findings of the Input/Output Study which calculated GDP to be in the order of £400 million in 1998/1999.

**SUPPLEMENTARY TO QUESTION NO 678 OF 2002**

**HON J J BOSSANO:**

In answer to a question in the last House about the report of Professor Fletcher that was used in the European Court case, I was told that he had not provided any estimates of GDP, are these figures provided by him or not?

**HON CHIEF MINISTER:**

I do not know, certainly I can tell the hon Member, I do not know if there is another question in the Order Paper, that the Input/Output Study has just been received, it does not answer his question as to what the state of the Government's knowledge

was when the £450 million figure was given, I am afraid I cannot accurately set the chronology. When was the £450 million given?

**HON J J BOSSANO:**

It was given in the recent speech that the Chief Minister made in the London School of Economics or somewhere and which was published here as a Government Press Release.

**HON CHIEF MINISTER:**

I do not know what the answer to the hon Member's question is, it was certainly an estimate but whether the estimate was given with a draft of the Input/Output Study in hand or without even a draft of the Input/Output study in hand I could not say.

**HON J J BOSSANO:**

But one would assume that a figure given in that context would be treated as being reliable given that it was delivered by the Chief Minister and not anybody else. If the Chief Minister tells the London School of Economics that we have a GDP of £450 million and he happens to be the head of the Government, they assume that it is a reliable solid figure not just picked out of thin air.

**HON CHIEF MINISTER:**

What I suppose they would assume as everyone that has ever heard a Gibraltar GDP figure historically would also have assumed that there is some scientific model basis for the figure and the answer is that until now when we have the Input/Output Study there has been less than complete economic science in these figures in the past and certainly the Government have been aware, at least I have, that when I make broad political use internationally of these figure that this is a guesstimate and one of the reasons why we commissioned the Input/Output Study and did it on an organic model basis so that it is precisely that we should always have available to us the model for producing national income accounts and GDP measurements on an on-going basis which in the past has not really been the case. It has really been back of the envelope sort of stuff by those that have to calculate it as best they could and I believe that the Input/Output Study and the model that it creates will provide an on-going mechanism for very accurate information of this sort and of other sorts. I do not want to pre-empt what we might exchange in relation to another question on the Order Paper but the Input/Output model is such that, for example, it will be possible to test what the effect on Government Revenues would be, for example, of the Tax Reforms that the Government are planning, it is that sort of model so Government are confident that we are now on the threshold of a new era of additional and more reliable economic statistics for Gibraltar and therefore I attach less importance to dwelling on the past whether it be the recent past or more distant past.

**HON J J BOSSANO:**

Certainly however accurate or inaccurate it is it must be better than what we have had since 1996 which is nothing.

**HON CHIEF MINISTER:**

The Government have not published formally GDP statistics because the Government are not satisfied that until we receive this model that the Government had available to it the means to produce a statistic the accuracy of which it was willing to answer for and I know that previous Governments have taken a different view of this but that is the view that we took that to have calculated GDP using old models giving the enormous change that there has been in the meantime in the economy it would not have produced a meaningful or credible figure. Even if the Government could have arrived at a figure it would not have had the means to justify, so whether any such figure would have been better or worse than no figure is very much a moot point. Certainly it would have been possible for the Government to have bragged about growth in the economy for domestic political purposes, we chose not to do it because we did not feel that we would have had sufficiently reliable economic statistics for it. That has now changed and it will now be possible to give regular annual GDP figures.

**HON J J BOSSANO:**

Yes but whether in fact the new model does all the things that the Chief Minister believes it will do remains to be seen and we certainly will have to wait to see the report and see the model because I will remind the Chief Minister that Input/Output models of the past have been a total disaster and I have reminded him of this before so we will have to see what this one has got that the other ones did not have because the other ones failed miserably to predict anything even though the experts who were paid to produce these things made similar claims. Could I ask the Chief Minister in terms of the calculation for the GDP if it is going to be based on whatever it is that the Input/Output model does it will only be possible to do that from a current or future date? Will the years where nothing has been done will anything be done about those years or that remains as a black-hole between 1996 and now?

**HON CHIEF MINISTER:**

Without wishing to suggest that earlier years in respect of which a figure was bandied about for GDP shed any more light than the current black-hole, there comes a time where unjustifiable and uncheckable figures are less transparent still than no figure at all but leaving that point to one side I have not yet seen the model myself. The model as all Input/Output models relies on the accuracy of the statistical information that is fed into it, theoretically I suppose that it will be possible to run historical data in respect of past years through the model and get the result that the model would have produced in those back years so to speak had the model been applied. I cannot imagine why it should not be possible to do so given that it is a computerised model.

**HON J J BOSSANO:**

I think that the Chief Minister said that the figure of £400 million was 1998/1999 in answer to the original question, so the estimate of £450 million was in respect of what year, 1999/2000 or now?

**HON CHIEF MINISTER:**

2000/2001, who knows.

**HON J J BOSSANO:**

Oh I see.

**NO. 679 OF 2002**

**THE HON J J BOSSANO**

**IMPORTS**

What was the volume of imports of petroleum products from Spain in the calendar years 2000 and 2001?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The volume of imports of petroleum products from Spain in 2000 and 2001 were 1,446,107 metric tonnes and 1,395,559 metric tonnes respectively.

**SUPPLEMENTARY TO QUESTION NO 679 OF 2002**

**HON J J BOSSANO:**

Am I right in thinking that this accounts for almost all the petroleum products, that Spain is the main source?

**HON CHIEF MINISTER:**

It is certainly the main source whether it is the exclusive source I dare not say, from time to time tankers arrive from further afield and I do not know whether some of the non-Cepsa bunkerers bring it from elsewhere, in fact I am told that they do but what proportion I cannot tell.



**NO. 680 OF 2002****THE HON J J BOSSANO****IMPORTS**

What was the value of goods imported by land and sea, other than petroleum products, each month since December 2001?

**ANSWER****THE HON THE CHIEF MINISTER**

The information requested is as follows:

	<b>2002</b> <b>(Value of Goods Imported Other Than Petroleum Products)</b>	
	<b>Land</b> <b>(£ million)</b>	<b>Sea</b> <b>(£ million)</b>
<b>January</b>	19.4	2.9
<b>February</b>	17.0	2.7
<b>March</b>	16.4	5.8

**NO. 681 OF 2002**

**THE HON J J BOSSANO**

**INPUT/OUTPUT STUDY**

Can Government state whether Professor Fletcher has now completed the final validation of data for the Input/Output Study?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question No 682 of 2002.

**NO. 682 OF 2002**

**THE HON J J BOSSANO**

**INPUT/OUTPUT STUDY**

Can Government state whether the Input/Output Study has now been finalised?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The Input/Output study was finalised last week and the Report was submitted to the Government on Thursday 25<sup>th</sup> April.

**SUPPLEMENTARY TO QUESTION NOS 681 AND 682 OF 2002**

**HON J J BOSSANO:**

What is the next step following this receipt of the report, is it that it requires a policy decision or something to be done or it sort of gets implemented?

**HON CHIEF MINISTER:**

No there is nothing to actually implement in an Input/Output Study as the hon Member knows, whether it will be set up as a model and utilised is another question but the first thing that needs to happen is that the Government need to read it, digest it, and understand it. That is presently being done at senior officials level and I hope to read it myself in the not too distant future and then a policy decision will be taken (a) how to put it into practical use and (b) also the question of whether and to what extent and on

what terms to circulate it and to whom to circulate it and whether to publish it or not to publish it. All these things need to be decided once the content of the model has been studied. At the moment the position is that I have not seen it at all myself and that it is still being considered by officials in the appropriate departments principally the Chief Secretary and others.

**HON J J BOSSANO:**

Given that the Chief Minister has not seen it, does he know enough about what it contains to be able to say, for example, whether the report contains an explanation of the methodology and how the proposed structure has been arrived at what has been going on since 1996. We are talking about something that was announced in 1996 presumably a lot of data has been collected in the intervening period and I would expect that the report would say how the information obtained is linked to the recommendations that it makes as to how the Input/Output model should work in predicting what happens in the economy?

**HON CHIEF MINISTER:**

I cannot tell the hon Member whether it does or does not contain that but I shall ask and let him know, as I say I have not looked at it myself and I am not in a position to answer any questions about it at this stage. Even if it did not contain the information that the hon Member wanted, if the Government can be persuaded by him that it is relevant to obtain it we can always get information from Professor Fletcher about the methodology whether or not it is contained in the report. I am sure he can provide a methodology statement even if he has not done so in the report.

**HON J J BOSSANO:**

Do Government know whether in fact the approach of the Input/Output Study is used anywhere else for GDP calculations because in the United Kingdom there is a thing called the 'Blue Book' which as far as I understand is what the Statistics Office here has always relied on for trying to do the same thing in the case of Gibraltar.

**HON CHIEF MINISTER:**

I think the basic issue is that the inability to calculate GDP appears to have been based on lack of reliable information to feed into the formula. Part of the exercise of the team has been to identify the information required.

**NO. 683 OF 2002**

**THE HON J J BOSSANO**

**GOVERNMENT TENDERS**

Can Government say what is the policy when awarding tenders and the prospective contractor owes the Government money?

**ANSWER**

**THE HON THE CHIEF MINISTER**

When tenders are considered and before they are awarded, the debtor position in respect of monies owed to the Government by the prospective contractor is ascertained. In cases where there is a debtor position, the award is normally made conditional on the contractor entering into an arrears agreement to regularise its position. When the debts owed are significant, the tender may not be awarded to that contractor.

**SUPPLEMENTARY TO QUESTION NO 683 OF 2002**

**HON J J BOSSANO:**

Is this a position that is taken by the Tender Board?

**HON CHIEF MINISTER:**

One of the things that the Tender Board do is consult the Central Arrears Unit and people of that sort. They establish the debtor position and they then include it as part

of their recommendation that the contract should or should not be given to this or that tenderer.

**HON J J BOSSANO:**

Is it that the Board decides if a particular amount of money is significant or not, is that the case?

**HON CHIEF MINISTER:**

Yes that is my understanding it certainly does not come to Ministers or anything like that, it gets absorbed as part of their decision making process. So they are exercising the judgement as to whether the debtor position is such that the company should not be rewarded with a Government contract.

**HON J J BOSSANO:**

Presumably the rationale of that would be that the debtor position might be indicative of a problem in fulfilling the contract because if by giving the contract the Government stands a better chance of recovering the money then it would make sense. Obviously I am assuming that if it were not for that the person would stand a chance of getting a contract obviously?

**HON CHIEF MINISTER:**

I am not sure that that is the main reason, there are probably several reasons, one is as a straight forward deterrent this is a stick that the Government tend to wield, "if you do want access to Government work then you will be compliant with your obligations in terms of taxation and social insurance contributions et cetera." So in one respect it is just an attempt by the Government to exercise leverage over people that it can in that respect but secondly and this is something that the Chamber of Commerce have often brought to the Government's attention and that is that there is a need to create a level playing field for contractors. If one is a contractor or a supplier, it is not just building contractors, this applies across the board and one is not complying with ones obligations in terms of social insurance, PAYE et cetera, et cetera, then the advantage over ones competitors because one can always quote a cheaper price for the services if one is not meeting ones dues from the profits one is making and so businesses that do comply with their obligations consider that they are being disadvantaged because compliance has a cost. Companies that comply necessarily have got to quote higher prices than companies that do not bother to comply and therefore in practice have less overheads and therefore they can afford to write down their quotation. So, it is both, leverage in order to maximise Government Revenue and also levelling the playing field to ensure that the non-compliers do not actually obtain an advantage in the tendering process through being able to undercut companies that do comply.

**NO. 684 OF 2002**

**THE HON J J BOSSANO**

**CIVIL SERVICE –VACANCIES**

Is it no longer Government policy to advertise vacancies within the Civil Service before such vacancies are opened up for applicants outside the service?

**ANSWER**

**THE HON THE CHIEF MINISTER**

It remains Government policy to advertise vacancies in the Civil Service first, unless there is a good, exceptional reason for not doing so , and then in consultation with the trade union concerned.

**NO. 685 OF 2002**

**THE HON J J BOSSANO**

**REGISTER OF GIBRALTARIANS**

How many persons are currently on the Register of Gibraltarians?

**ANSWER**

**THE HON THE CHIEF MINISTER**

There were a total of 35,244 persons entered in the register of Gibraltarians on 23<sup>rd</sup> April 2002.

**SUPPLEMENTARY TO QUESTION NO 685 OF 2002**

**HON J J BOSSANO:**

Obviously that includes all Gibraltarians abroad?

**HON CHIEF MINISTER:**

I fear it may be worse than that, it is not accurate as to people that may have passed away and things like that. It is not an accurate figure of those registered Gibraltarians who are still alive but it would certainly include Gibraltarians abroad, registered Gibraltarians who do not live in Gibraltar.



**HON J J BOSSANO:**

Would the Government not agree that it is desirable to do something to produce perhaps in addition to this a register of those Gibraltarians who have not passed away and are living in Gibraltar given the speculation about a referendum where presumably the persons on the Register of Gibraltarians will feature prominently if not exclusively?

**HON CHIEF MINISTER:**

This is a matter that is under consideration as the Government start to plan ahead for possible referenda, several questions arise whether who would be eligible to vote in that referendum and any administrative work we should be getting on with. What we do not want to find is to find that we make a choice as to some of these questions and then find that we have not done the administrative preparatory work. We are now focusing on issues such as that implied by the hon Member's supplementary.

**HON J J BOSSANO:**

So that means that in fact this particular aspect which I would have thought was irrespective of who else may be included, we can take it as given that those on the register of Gibraltarians will be permitted to vote.

**HON CHIEF MINISTER:**

It would be inconceivable that registered Gibraltarians would be excluded from the vote, I cannot imagine who else might vote but certainly it would include registered Gibraltarians. Obviously the issue is whether any referenda should be limited to registered Gibraltarians or should be based on the electoral register, that is the issue.

**NO. 686 OF 2002**

**THE HON J J BOSSANO**

**VISAS**

Can Government say whether any new arrangements have been introduced for holders of a UK visa wishing to visit Gibraltar?

**ANSWER**

**THE HON THE CHIEF MINISTER**

As from 3<sup>rd</sup> June 1999 arrangements are in place under which holders of valid UK multiple entry visas and persons with indefinite leave to remain in the UK are exempted from the requirement to hold separate visas for Gibraltar if they seek to enter as visitors for a short period of stay which is not normally expected to exceed one month. No other new arrangements have been introduced since then.

**SUPPLEMENTARY TO QUESTION NO 686 OF 2002**

**HON J J BOSSANO:**

I understand that people have been experiencing difficulties recently which was not the case before and it appears to depend on how the question of multiple entry is interpreted, are Government aware of this?

**HON CHIEF MINISTER:**

No I am not aware of it, I do not see how the documentation itself can be the subject matter of any problems because either one has a multiple entry visa in ones passport or one does not and either one has a status that has unlimited leave to remain

indefinitely to remain in the UK or one does not. I suppose it is still possible for an Immigration Officer in Gibraltar to doubt whether the purpose of the visit is temporary and that might be a reason why in an individual case, I am not aware of any cases in which it has but speculating on the basis of the point made by the Leader of the Opposition I can see that that might be a reason. Another reason where it might give rise to incidents if indeed there have been any is that the exemption does not apply to persons entering from Spain and intending to return there, or those in transit to Spain unless valid Schengen visas are held which would ensure their entry or re-entry to Spain. So, if people are arriving at the border and do not have a documented ability to re-enter Spain, then they are not allowed into Gibraltar even if they would be free to be in the UK because then they have no means of leaving Gibraltar by the way that they have entered namely the land frontier. So, it may be if there have been incidents and I do not know if the hon Member has any in mind, he might like to consider whether they involve persons that arrived or tried to enter through the land border because another possible difficulty might have been that they were not sufficiently documented to get back into Spain by the land border.

**HON J J BOSSANO:**

Yes, the cases of which I am aware of are from the land border so that might be an explanation, but I understood also that there was something about visas being given for a year and whether a year long visa for UK is considered multiple entry because one can go in during a period of a year but apparently there is some doubt as to whether that means that one can go in and out as many times as one wants in that year or there is a limit in the sense that the expiry date is a year but it does not clearly state how many times one can move in and out in that year?

**HON CHIEF MINISTER:**

No, I am not aware of any such issue but I will make it my business to find out. Of course multiple entry visas always have a date attached to them, I have a multiple entry visa for the United States but it expires in five years time or in three years time. So there is a difference between the ability to come and go as often as one pleases within a fixed period of time and a visa for a fixed period of time. It may be that there is such some issues, if there is I regret I am not aware of it and I am sure if the hon Member writes to the Chief Secretary or whoever else, light can be cast on the case that he has in mind but I suppose that if he wanted to comply with convention, which is not always his strong suit, he would write to me as the Minister and I would get him the information but I am happy that he should do it either way.

**NO. 687 OF 2002**

**THE HON J J BOSSANO**

**EU NATIONALS**

Can Government confirm whether EU Nationals of school age are entitled to take up residence in Gibraltar to attend school if one of their parents, not an EU national, holds a valid residence permit?

**ANSWER**

**THE HON THE CHIEF MINISTER**

EU nationals of school age are entitled to take up residence in Gibraltar if at least one of his or her parents is an EU national, resides in Gibraltar and is exercising EU rights of establishment as, for example, an employed person. Where this is not the case, there is no entitlement for these EU children of non-EU national parents to reside in Gibraltar. Therefore the answer to the hon Member's question is no. The resident parent must be the EU national.

**SUPPLEMENTARY TO QUESTION NO 687 OF 2002**

**HON J J BOSSANO:**

Given that it is not an EU right in the light of that answer are Government willing to consider on its merits cases were there are, one particular case that I am aware of is somebody who has been here for 17 years and is exercising the right of establishment in the sense that he is self-employed and the child of that person is of Spanish nationality. If we are required to do it to an EU national almost on arrival would a case like this of which I do not know how many there might be I only know of one, but would cases like this be something that the Government would exercise discretion on?

**HON CHIEF MINISTER:**

No, I have to say that the Government are continuing the policy that we inherited from him in this respect except that we have relaxed it considerably in favour of the children of Moroccans resident in Gibraltar who are now given access to free school education in circumstances where it was previously deprived to them but the tendency of the Government is not to make individual exceptions in an area of rights which is statutory. Government find as I am sure the hon Member did when he was in office that at the time that one makes an individual exception one has very little way of knowing how it might affect other people and even if there are not people in exactly the same situation there were people in a different situation who then say "*well if you made an exemption for that situation why do you not make an exception for my situation even though it is different.*" Therefore, we believe that when it comes to things like acts to help and access to education there should be a fair system but once a fair system has been agreed then it should be applied informally rather than having Ministers exercising on an individual basis who gets the statutory entitlement and who does not. That is my general inclination, if the hon Member wants to write to me with the facts of the case that has been brought to his attention I am happy to look at it to see if there is any way of squeezing it past the existing policy without altering the policy. On the basis of the facts that he has given to me it seems a pretty general exemption as I have understood him to say there is a non-EU spouse of an EU national resident in Gibraltar. The non-EU spouse is resident here but the EU spouse is not?

**HON J J BOSSANO:**

No, the child is an EU national because he was born in Spain.

**HON CHIEF MINISTER:**

I see.

**HON J J BOSSANO:**

The father is in Gibraltar and the child wants to be with the father but cannot. My question was whether given that he has Spanish nationality, if the parent was of an EU nationality presumably the answer would be that he would not need a permit he would just automatically come in.

**HON CHIEF MINISTER:**

If the parent resident in Gibraltar were an EU national the child would have an EU entitlement.

**HON J J BOSSANO:**

I was trying to establish whether that applied even if the parent was not an EU national and the answer is that it does not.

**HON CHIEF MINISTER:**

That is right.

**NO. 688 OF 2002**

**THE HON J J BOSSANO**

**GIBRALTAR AIRPORT**

Can Government say whether Gibraltar airport will be covered by EU measures to raise compensation levels to passengers?

**ANSWER**

**THE HON THE CHIEF MINISTER**

I think the hon Member is referring to Regulation 295/91 on Denied Boarding Compensation, which does not exclude Gibraltar. This gives passengers the right to financial compensation, the choice of an alternative flight at the earliest opportunity, re-routing or reimbursement of the ticket. In 1998 the Commission concluded that the regulation needed extension and clarification, and proposed an amended Regulation. Unfortunately the Council has so far failed to adopt the proposal due to disagreement about its application to Gibraltar airport. As matters now stand the latest version of the proposal published on 21<sup>st</sup> December 2001 (reference Com (2001) 784 Final) does not exclude Gibraltar airport as it currently stands published but unimplemented because of the impasse about Spain alleging that it should not extend to Gibraltar.

**SUPPLEMENTARY TO QUESTION NO 688 OF 2002**

**HON J J BOSSANO:**

Given that it is a Regulation if it sort of gets finalised will it apply automatically?

**HON CHIEF MINISTER:**

Unless it excludes Gibraltar on its face by the introduction of the Gibraltar exclusion formula which we maintain is illegal. Government believe there is no entitlement to exclude Gibraltar from a first pillar measure. Whether this will be assisted by this formula that the UK and Spain recently announced as a means of resolving aviation measures, namely, that they would refer it to the Commission who would decide whether it applied to airports and if they did it could not be applied to Gibraltar and if it did not it would remain to be seen.



**NO. 689 OF 2002**

**THE HON J J BOSSANO**

**SUPREME COURT OF GIBRALTAR - JUDGMENT**

Since the answer to Question No 350 of 2002, has there been any instance of a Supreme Court judgment being accepted for enforcement in Spain?

**ANSWER**

**THE HON THE CHIEF MINISTER**

I can confirm that since the answer to Question No 350 of 2002 the Government have received no request for the transmission to Spain of a Supreme Court judgment.

**NO. 690 OF 2002**

**THE HON J J BOSSANO**

**GIBRALTAR COMMUNITY CARE LTD**

What action have the UK Government requested the Gibraltar Government to take in respect of Gibraltar Community Care Ltd and when was this first raised?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Community Care Trust, and its associated companies, are not entities in respect of which the Government have power to take action. I am, if the hon Member wishes, happy to meet with him to give him a private briefing on this issue. I do not believe that it is in Gibraltar's interests to debate this issue in public at this time.

**NO. 691 OF 2002**

**THE HON J J BOSSANO**

**SPANISH PENSIONERS**

What is the position regarding the legal action against the Government in the name of Spanish pensioners which was pending in May 1996?

**ANSWER**

**THE HON THE CHIEF MINISTER**

In 1996 the Claimant appealed to the Court of Appeal against an Order of the Supreme Court which required the Claimant to put up security for the Government's costs of defending the case, failing which the Claimant would not be allowed to continue with the case. The Court of Appeal dismissed the appeal in September 1996. The Claimant never provided the security ordered and the case therefore came to an end in 1996.

**SUPPLEMENTARY TO QUESTION NO 691 OF 2002**

**HON J J BOSSANO:**

I would need to go back and check Hansard but certainly my recollection in 1996 was that that was not the explanation that was given, the explanation that was given was that the Government were doing nothing to have it dismissed because it felt that it was better to let matters run for a while before they even moved on this.

**HON CHIEF MINISTER:**

Possibly but that was at a time when the matter was in process, at the time of that exchange as I recall the position was that they were not proceeding with it, once the Court of Appeals judgement was given and the security was not provided then things happened automatically without the need for the Government to do anything.

**NO. 692 OF 2002**

**THE HON J J BOSSANO**

**SPANISH PENSIONERS**

Can Government say what was the reply given to the European Commission on 27<sup>th</sup> September 2001 regarding the information it was seeking with reference to the Spanish pensioners complaint and what further exchanges have taken place since?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The reply given by the United Kingdom Government to the EU Commission explained the arrangements which were put in place following the dissolution of the Social Insurance Fund in 1993 and the resumption of fixed pension payments under the new closed scheme. The reply also explained that Gibraltar residents over retirement age were eligible to receive various forms of financial assistance such as Elderly Persons Allowance and Household Cost Allowance. This prompted a second letter from the EU Commission on 15<sup>th</sup> November 2001, seeking details of the nature of the Elderly Persons Allowance and the Household Cost Allowance. The United Kingdom replied to this letter on 1<sup>st</sup> February 2002 explaining the nature of these two allowances. I would add that the Government were consulted on the terms of both replies and expressed our disagreement over the inclusion of references to the Household Cost Allowance, including the form in which such references were made.

**SUPPLEMENTARY TO QUESTION NO 692 OF 2002**

**HON J J BOSSANO:**

Can the Government say whether in fact the complaint which the Commission was pursuing was and is as far as we can tell from what has come out publicly for the Social Security Pension to be revalued in accordance with the index of retail prices, is that the nature of the complaint that the Spanish pensioners put to the Commission, because that is how we have understood it?

**HON CHIEF MINISTER:**

According to the Commission the complaints they received relate to the fact that Spaniards pensions have been frozen since 1990 unlike they allege those of pensioners resident in Gibraltar who it is further alleged will receive regular increases to their pensions. Of course the underlying nature of their claim is for a revaluation of their pensions. They are not saying, "If you withdraw the alleged increases from the Gibraltarians we will be happy," they are saying, "I do not care what is happening with the Gibraltarians, we believe that we are entitled to revalurised pensions," and the whole thing on whether or not the Gibraltarians have had increases is irrelevant to the existence of the claim which is that they believe that regardless of what is happening they are entitled to revalued pensions. Although it is also true that they do rely on the fact that they alleged that the Gibraltarians are being paid pension increases to strengthen their claim but their claim is for a revalurised pension.

**HON J J BOSSANO:**

Given that the United Kingdom in fact when the decision was made that they would pay provided the pensions were frozen for five years in 1989 and then subsequently in 1996 when they agreed to resume payment provided they continued to be frozen which is in fact something that was reflected in the amendments to the Closed Long-Term Benefits Fund in the Social Insurance, given that the UK informed the Commission of this action since at the time infraction proceedings were imminent, has the UK not argued that it was known that they were going to be frozen before they were resumed and nobody raised any objections?

**HON CHIEF MINISTER:**

I am not aware that the UK has argued that, although we have urged them to do so amongst other arguments.

**NO. 693 OF 2002**

**THE HON J J BOSSANO**

**MOTION RE: VAT**

What action have Government taken to bring to the notice of the Secretary of State in the UK the text of the motion on VAT passed at the last meeting of the House?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The Government have not brought this motion directly to Mr Hain's attention, although I presume that the Convent systematically reports such matters to the FCO in London.

**SUPPLEMENTARY TO QUESTION NO 693 OF 2002**

**HON J J BOSSANO:**

I was under the impression that the Government were unhappy to have a clause requiring them to do so on terms which indicated that the reply was expected but I was not aware they were going beyond that point to say that they would not simply bother to have the motion. It is then dependent of whether the Governor has chosen to do it or not?

**HON CHIEF MINISTER:**

It is dependent on whether the Governor has chosen to do it or not and it is also dependent about whether any Member of this House wants to send it to Mr Hain. If the Leader of the Opposition thinks that this House thinks that this House says or does something which he believes that it is important that Mr Hain should be aware of, then of course he is free to write to Mr Hain sending him a copy of it.

**HON J J BOSSANO:**

I will take the Chief Minister's advice.

**NO. 694 OF 2002**

**THE HON J J BOSSANO**

**ELECTRICITY SUPPLY – LIBERALISATION PROPOSALS**

Can Government state whether Gibraltar will be affected by the decision announced at the Barcelona Summit to liberalise the electricity supply market?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The decision taken in this respect at Barcelona was a preliminary political decision. There are as yet no liberalisation proposals. We presume that any future liberalisation directive that may emerge will apply to Gibraltar, if electricity is regarded as a service and not as “goods”.

**SUPPLEMENTARY TO QUESTION NO 694 OF 2002**

**HON J J BOSSANO:**

That would also depend on what happens with the test cases on ‘goods’ presumably?

**HON CHIEF MINISTER:**

Yes, the issue there being whether our exclusion from the Common Customs Union which is unchallenged necessarily has as a consequence our exclusion from the Single Marketing Goods which had always been assumed wisdom and that is what is now being challenged, the consequence but not the origin.



**HON J J BOSSANO:**

As I understand it from what I have read of the decision it is at this stage limited to commercial as opposed to domestic consumers.

**HON CHIEF MINISTER:**

Yes, it is a test case raising the principle and it is not limited in its effect either as the hon Member has suggested or by any other means. The question at issue is whether given that Gibraltar is by agreed derogation excluded from the Common Customs Union, does that mean that it is necessarily also excluded from the Single Market in Goods or can one be in the Single Market In Goods even if one is not in the Common Customs Union, that is the issue, if it is resolved in favour of the Commission then it will apply to all directives in 'goods'.

**HON J J BOSSANO:**

My last supplementary was not related to the test case, it was related to the original question about the liberalisation, my understanding is that what was agreed in Barcelona was that they would proceed with liberalisation of electricity supplies to commercial users as opposed to residential.

**HON CHIEF MINISTER:**

Absolutely right, there is as the hon Member will be aware, this is a controversial issue in the UK, those Members with liberalised electricity industries want access basically to the French market. The French Government are determined to hang on for as long as possible to their state owned monopolies in electricity and have grudgingly conceded this limited liberalisation, limited as the hon Member correctly says to commercial users as a first step the others hope.

**HON J J BOSSANO:**

Is there a parallel between this, for example, the question of telecommunications were the network owner as it were is required to make available capacity to competitors?

**HON CHIEF MINISTER:**

There are no proposals we just do not know on what terms the Commission is going to propose this liberalisation.

**HON J C PEREZ:**

Would the Chief Minister not agree that if indeed there is a parallel with the telecommunications and there is a need to have a central grid in which the commercial electricity in the future might have to come that there is a strong case to perhaps be prepared now for excluding Gibraltar from the measure as a result of the peculiarity of our own system?

**HON CHIEF MINISTER:**

The Government will form a view on such issues when we are aware of what the proposals are.

**NO. 695 OF 2002**

**THE HON J J BOSSANO**

**EUROPEAN ELECTIONS**

Have the UK Government accepted that the territory of Gibraltar must form part of the UK constituency selected for Gibraltar's participation in the next European elections?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Yes.

**NO. 696 OF 2002**

**THE HON J J BOSSANO**

**EUROPEAN ELECTIONS**

Have Government made any progress in persuading UK that Gibraltar should participate in a south west euro-constituency as their preferred option instead of being included in the London Constituency?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The matter of which regional constituency Gibraltar will be added to has not yet been specifically discussed with the British Government it is one of the issues that is on the agenda for discussion.

**SUPPLEMENTARY TO QUESTION NO 696 OF 2002**

**HON J J BOSSANO:**

Would this be something that the Government as such would do it or is there something like, there is a Boundaries Commission for national elections in the United Kingdom, presumably there must be something similar for Euro elections would that body have to be involved?

**HON CHIEF MINISTER:**

The information that we are getting so far from the British Government is that that is the body that would make the decision and not the Government, whether and what degree of influence that leaves the Government with is a matter of speculation for the

likes of the hon Member and myself but that is formally the body that makes the decision not the Government.

**HON J J BOSSANO:**

Is there just one commission for both National Parliamentary elections and Euro elections or are they different bodies?

**HON CHIEF MINISTER:**

My understanding is that it is the same body, the Electoral Boundaries Commission.

**HON J J BOSSANO:**

Is there any kind of indication whether they are particularly inclined to one as opposed to another?

**HON CHIEF MINISTER:**

I cannot recall from whom or in what circumstances but certainly not in any formal sense. I am under the impression that it has been indicated that there is a preference for the London region rather than an outer region.

**HON J J BOSSANO:**

I take it that the Government view from previous answers is that we are likely to be less lost in a smaller constituency than if we were part of London which I think has got 10 million voters?

**HON CHIEF MINISTER:**

I think the constituencies are all roughly the same size in terms of the electorate that they contain. They are as the hon Member knows regional lists but certainly my view is not so much because of the size of the constituency but the political and electoral environment in an urban setting compared to the political and electoral environment in a rural setting makes the latter one in which the Gibraltar electorate is more likely to make a visual impact, statistically of course the impact is the same but in terms of political impact is much more likely to be perceptible in a rural environment rather than in an urban setting like London. I think these issues are true even for residents of those constituencies.

**HON J J BOSSANO:**

But is it not the case that in addition in fact London is one single constituency as opposed to the regions that have got about 3 million people. In the case of London the whole of London is one constituency, it is not broken up?

**HON CHIEF MINISTER:**

The whole of London is one constituency but what I cannot say is where the borders of London end and Middlesex, Surrey, Kent, Essex and Hertfordshire begin.

**NO. 697 OF 2002**

**THE HON J J BOSSANO**

**STATE AID RULES**

Can Government confirm that the main actions in the European Court of First Instance regarding the application of State Aid Rules to Gibraltar exempt and qualifying companies will take place this month or the next?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The main actions have already taken place. We are awaiting the Courts' ruling, which was expected on 30<sup>th</sup> April 2002 and is now known and the results of it have been made public.

**SUPPLEMENTARY TO QUESTION NO 697 OF 2002**

**HON J J BOSSANO:**

The ruling was, as I understand it, that the Commission was wrong in trying to classify the whole of the Tax Exempt Ordinance as new aid as opposed to the 1978 and 1983 amendments and the court therefore said in its summary that it did not have the power to tell the Commission to concentrate on those amendments, the only thing that it could do was annul the whole thing. Does that mean that now the Commission can come back and say, " We are now going to pursue those two amendments as new aid,"?

**HON CHIEF MINISTER:**

It is technically possible, it would be I am told pretty inconsequential if they did because of the nature of what those amendments were and the number of people affected. The point is and we have just received technical analysis of the judgement which I have not yet seen, the Commission is free to start again on exempt companies but regarding it as existing aid and the court thinks that it is being properly regardable as an existing aid does not mean that the Commission is not free to investigate it. It simply means that it has got to follow the procedure applicable to existing aids which is much less aggressive and which amongst other things includes the fact that one can carry on whilst the investigation takes place. A very different issue is whether it is in Gibraltar's interest to do that and using the present position as a negotiating platform for the Tax Reforms of the Commission because one of the great problems that Gibraltar is presently suffering is that the market uncertainty whilst the question mark hangs over the future viability of this product is causing serious damage to the Finance Centre because no client wants to use a Gibraltar tax exempt company if its status is going to be called into question 18 months down the line. People want a greater degree of certainty than that so that coupled with the fact that the Commission is free to start again and coupled with the fact that there are other international and EU initiatives, sooner or later Gibraltar is going to have to comply with those, it suggests and this appears to be the consensus in the finance centre that the Government should continue with their tax reforms.

**HON J J BOSSANO:**

Given that the decision on the qualifying companies was in favour of the Commission, what exactly happens with those now?

**HON CHIEF MINISTER:**

I am grateful to the hon Member for reminding me that is one of the reasons why tax reform is really necessary because we need to find a way of dealing with the qualifying companies in which we always thought our grounds were much less certain than exempt companies. The position is that the Commission's decision to initiate the new aid procedure for its investigation into qualifying companies has been found to be lawful and that the Commission is therefore free to pursue that investigation to see whether qualifying companies legislation constitutes state aid and whether it does constitute state aid of the sort that is prohibited by the State Aid Regulation. That is the nature of the formal investigation that now takes place. They have of course already formed the preliminary view that it does and that is reflected in the issue of the decision letters of July 2000.

**HON J J BOSSANO:**

Is it then the case that if changes are proposed to the qualifying companies system which the Commission considers overcome the reasons why they think it might be illegal state aid, then the investigation would not proceed?



**HON CHIEF MINISTER:**

An inaccurate premise to that question the nature of the complaint if sustained, the nature of the complaint is such that it cannot be cured by tinkering with the legislation. There is not some sort of alteration one can make, the whole concept of the discrimination between tax systems that are available to some tax payers but not to others that goes to the very root of the legislation and therefore remedying it is not a question of making changes here or there but rather completely removing the system and replacing it with another system that is compatible with Gibraltar's inward investment and Finance Centre base requirements. If the Government continue with their tax reforms, it is very much hoped that in exchange for those reforms which are being informally consulted with the Commission there would be no purpose if one is driven precisely by eliminating uncertainty from the marketplace. There is no purpose in putting in something which then itself is subject to uncertainty. It is very much hoped that if there is reform the Commission will decide not to proceed further with the qualifying companies and will not bother to start again with the exempt ones under the alternative regime and in a sense that is one of the advantages that we hope to achieve by winning this case. It may have increased the chances of the Commission taking that view. There are of course other issues for which this case has been very useful not least the dangers of recoverability from recipients of the state aid probably under exempt companies.

**HON J J BOSSANO:**

In the case of the qualifying companies assuming that that path does not follow, what would be the time scale of the Commission carrying on with the qualifying company, given the fact that the court has now ruled that they can carry on?

**HON CHIEF MINISTER:**

These things are said to take normally between 12 to 18 months, whether that is what it will take in this case and in parallel to that there are recoverability issues. In parallel to its investigation into whether the regime constitutes unlawful aid or not there is a debate about whether if it should be found to be illegal aid the Commission should or should not in the circumstances of the case order recoverability, and those arguments have already begun.

**NO. 698 OF 2002**

**THE HON J J BOSSANO**

**FRONTIER DELAYS**

When were Government told by the European Commission of their decision that frontier delays by Spain were not disproportionate?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question No 699 of 2002.

**NO. 699 OF 2002**

**THE HON J J BOSSANO**

**FRONTIER DELAYS**

Did Her Majesty's Government consult the Government of Gibraltar prior to making the request to the Spanish Government that they should open a second lane for private vehicles entering Spain?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The Gibraltar Government had not received any communication from the European Commission to the effect that the frontier delays caused by the Spanish Government were not disproportionate. The United Kingdom Government informed us on the 19<sup>th</sup> March that the EU Commission did not consider that it had a strong enough case to initiate proceedings against the Spanish Government. For its part the Spanish Government had agreed to open a second channel at the frontier provided the EU Commission closed the fiche on frontier delays. I understand that the Commission closed the fiche on the 20<sup>th</sup> March, that is, on the same day that the Spanish Government opened the second channel in accordance with agreed choreography and chronology.

However on the 26<sup>th</sup> April a letter dated 18<sup>th</sup> March addressed by the EU Commission to the "Complaints Office, Four Corners, Government of Gibraltar, Office of the Chief Secretary, No 6 Convent Place, Gibraltar," was received. In that letter, the EU Commission says that on the 30<sup>th</sup> October 2000, it sent a letter of formal notice to the Spanish Government drawing its attention to the fact that the checks at the crossing point between Spain and Gibraltar might be disproportionate and, therefore, incompatible with Community law. The Commission adds that in its reply of 20<sup>th</sup> December 2000, the Spanish Government states that the checks carried out are necessary and proportionate. According to the Spanish authorities, persons are required merely to show their passport or identity card and cross practically without

needing to stop. The control of goods carried by travellers is implemented by means of random checks performed on not more than one in ten persons or vehicles, with these searches taking not more than one minute in each case. On average, eight vehicles and twenty pedestrians allegedly cross the boundary line each minute in each direction. Nevertheless, the Spanish Government accepts that, regrettably, queues form in the route for cars at certain times of the day. The Commission's letter ends by saying that after careful examination of the reply of the Spanish Government and on the basis of the information supplied by Gibraltar and of further information that the Commission have been able to gather, it is concluded that no infringement of Community law is actually being committed. The fact, which is not denied by the Spanish authorities, that at certain peak times there are delays cannot, according to the Commission's letter, legally support the claim that the checks carried out by the Spanish authorities are disproportionate and therefore incompatible with Community law. Accordingly says the letter, the Commission officials are proposing that the Commission close this case.

### **SUPPLEMENTARY TO QUESTION NOS 698 AND 699 OF 2002**

**HON J J BOSSANO:**

The announcement by the Spanish Government was that they were providing the second lane to celebrate their happiness at the Commission's decision and at the request of the United Kingdom, that is what they actually put in their press release, this is why Question No 699 of 2002 asks whether in fact Gibraltar was consulted or asked about this request, I think that part has not been answered.

**HON CHIEF MINISTER:**

The answer is no.

**HON J J BOSSANO:**

Do Government know whether the Spanish statement is correct, that it was the United Kingdom that asked them to put a second lane on the way in?

**HON CHIEF MINISTER:**

The Gibraltar Government do not know that but of course the Gibraltar Government are aware that the United Kingdom have for many years been pressurising the Spaniards to normalise the frontier regime and certainly it is envisageable that one of those requests that the British Government would have been putting was that there should be more than one lane but I understand that the British Government and this appears from informal conversations that I have had with Ministers, that the British Government were expecting a red and a green channel which is not materialising and indeed that they were expecting that it should be in both directions which has not yet happened. There appears to be a sense in London that not all that they thought they had been promised has in fact been delivered.

**HON J J BOSSANO:**

Given that we know they have been expecting a red and green channel since 1985 no doubt we shall see whether it materialises after the summer or not. I asked at the last meeting of the House I think it was, whether the Government had pursued this statement by Señor Piqué that if the relaunched process did not achieve for Spain what Spain was expecting to get out of it, anticipatory moves on their part were reversible, would it be the case that if the open second lane closes the closed fiche will re-open, or is that not the case?

**HON CHIEF MINISTER:**

I cannot of course answer for the Spanish Government, we are speculating, but although this has been parked under, parked to our regret, under the Brussels discussions given that we believe that it is a matter of EU rights but I do not think this limited improvement to the frontier regime has not come about as an early fruit of the bilateral political discussion but rather as part of some sort of more or less formal or informal understanding between Spain, UK and the Commission as the means of allowing the Commission to close the fiche. Presumably if Spain reneged in a way that the Commission thought breached that informal understanding then the fiche would be reopened, but of course, that is where we have been for the last seven or eight years and the Commission never took any action then so whether the hon Member is entitled to be confident that they would be any more likely to take action if those circumstances reproduce themselves is a matter of speculation.

**HON J J BOSSANO:**

I think at one stage it was in the Foreign Affairs Committee Report that if the Commission failed to take action it was open to the UK to do so, given that against the present background that seems to be even less likely than in the past, would the Government of Gibraltar be able to do anything about it as it has done with the state aid thing or is that an area where they would not be able to act on?

**HON CHIEF MINISTER:**

We are advised that this is an area in which action is open only to the Member State.

**NO. 700 OF 2002**

**THE HON J J BOSSANO**

**MOTION – MR HAIN, ACTION TAKEN**

When did the Government transmit to the Secretary of State in UK the text of the motion approved by this House referring to Mr Hain's previous reply?

**ANSWER**

**THE HON THE CHIEF MINISTER**

I presume that the hon Members' question relates to the motion passed on 25<sup>th</sup> March 2002, I regret that, due to an oversight, this had not been forwarded to the Minister for Europe, but it was sent on the 26<sup>th</sup> April 2002.

**NO. 701 OF 2002**

**THE HON J J BOSSANO**

**EUROPEAN OPEN SKIES**

Have Government now received a final opinion over the steps that need to be taken to challenge Gibraltar's exclusion from the European Open Skies?

**ANSWER**

**THE HON THE CHIEF MINISTER**

No.

**SUPPLEMENTARY TO QUESTION NO 701 OF 2002**

**HON J J BOSSANO:**

The preliminary opinion that they had is now some time ago, is it that the people they have contracted to do this work are not yet ready with the reply, are they due to produce that advice fairly soon or not?

**HON CHIEF MINISTER:**

I would prefer to have this conversation with the hon Member in private because anything that I say in public reaches the ears of people who will at some stage in the future oppose any action that we may be able to take including on procedural

grounds. Suffice to say that the Government's ability to bring this action relies on novel and evolving procedural law which is not cast in stone and therefore the advice reflects that situation.

**HON J J BOSSANO:**

I think it can be taken for granted that Spain will seek to intervene and Spain will seek to argue that we should not be permitted because they have just done it on the state aid thing because whatever legal action that problem will always be there that does not mean that they will win.

**HON CHIEF MINISTER:**

There are different articles of the Treaty and different articles of the Treaty give different parties different lockers. The hon Member should not think that there is just one rule about lockers, it depends on the subject matter, it depends on the article of the treaty under which one is bringing the action and in the case of the state aid we were advised that sub-units of Member States with responsibility for taxation matters did have this right of action under that particular article and if a sub-unit of a Member State had it, for example, an overseas territory like Gibraltar which had even more constitutional autonomy for tax than, for example, Scotland or Germany but that does not mean that the Gibraltar Government have lockers in every area of the treaty and therefore certainly Spain will challenge it wherever it is raised regardless of the degree of merit that our case has in a particular situation but of course there is no point in the Government spending tax payers' money in challenging this if our advice is that we have no prospect whatsoever of establishing lockers and that is what the advice is about, certainly if it is speculative we will run it just for the publicity value.

**HON J J BOSSANO:**

Presumably the Government have also asked the person providing the advice to look as to whether someone other than the Government can do it, as I remember in the question of the airport exclusion clause initially it was argued that a commercial entity affected adversely by Gibraltar's exclusion was in a position to do it except that we could not find any volunteers.

**HON CHIEF MINISTER:**

All those dimensions are being considered formally.



**NO. 702 OF 2002**

**THE HON J J BOSSANO**

**PROPOSED TAX REFORMS**

What was discussed at the London meeting of 2<sup>nd</sup> April 2002 with the Treasury and with what result?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The detail of these discussions are necessarily confidential but as has already been said publicly the discussions related to Gibraltars' proposed tax reforms and the UK Government's assistance in the desirable contacts with the EU Commission State Aid directorate in respect of them. The result of that meeting, and subsequent discussions, have been very positive.

**SUPPLEMENTARY TO QUESTION NO 702 OF 2002**

**HON J J BOSSANO:**

It is good to hear that they have been positive, I take it that that means that the UK is willing to defend Gibraltar's position on the basis of what is currently being considered.

**HON CHIEF MINISTER:**

Yes, it means that the Treasury have indicated that they are willing to defend Gibraltar's proposed tax reforms as being compliant with State Aid Regulations and to argue that case with us and for us in the EU Commission.

**HON J J BOSSANO:**

Where does that leave the previous analysis which was reflected in this business of us having to be rescued by an EU package if we had to carry out changes to the financial services industry?

**HON CHIEF MINISTER:**

I would be reluctant to do it myself and I would urge the Leader of the Opposition not to do it either to provoke the UK Government into not being supportive of our tax reform packages for the reason that he implies in his question. Suffice to say that the Gibraltar Government have always been confident that Gibraltar's finance centre interests did not require a sovereignty deal with Spain, not least, well for two reasons firstly because we were confident that we could reform the tax structure in a way that served the finance centre that complied with the EU and secondly that no one was suggesting, when the Minister for Europe says that Gibraltar could be the financial services hub of Andalusia or whatever he said, he did not say because if we do a sovereignty deal Gibraltar will be exempted from all the various State Aid Regulations and OECD Report and Code of Conduct and therefore it was always an irrelevant non sequitur, no one was saying "if you do the deal you can carry on as you are in the finance centre but if you do not do the deal you have got to change." The answer is that Gibraltar has to change and comply with all these things whether or not we do a sovereignty deal and therefore Government have never proceeded on the basis that there is a link between the two things.

**HON J J BOSSANO:**

In my supplementary I did not actually say anything about any sovereignty deal, I said the analysis, "where does that leave the analysis" and I certainly was not suggesting that .....

**HON CHIEF MINISTER:**

The hon Member was not suggesting that?

**HON J J BOSSANO:**

No. I have not suggested anything about that and I was not suggesting either that we would want to provoke the United Kingdom into changing their mind about the proposed package being state aid compliant. My question is, given that previously they thought that compliance and I think the statement that was made by the Foreign Secretary was that it had nothing to do with a deal with Spain that the need to comply which had nothing to do with the Spanish negotiation would necessarily have an effect such that we would need financial assistance in order to make the transition or the

transformation to the new environment demanded by compliance requirements. Given that that is not a view we have ever shared nor did anybody provide any evidence or statistics to show how they arrived at those conclusions but given that the United Kingdom following the meeting with the Treasury is now happy to support the proposals for compliance, does that mean that they no longer believe that we are going to need to go for aid to the EU?

**HON CHIEF MINISTER:**

They have not said that to me of course an awful lot of brainstorming and imaginative thinking has gone into these reform proposals, it may well be that it had been thought that Gibraltar would not have the resources under which to come up with reform proposals that were capable of being satisfactory. The truth is that we have and that if the judgement that the hon Member has explained is indeed the judgement that had been made in London then of course presumably now they will be reviewing it. Whether the judgement that he has described was limited on London's part to the finance centre or whether it extended to wider aspects of the economy I do not know but certainly we have always said to London that we felt that we could do this and the hon Member will recall that we started this exercise not for state aid reasons, not for EU reasons but the Government started their tax reform thinking for OECD reasons which had nothing to do with the EU and`` this was in 1997/1998 long before anyone had raised or made any questions about economic viability and politics and things of that sort. `We were already confident that we could restructure the tax system in Gibraltar in a way that would enable the finance centre to prosper in a way which was compliant with international consensuses which were then emerging and if the hon Member looks at the glossy consultation document that the Government published he would see that already state aid had been identified. We were still confident that we could do it. So, I do not know whether the hon Member is just asking me to comment or whether he is asking me whether I am going to make them retract, frankly we never thought that that analysis was correct.

**HON J J BOSSANO:**

It is not a question of asking them to retract, it is an important issue, especially when such use of that analysis is made publicly and in Parliament by the Foreign Secretary. The Foreign Secretary has said the same thing in articles in the Chronicle and in the House of Commons that in order to meet these international requirements independent of anything to do with the re-launch of the Brussels process we would need financial help. If they are satisfied in London now that that is no longer the case then presumably that will be reflected in the future.

**HON CHIEF MINISTER:**

It is.

**NO. 703 OF 2002**

**THE HON J J BOSSANO**

**MEETING IN LONDON – 25<sup>TH</sup> JANUARY 2002**

What was the nature of the discussions in Gibraltar's future that took place between the Chief Minister and the Foreign Secretary in London on the 25<sup>th</sup> January 2002?

**ANSWER**

**THE HON THE CHIEF MINISTER**

As I have already stated, my discussions with the Foreign Secretary on the 25<sup>th</sup> January 2002 related to the question of Gibraltar's participation or not in the imminent process of dialogue.

**SUPPLEMENTARY TO QUESTION NO 703 OF 2002**

**HON J J BOSSANO:**

So in fact in the answer given by Mr Hain in Parliament where he said that Gibraltar's future was discussed, does it suggest then that Gibraltar's Constitutional future was discussed. The Government have not discussed with the UK the Constitutional proposals approved by the House?

**HON CHIEF MINISTER:**

It is not my recollection, I would have to recheck the minutes of the meeting. It may be that there may have been a casual reference to Constitutional Reform but it certainly was not an issue under discussion at the meeting, I would hate to say in case it was referred to in passing that the words "Constitutional Reform" were not uttered. They may have been uttered or they may not have been uttered. I have no

recollection of that as I stand here speaking but certainly that was not what the meeting was about. The meeting was about UK Government trying to obtain our participation in the dialogue and us stating the reasons why we would not and could not and what it would take for us to do so.

**NO. 704 OF 2002**

**THE HON J J BOSSANO**

**PROPOSALS ON GIBRALTAR'S FUTURE**

Did the Chief Minister accept the UK's offer to keep him fully informed of the details of the proposals on Gibraltar's future being discussed with Spain allegedly made on 25<sup>th</sup> January 2002?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Such offers as have been made to keep me informed have been made subject to my maintaining strict confidentiality. When I have indicated that that is not acceptable the offer has not been repeated, nor the information provided.

**SUPPLEMENTARY TO QUESTION NO 704 OF 2002**

**HON J J BOSSANO:**

I am asking this question because Mr Hain told Parliament that on the 25<sup>th</sup> January they had offered to keep the Chief Minister fully informed of what was happening in the Brussels Process but it did not say anything about the strict confidentiality, that was specifically made on that day was it?

**HON CHIEF MINISTER:**

I cannot recall whether an offer was made on the 25<sup>th</sup> January I have no reason to disbelieve the Minister for Europe, my Colleague was present and yes it was made, and I would add that the hon Member may have seen the statement of Mr Straw in his farewell interview not in his welcome interview, in his farewell interview in the Gibraltar Chronicle the one published on Monday's edition in which he makes the somewhat extraordinary statement that the reason why the Chief Minister cannot be informed of the details is that he is not in the process and that is why they are so frustrated about the fact that we are not present because the fact that I am not involved in the process means that they cannot tell me things which of course is not a version of events that I have not heard before. Certainly I am aware that they want a degree of confidentiality which in my judgement is not compatible with my needs to defend Gibraltar against things that I might hear and it has never been sent to me. Unless one participates one cannot be briefed, that is brand new, the issue before had been confidentiality, not being in or being out.

**HON J J BOSSANO:**

So I take it then that the Chief Minister is not being informed?

**HON CHIEF MINISTER:**

I do not know any more than the hon Member does I have said this publicly on many occasions. We know what there is in the four pillars and we have had the Deputy Chief Minister and me a long meeting with Sir Emir Jones Parry in which we have tried to extract more details of what sovereignty means, "sovereignty" is just a word, we have tried to extract whether this would be just sovereignty for discussion clause and the most we have obtained is no that it would have to be beyond that, some sort of specific model on the basis of shared or joint sovereignty. That is the most we have been able to scratch the surface.

**NO. 705 OF 2002**

**THE HON J J BOSSANO**

**MEETING STRAW/PIQUE**

Have Government been informed when the next meeting between Jack Straw and Joseph Piqué to discuss Gibraltar will take place?

**ANSWER**

**THE HON THE CHIEF MINISTER**

No. Except that I think I heard Mr Straw say on television the other day that there were some meetings of the general affairs council programmed in Helsinki or somewhere like that where he expected to meet Mr Piqué and that Gibraltar may well be discussed in the margins of that but we are not aware of any formal Gibraltar specific bilateral having been established fixed yet.

**SUPPLEMENTARY TO QUESTION NO 705 OF 2002**

**HON J J BOSSANO:**

I think the date of the 15<sup>th</sup> May has appeared in the Spanish press as another Brussels meeting between the Foreign Secretaries given the reliability of the Spanish press for accuracy in these things.



**NO. 706 OF 2002**

**THE HON J J BOSSANO**

**REFERENDUM ON GIBRALTAR'S FUTURE**

Have Government accepted the UK's decision that they will oversee the organisation and timing of any referendum on Gibraltar's future?

**ANSWER**

**THE HON THE CHIEF MINISTER**

No and I was amused to read in this morning's ABC that if I should have the temerity of organising a referendum in Gibraltar I am in serious jeopardy of instant dismissal from my post by the British Government.

**SUPPLEMENTARY TO QUESTION NO 706 OF 2002**

**HON J J BOSSANO:**

Well there is a silver lining in every cloud.

**HON CHIEF MINISTER:**

I believe that the Leader of the Opposition has learnt the Spanish version of that saying which is closer to what was used in the Spanish press.

**HON J J BOSSANO:**

That is correct I do not quote it in the House but I do quote it in the Spanish press. I do not know whether the preservation of the House of Assembly which is the last thing we were promised means the preservation of the English language as well, I imagine that it is.

**HON CHIEF MINISTER:**

The Spanish press is speculating that Spanish will become one of the official languages in Gibraltar and this is one of the things that particularly pleases them that Spanish will become an official language in Gibraltar. I do not know whether that means that I have got to agree to answer half these questions in English and the other half in Spanish to sort of deliver compliance with joint sovereignty but certainly this is what they are expecting.

**HON J J BOSSANO:**

That is creating a problem for “llanito” speakers because it is obvious it is our language which is the one that is going to be excluded. Can I ask in terms of the technical position to organise a referendum, the United Kingdom has said in Parliament that it is a matter for them both to decide the question I think and the timing that is put, on what basis do they think they have the right say under the Constitution to do this without the support of this House?

**HON CHIEF MINISTER:**

I do not know and they appear to think that this raises some legalistic issue were of course a referendum is simply a properly administered opportunity for people to express a free and democratic view. It does not raise any issue of law and of course there is nothing in the laws of Gibraltar that entitle the UJK Government but not the Gibraltar Government to conduct a referendum and there is nothing in United Kingdom law in that respect either. I think the point they are making which in my opinion is a complete non sequitur is that if the result of the referendum would require a change in English law, for example, if we all voted to be Spanish in this referendum and this required some acts of Parliament to be passed that they do not think that they should have to change the UK law except in response to a referendum that they have organised, I think that is the somewhat skewed thinking, the formal positions are as follows, they say that they would like to organise in consultation with the Gibraltar Government and I say that the Gibraltar Government will organise it in consultation with the British Government. In either event the Gibraltar Government reserve the right to organise a referendum in Gibraltar on any issue at any time that it pleases there is nothing in the law preventing the Gibraltar Government from doing so, indeed there is nothing in the law providing anybody in Gibraltar organising a referendum. The idea to be a valid expression of democratic will it has got to somehow comply with some law which is non-existent in the event but that it has to comply with some law is a view for which I can see no rational consensus.

**HON J J BOSSANO:**

In a referendum that dealt with Gibraltar's constitutional status consequently in the terms of the new constitution we have agreed in the House would be the exercise of self-determination, would that require the administering power to do it or not if it was a self-determination referendum which is what we put in the new Constitution?

**HON CHIEF MINISTER:**

Certainly I can see that the arguments become different if one is talking about a referendum on the status between the relationship between UK and Gibraltar which the UK have to give, whether as a matter of proper United Nations jurisprudence it has to be organised by the ministering power I think is far from clear but that is not the issue upon which we have expressed the view. We have said that if the Government of Gibraltar want to organise a referendum 'à la suisse' tomorrow about whether the price of petrol should go up or down or whether we like or do not like the weather on Thursday morning or whether we like or do not like what the UK and Spanish Government might agree we are free to do so and the suggestion that the Government of Gibraltar are prohibited from organising such a referendum is a self-serving, ridiculous argument to articulate. I can see how it can spoil the party that that should happen. I think it is ridiculous to argue that the Government cannot organise a referendum, they may want to argue that they do not recognise the results, that is a matter for them but I think they are going to have great difficulty in saying, "...the British Government only accept the freely expressed wishes of the people of Gibraltar and the democratically expressed wishes of Gibraltar only if we have had the opportunity to choose the question, if we have had the opportunity to supervise the referendum and if we have had the opportunity to choose the timing." I think they would be laughed right off the front news pages of their own newspapers if they try arguments of that sort.

**HON J J BOSSANO:**

Would the matter be something that we would debate in the House before the step was taken. If this framework agreement comes to fruition, which it may not according to the latest statements of Mr Straw, if in his judgement it is not a good deal this presumably would then come to the House before the step of the referendum took place, would it not?

**HON CHIEF MINISTER:**

It could do, the Government have not addressed their minds to it but I suppose that it would do and yes we would not call a referendum the day after, so if the Government did not bring it to the House certainly the hon Member could. There is no reason to think that the Government will not bring it to the House.