

**ORAL**

**NO. 1 OF 2004**

**THE HON L A RANDALL**

**BUS SERVICE**

Can Government state whether the joint venture company between the existing bus operators and the Government have now been set up, and if so, what is the equity shareholding of each party?

**ANSWER**

**THE HON THE MINISTER FOR THE ENVIRONMENT, ROADS AND UTILITIES**

Answered together with Question Nos 2 and 3 of 2004.

ORAL

**NO. 2 OF 2004**

**THE HON L A RANDALL**

**BUS SERVICE**

Can Government state whether they have now entered into an agreement with the two existing bus operators for the provision of a new bus service?

**ANSWER**

**THE HON THE MINISTER FOR THE ENVIRONMENT, ROADS AND UTILITIES**

Answered together with Question Nos 1 and 3 of 2004.

**NO. 3 OF 2004**

**THE HON L A RANDALL**

**BUS SERVICE**

Can Government state what is the total cost of the purchase of the 18 new transbuses?

**ANSWER**

**THE HON THE MINISTER FOR THE ENVIRONMENT, ROADS AND UTILITIES**

These negotiations are commercially sensitive and it is not appropriate to comment until they have concluded. Government expect to make an announcement shortly about when the new bus service will be operated.

**SUPPLEMENTARY TO QUESTION NOS 1 TO 3 OF 2004**

**HON L A RANDALL:**

In press release No 241 the Government said that the service would be introduced in the early new year, can Government confirm that that would be 2004?

**HON F VINET:**

The 1<sup>st</sup> of April is the target date.

**HON CHIEF MINISTER:**

I notice that the answer has been framed around the commercially sensitive nature of the negotiations surrounding the joint venture and I think that is a perfectly correct answer but I think that there is an oversight in so far as concerns to Question no 3 of 2004 which does not relate to the negotiations but rather to the cost of the buses which is a bit of information that the Government can give and it is not involved in

the negotiations so it is not sensitive. The cost of the 18 buses has been £1.875 million.

**HON L A RANDALL:**

Can the Chief Minister then state what is the variance with the budget for the purchase, how much was budgeted and what was the variance?

**HON CHIEF MINISTER:**

The cost of these buses depends so much on what equipment, whether they have air conditioning, whether they are tilting or not tilting or whether they have a ticket machine in it or not. Basically it was in that order of £2 million the original budget. I think that they have come in at a smidgen over £100,000 each which is what we were originally advised before we embarked on the procurement, that it would be something of that order per vehicle.

**HON J J BOSSANO:**

At the moment the buses are owned by the Government and then they have to be transferred to the joint venture or are they currently jointly owned?

**HON CHIEF MINISTER:**

The position is that these negotiations and the hon Member will remember from the last House of Assembly that the negotiations had two facets, one was the negotiation with one of the existing operators which was the negotiation in the form of a buy-out because they were not going to carry on in the new system and the other negotiation was with one of the other existing operators who was in a sense to become a partner of the Government in going forward. Those are the two negotiations that have taken place. They have been going on as the hon Members know for quite some time. They are about to be struck but we did not wish to mortgage progress on the ground to the successful outcome of those negotiations as the buses had to be purchased. Anyway the Government made it clear that we would continue with the purchasing of those buses because if an agreement had not been reached by a certain date we would have proceeded differently so the position as we speak today given that there has not yet been a formal signed agreement although I am confident that we are well on the road to one, is that the buses have been purchased using public monies, I cannot tell the hon Member whether it is Consolidated Fund monies or company monies but as far as I am concerned public money is both of them and that will then be dealt with in the context of the new arrangement when it materialises. Neither the company or the joint venture vehicle if it turns out to be a joint venture vehicle nor any other party has yet put forward any money towards the cost of those buses.

**HON DR J J GARCIA:**

The Government have issued a statement last week in relation to the size of the buses and the time it will take to make them operational. There is some difficulty with the traffic regulations are Government in a position to say when they expect the buses to be fully operational?

**HON F VINET:**

The new venture will come into operation on the 1<sup>st</sup> April.

**HON CHIEF MINISTER:**

We have to amend the regulations not the Ordinance itself, the regulations made under the Ordinance which still curtail the size of buses to what they were a long time ago in relation to some areas of town and therefore it is just a question of changing those regulations.

**NO. 4 OF 2004**

**THE HON L A RANDALL**

**SCADA CONTROLLER LINK PROJECT**

Can Government state the date the Scada controller was brought into operation?

**ANSWER**

**THE HON THE MINISTER FOR THE ENVIRONMENT, ROADS AND UTILITIES**

The SCADA controller was brought into operation on the 19<sup>th</sup> December 2003.

**SUPPLEMENTARY TO QUESTION NO 4 OF 2004**

**HON L A RANDALL:**

Can the Minister confirm that that was six months after the deadline given at the last meeting?

**HON CHIEF MINISTER:**

The hon Member can do his own mathematical calculations.

**HON L A RANDALL:**

Thank you I am just trying to point out that this is yet another slippage in the deadline set by Government.

**NO. 5 OF 2004**

**THE HON DR J J GARCIA**

**ORANGE BASTION**

Can Government say when the Orange Bastion project will be put out to tender?

**ANSWER**

**THE HON THE MINISTER FOR THE ENVIRONMENT, ROADS AND UTILITIES**

No. Government will make an announcement when they have decided to proceed with this project.

**SUPPLEMENTARY TO QUESTION NO 5 OF 2004**

**HON DR J J GARCIA:**

Is it the case that the projects might actually not be put out to tender?

**HON F VINET:**

No.

**HON DR J J GARCIA:**

Is the Minister in a position to say when they expect to have taken that decision?

**HON F VINET:**

No.

ORAL

**NO. 6 OF 2004**

**THE HON DR J J GARCIA**

**WASTEWATER SEA-OUTFALL STUDY**

Has the final Phase 1 report of the Wastewater Treatment Works Sea Outfall Study now been submitted to the Government?

**ANSWER**

**THE HON THE MINISTER FOR THE ENVIRONMENT, ROADS AND UTILITIES**

Yes.



ORAL

**NO. 7 OF 2004**

**THE HON DR J J GARCIA**

**RUBBLE TIP**

Can Government say who was consulted over its decision to create a rubble tip next to the Caleta Hotel?

**ANSWER**

**THE HON THE MINISTER FOR THE ENVIRONMENT, ROADS AND UTILITIES**

Answered together with Question No 25 of 2004.

**NO. 8 OF 2004**

**THE HON F R PICARDO**

**REFUSE DISPOSAL**

Can Government now provide the details of the new business venture for recycling some elements in refuse disposal referred to in answers to supplementary questions to Question No 132 of 2003?

**ANSWER**

**THE HON THE MINISTER FOR THE ENVIRONMENT, ROADS AND UTILITIES**

Answered together with Question No 9 of 2004.

**NO. 9 OF 2004**

**THE HON F R PICARDO**

**REFUSE DISPOSAL**

Can Government state whether the new business venture to recycle elements in Gibraltar's refuse disposal referred to in answers to supplementary questions to Question No 132 of 2003 I think is now operational and if not when it is due to start?

**ANSWER**

**THE HON THE MINISTER FOR THE ENVIRONMENT, ROADS AND UTILITIES**

A licence was issued to Steelmac Limited on 16<sup>th</sup> September 2003, for the recycling of some elements of Gibraltar's refuse, namely cans, bottles and plastics. The company is still to submit further details as part of their submission for planning permission. On the issue of a Planning Permit, operations can commence.

**SUPPLEMENTARY TO QUESTION NO 9 OF 2004**

**HON F R PICARDO:**

Will the Minister tell us whether any conditions have been attached to that licence, what type of licence is it?

**HON CHIEF MINISTER:**

I think we would need notice of that question. There is an agreement but we do not carry it around in our minds it is not a particularly complex agreement I think it just entitles them at their own cost, these are bits I remember from memory, to extract this and also they are allowed to put up bins and things separation of collection bins upon which I think they are allowed to have advertisements and the Government have to consent to the location of these bins but otherwise that is how they will collect the stuff as they do in other EU countries. Green for glass, blue for plastics or

whatever. I do not think that there is any cost to the Government I think this is just a concession on the basis that they can do it at their cost and then keep the economic value and benefit of the stuff that they collect which apparently has some economic value in disposal and that is the nature of the arrangement but this is what I can remember. I think that everything that I have said to him is true but it may not be the whole story I think he might have to give me notice of the question if he wants it.

**HON F R PICARDO:**

Is the Chief Minister saying that the licence is a licence to place bins in certain places in relation to the land where the bins will be placed rather than any other type of administrative consent or permission?

**HON CHIEF MINISTER:**

I think it is both. There are real estate elements to it, for example, I think that the company in question got EU funds or Gibraltar Enterprise Scheme funds for the purchase of the bins. I cannot remember how but there was some element of public funding in the element of the bins and I think that that places some constraints on him as to how he can dispose of them or not as there are things to do with that and then there are what one would call the landlord and planning type issues, the location where these things can be deposited and then there is the licence which is also the a concession to actually collect public refuse which does not just raise issues of planning but as one knows public refuse is Government owned, I do not want to stray too much into this aspect of it but one of the things that was delaying this thing was that until we made different arrangements for the incineration of waste we had a contract with another company for them to access Gibraltar's waste. Plastics in particular is one of the highest calorific items in our refuse so there was a contractual difficulty in allowing somebody else to collect it under another arrangement because this was all part of the in-town contract to allow them exclusive access to Gibraltar's domestic waste.

**HON F R PICARDO:**

Will we therefore be seeing a recycling plant in place in Gibraltar to recycle all of this refuse or not?

**HON F R PICARDO:**

I understand the refuse collecting will be exported?

**HON CHIEF MINISTER:**

To such a plant.

**HON J J BOSSANO:**

I am not very clear reference to "*in-town calorific value*" is since we have not to my knowledge burnt refuse since 1996 and is it that the refuse that is collected prior to

transportation to Spain will be separated to remove these things if the individual person does not put them in different containers?

**HON CHIEF MINISTER:**

Yes since the settlement of the in-town contractual situation there is no longer a contractual impediment to that so they can either separate at the rubbish tip or, which is what they will be hoping, is separate at the separation bins.

**NO. 10 OF 2004**

**THE HON F R PICARDO**

**AIR QUALITY MONITORING**

Can the Minister for the Environment state by when an air quality monitoring station will be operational?

**ANSWER**

**THE HON THE MINISTER FOR THE ENVIRONMENT, ROADS AND UTILITIES**

No.

**SUPPLEMENTARY TO QUESTION NO 10 OF 2004**

**HON F R PICARDO:**

Can the Government confirm that before the election the previous Minister for the Environment had confirmed publicly that an air quality monitoring station would become operational at some stage in the near future in order to ensure that Gibraltar complied with its EU obligations and that we had not yet provided such a monitoring station because of the costs involved?

**HON F VINET:**

The setting up of such an air quality monitoring station is indeed a manifesto commitment which we fully intend to adhere to. I hope is to have this up and running prior to the end of this year. We cannot give an absolute guarantee as to when.

**HON F R PICARDO:**

Does the Minister have any indication to provide to this House of where such an air quality monitoring station will be provided?

**HON CHIEF MINISTER:**

There is a report which Government are presently considering which raises many issues amongst them issues precisely of that sort, different options, is it just one monitoring station or a series of little monitoring points all over. Those are precisely the issues which are presently under consideration.

ORAL

**NO. 11 OF 2004**

**THE HON F R PICARDO**

**OESCO – NOISE POLLUTION**

Can the Government state what action they intend to take to reduce noise pollution, in particular to reduce noise pollution emanating from the OESCO power station to levels below the recommended levels?

**ANSWER**

**THE HON THE MINISTER FOR THE ENVIRONMENT, ROADS AND UTILITIES**

Answered together with Question No 12 of 2004.



**NO. 12 OF 2004**

**THE HON F R PICARDO**

**OESCO – NOISE POLLUTION**

Can Government state what are the measures that have been agreed with OESCO to reduce noise levels emanating from the plant, when are they expected to be introduced and is Government satisfied that these measures will bring down noise levels to those required for compliance with the relevant EU directives and local legislation?

**ANSWER**

**THE HON THE MINISTER FOR THE ENVIRONMENT, ROADS AND UTILITIES**

The Government do not accept that relevant EU directives and local legislation relating to noise are not being complied with. With regards to noise reduction measures, these are a Government manifesto commitment and the Government will make an announcement as to when they propose to proceed and how, when they are ready to do so.

**SUPPLEMENTARY TO QUESTION NOS 11 AND 12 OF 2004**

**HON F R PICARDO:**

Can the Minister for the Environment as a result of that answer further confirm that there is in fact an Ombudsman's report that indicates that the noise levels being suffered by those who live near the OESCO plant are above recommended levels and also confirm to this House that the manifesto commitment on noise reduction has been contained in his party's 1996, 2000 and 2003 manifestos?

**HON F VINET:**

The position of Government remains that we are in keeping with EU Directives and local legislation relating to noise levels. With regards to the second comment all I

can say is that this Government have been elected with regards to the manifesto of 2003.

**HON F R PICARDO:**

So, the Minister for the Environment entirely disregards the conclusions of the Ombudsman in relation to this issue.

**HON CHIEF MINISTER:**

No. The Minister of the Environment does not do that but nor does the Minister of the Environment consider that the Ombudsman has the status of Privy Council. The fact that the Ombudsman has come to a conclusion certainly does not compel the Government to accept the judgements made except on matters of administration not on matters of law and certainly if the hon Member asks supplementaries to suggest that there would be something outrageous in the Government not accepting the judgement of the Ombudsman the hon Member should know that there are many instances in which the Government do not accept the judgement and findings of the Ombudsman.

**HON F R PICARDO:**

Would not the Minister for everything or the Chief Minister who is here to answer most questions it appears not agree with me that the fact that his Government disregards a hell of a lot, sorry, a very large number of Ombudsman's Reports is absolutely outrageous?

**HON CHIEF MINISTER:**

No. The Chief Minister does not agree with you for two reasons. First of all the Government do not agree with *"a hell of a lot"* of the Ombudsman's ruling and secondly if the Government did disagree with a *"hell of a lot"* of the Ombudsman's rulings it would be because it was applying the same criteria to each of them and that is, the Ombudsman is not a court of law he does not adjudicate legal rights as between the Government or anybody else. The Ombudsman is there to adjudicate on matters of maladministration they are the vast majority, contrary to what the hon Member says, entirely contrary to what the hon Member says. The vast majority of the Ombudsman's commentaries in relation to administrative matters are taken on board at an administrative level by the relevant Government department and are acted upon. Many are not but many is not necessarily the majority indeed it is a very long way short of being the majority.

**HON F R PICARDO:**

Will the Chief Minister agree with me that the decision of the Ombudsman in this case in particular dealing with noise levels does relate to administrative failure, an administrative failure by the Environmental Agency to act in relation to those noise levels?

**HON CHIEF MINISTER:**

No.

**NO. 13 OF 2004**

**THE HON F R PICARDO**

**ELECTRICITY GENERATORS**

Can Government state whether it will be seeking to ensure that all new electricity generators imported either for OESCO or Government are the best available technology?

**ANSWER**

**THE HON THE MINISTER FOR THE ENVIRONMENT, ROADS AND UTILITIES**

No. There are issues of cost and value for money that have to be factored into the decision. As far as OESCO is concerned, the technology will be at least as good as the generators imported by that Company when the GSLP were in Government.

**SUPPLEMENTARY TO QUESTION NO 13 OF 2004**

**HON F R PICARDO:**

Will the Minister for the Environment not kindly note that the integrated pollution and prevention control directive will require that as from now on not in relation to the previous GSLP Government or even previous GSD administrations new technology imported into any Member State of the European Union for the generation of the electricity or any other equipment which creates environmental impact has to be best available technology because (a) that would reduce pollution and (b) that will create better levels of efficiency?

**HON F VINET:**

We do not accept that as the correct analysis.

**HON F R PICARDO:**

Would the Minister for the Environment then provide what his alternative analysis is?

**HON CHIEF MINISTER:**

The hon Member has asked a question about a directive which the Government have not yet made any attempt to comply. If the Gibraltar Government are going to reinvest in future generating capacity which we need to get on doing, we will not necessarily be going for the most expensive latest technology. I suppose for that we would have to go to NASA or something but we will be going for the sort of technology that communities of our size are using in Western Europe for the generation of their electricity. It is just that the phrase "*best available technology*" means the technology that is available anywhere in the world regardless of its cost, regardless of its price, regardless of economies of scale, in other words the latest best technology available for the generation of electricity. That is what the Government are not committing itself to but if the hon Member is asking whether in terms of what is reasonably accessible to us in resources terms we will be using technology that on the whole is environmental friendly as opposed to environmental unfriendly just because it is cheaper then obviously the answer to the latter question is yes.

**HON F R PICARDO:**

Will Chief Minister and or the Minister of the Environment agree with me that the definition of "*best available technology*" does not mean the costliest most advanced technology but doing a balance between cost and efficiency which is the best available technology to be used making that balance and that in the regeneration in particular electricity generators we should be looking to ensure that we have technology which is up to date et cetera and that this should not even be a politically controversial issue in this House.

**HON F VINET:**

The hon Member seems to be in complete agreement with my previous answer. My answer has been there are issues of costs and value for money that have to be factored into the decision and not just the facts that the item in question might be the best technology or otherwise.

**HON F R PICARDO:**

I am not obviously in agreement with the Minister's earlier answer because as I am sure that he will agree when he listens to Hansard he prefixed his answer to me by saying, "*No. We will balance .....*," when what I was asking was that we go for this best available technology in every case where possible.

**NO. 14 OF 2004**

**THE HON L A RANDALL**

**LICENSING DEPARTMENT**

Can Government state whether the Licensing Department is providing at present all of the services it should to the public, and if not can they give the reasons why?

**ANSWER**

**THE HON THE MINISTER FOR THE ENVIRONMENT, ROADS AND UTILITIES**

The Department of Transport is presently not providing all the services it should to the public. The Driving and Vehicle Examiners are currently in dispute with the Government and are currently not undertaking part of their duties.

**SUPPLEMENTARY TO QUESTION NO 14 OF 2004**

**HON L A RANDALL:**

Can the Minister say or give a date by which time this dispute will be resolved?

**HON F VINET:**

No.

**HON S E LINARES:**

Can the Minister state what is the reason for the dispute?

**HON F VINET:**

Essentially the Driver and Vehicle Examiners are seeking a regrading of their job.

**HON L A RANDALL:**

Will this have an unfavourable impact on the introduction of the bus service? I say this because we may not have sufficient people with licences to drive those buses.

**HON F VINET:**

We do not envisage that to be the case.

**HON F R PICARDO:**

Can the Minister for the Environment quickly state since when the dispute that he has referred to started?

**HON F VINET:**

The 28<sup>th</sup> February 2003. That was the date when the T&G representing the Driver and Vehicle Examiners informed the department of this.

**HON S E LINARES:**

Do Government consider this to be selective industrial action?

**HON CHIEF MINISTER:**

In our view of facts yes, on their view of facts no, but because this is not a clear case of somebody saying I accept what my duties are but I will simply not do some of them it is not a clear cut case of selective industrial action. Part of the dispute which the Government do not and will not accept is that the things that they have stopped doing and which they have always done are not required by their job description so it is a disputed case of selective industrial action in the sense that the dispute relates to what the job description is.

**NO. 15 OF 2004**

**THE HON L A RANDALL**

**TRANSPORT – MOT TEST**

Can Government state when they intend to change the regularity of MOT tests to once every two years, as the Minister announced last June during the budget session?

**ANSWER**

**THE HON THE MINISTER FOR THE ENVIRONMENT, ROADS AND UTILITIES**

Government expect to make an announcement shortly.

**SUPPLEMENTARY TO QUESTION NO 15 OF 2004**

**HON F R PICARDO:**

Can the Minister state how shortly is “shortly”?

**HON F VINET:**

No.

**HON F R PICARDO:**

Will the Minister agree with me that he and I apart of being namesakes are also new in this House and that we should both hope that we are not going to conduct ourselves for the rest of the time that we are here with such level of obfuscation rather than accountability, transparency et cetera?



**HON F VINET:**

I certainly have no intention to do so.

**HON DR J J GARCIA:**

Given that the announcement of the MOT changes was made last June what announcement is it that he is going to make?

**HON F VINET:**

The announcement will be the manner in which the new system will be operational.

**NO. 16 OF 2004**

**THE HON L A RANDALL**

**ELECTRICITY AUTHORITY**

Can Government state whether they still expect all the employees of the Electricity Department to join the Electricity Authority?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The problem is that there has been a sort of breaking news since which I heard when I went back to the office after this morning's session. The position had been that although a majority of the workers in the generating station had voted last week in favour of joining the authorities that minority that did not included a majority of the mechanical shift workers so within the various sections a majority of mechanical shift workers had voted against but they were in a minority overall. I am told that that has now changed and that the mechanical shift workers have themselves now revisited their position. Until I get formal confirmation of that I would not wish to be categorical but certainly the answer that we have here in any event would no longer be accurate.

**NO. 17 OF 2004**

**THE HON L A RANDALL**

**CEMETERY**

Can Government state whether they have awarded the contract for a programme of on-going embellishment, upkeep and maintenance of the cemetery, and if so, to whom and on what terms?

**ANSWER**

**THE HON THE MINISTER FOR THE ENVIRONMENT, ROADS AND UTILITIES**

No.

**SUPPLEMENTARY TO QUESTION NO 17 OF 2004**

**HON L A RANDALL:**

Can you at least say when you expect to award this contract?

**HON LT COL E M BRITTO:**

Shortly before the election various tests had been carried out by the possible future tenderers and contractors were being evaluated. One of the plots had been subject to some vandalism and the contractor carrying out the tests was not satisfied with the results and the whole thing had been put on hold following the election when the whole situation would then be reassessed. Until Government are in a position to assess the plots and the tests that had been carried out and make a decision on what is the way ahead such contract cannot be effectively put into place.

**HON L A RANDALL:**

Can the Minister at least give an indication of when this will be done?

**HON LT COL E M BRITTO:**

I would have thought from the nature of the reply it would have been obvious that the answer to that is no.

**HON CHIEF MINISTER:**

Can I just add to that that it will be apparent to hon Members from some of the answers and some of the answerers that a lot of these issues have changed ministerial responsibilities, a lot of these issues go back quite a long time to the last House. There has been a change of ministers, Christmas period and therefore that is why questions are being answered sometimes by ministers that are not currently responsible for the matter however nor have all these issues that were going to be left until after the elections themselves been revisited to decide about how they were going to be pushed forward. We expect these decisions generally to be made within the next couple of months, whether this one will be in the first batch or not in the first batch but certainly all of these things that had been left pending the election and where there has been a change of minister I think the hon Member I would not wish him to have him hold me to the date commitment but I would be surprised if on issues such as this there had not been progress and in another one that falls into the same category is the one about the change of motor vehicle two year testing. I would be very surprised that both of those were not progressed and resolved in the next month or two. Two months at the outside.

**NO. 18 OF 2004**

**THE HON L A RANDALL**

**PARKING TICKETS AND CLAMPING VEHICLES**

Can Government state how many parking tickets were issued and how many vehicles were clamped in the year 2003, giving a breakdown of locally registered vehicles and foreign registered vehicles for each category?

**ANSWER**

**THE HON THE MINISTER FOR THE ENVIRONMENT, ROADS AND UTILITIES**

The information requested by the hon Member is set out in the Schedule that I now hand to him.

**Answer to Question No 18 of 2004**

Parking Tickets			Clamps		
Month	Local Reg	Foreign Reg	Month	Local Reg	Foreign Reg
January	783	68	January	89	24
February	803	95	February	85	21
March	767	57	March	122	18
April	793	59	April	100	18
May	1156	145	May	73	23
June	1307	103	June	116	16
July	1033	97	July	107	14
August	1133	92	August	57	18
September	1053	72	September	105	9
October	1105	97	October	155	29
November	1011	89	November	74	12
December	626	63	December	47	11
Total	11570	1031	Total	1130	213

**SUPPLEMENTARY TO QUESTION NO 18 OF 2004**

**HON L A RANDALL:**

Can Government state how many of the 1,031 foreign registered vehicles that received parking tickets the drivers actually paid their fine?

**HON F VINET:**

I do not have that information with me at present.

**HON L A RANDALL:**

Does the Minister undertake to provide this information in writing or whatever?

**HON F VINET:**

Yes.

**NO 19 OF 2004**

**THE HON L A RANDALL**

**EUROPORT – PARKING FACILITIES**

Can Government state whether they propose to provide parking facilities in the area of Europort, other than for the hospital?

**ANSWER**

**THE HON THE MINISTER FOR THE ENVIRONMENT, ROADS AND UTILITIES**

The Government have no plans to do so.

**SUPPLEMENTARY TO QUESTION NO 19 OF 2004**

**HON L A RANDALL:**

Do Government not accept that parking is becoming very scarce in that area and would they reconsider their decision?

**HON CHIEF MINISTER:**

Government believe that parking in that area is not as scarce as it is in most other areas in Gibraltar given that all the housing there, because of its recent construction, have underground parking facilities which is not to say that there is a shortage of parking but that the shortage of parking problem is not necessarily acute as it is for example, in areas where we have a manifesto commitment to provide more parking facilities, for example, the old town area and the south district where properties are older, there are no purpose built parking facilities so such resources as the Government are going to deploy in the next two or three years for the creation of parking facilities is going to be concentrated in the areas of Gibraltar such as the Upper Town and the south district where there is a very, very acute, as the hon Member knows as he lives or used to in that area of town, there can always be more parking the Government do have a policy of opening up as many areas as possible

for free parking. We have just done so with the Landport Ditch nor is there in that particular area of town it depends on how he defines the Europort area but there is not much publicly held land left in that area in which any such additional parking facilities could be built. If we proceed as we are very hopeful of doing with the reclamation in front of the Yacht Club, Rooke, No 4 Dock, then that will throw up areas of land some of which might be available for that but until more land is created in that area I do not see that there is any scope, for example, the Europort area extends to Waterport Road in his mind but there is the coach park area when we build part of the new housing is going on the extreme western end of the coach park so bits that are presently used but not very much for private parking that is going to be reprovided underneath the block so that there is no loss of parking area.

**HON F R PICARDO:**

Would the Chief Minister note that the shortage that he has referred to is not one that arose when the housing was provided in the area but since a large commercial entity that has its out-of-town superstore if I can call it that made a decision that it would not allow residents in the area to use its extensive parking facilities overnight and that is what is causing problems for those in the area. Can the Government undertake to see whether they can assist those in the area for the reprovion of those facilities?

**HON CHIEF MINISTER:**

The cause for any recent increase in the problem does not alter the answer that I have given. I cannot wave a magic wand and create new parking land because Safeways decides to change its policy on access to its car park. If there were areas of public land lying fallow there at least in the meantime it could be flattened and made available for parking but the fact is that there is no land around there. I do not really see how the Government can do what the hon Member is urging it to do, perhaps rightly urging it to do but there is a matter of physical impossibility.



**NO. 20 OF 2004**

**THE HON L A RANDALL**

**ROAD WORKS**

Can Government state the parts of Gibraltar's roads that they plan to resurface during the quarter ending 31<sup>st</sup> March 2004?

**ANSWER**

**THE HON THE MINISTER FOR THE ENVIRONMENT, ROADS AND UTILITIES**

The Government do not consider it appropriate to provide such details of their on-going road works plans. Individual schemes will be announced as and when they are to be executed.

**SUPPLEMENTARY TO QUESTION NO 20 OF 2004**

**HON F R PICARDO:**

Will the Minister of Environment agree with me that certainly his answer makes it sound as if there is no plan for immediate resurfacing of roads, an issue which is of concern to all of us in Gibraltar who are motorists including the Ministers I am sure who are motorists themselves and feel the bumps on occasion as they drive along?

**HON CHIEF MINISTER:**

The amount of money being spent by Government in maintenance and repair of the highway, of refurbishment of the highways is at an all time unprecedented level in contrast to times when very little was spent on that. The issues being alluded to in the answer are not that there is no plan unless the hon Member thinks that my Colleague has lied to him. My hon Friend has said that the Government do not consider it appropriate to provide such details. If there were in fact no such details then my honourable friend would have simply lied to the House which I am sure is not what the hon Member is intending to insinuate. The factors which affect the Government's decision now not no longer to publish these plans quarterly planned

or half-yearly planned in advance is that it gives contractors the ability to see ahead the workload that is around the corner and this has pricing implications for the work that they bid because of how busy they think the place is going to be. Those are the factors and nothing else. For the rest of it I hope that by the end of this year and indeed of this term the hon Member will feel obliged to congratulate my honourable friend for the amount of road resurfacing and refurbishment that he will have done.

**HON F R PICARDO:**

Certainly I think that the Chief Minister will agree with me that if the Minister for the Environment had given the answer which the Chief Minister has given at least we would know that the reason for not making the announcement is what appears at first brush to be a valid one rather than simply saying we will not make an announcement?

**HON CHIEF MINISTER:**

The hon Member did not ask for the reasons the hon Member asked whether we would publish the plans.

**NO. 21 OF 2004**

**THE HON L A RANDALL**

**OESCO – ADDITIONAL GENERATOR**

Can Government state whether the recent announcement of an additional generator at the OESCO plant is the result of a renewal of the contract with OESCO?

**ANSWER**

**THE HON THE MINISTER FOR THE ENVIRONMENT, ROADS AND UTILITIES**

Yes.

**SUPPLEMENTARY TO QUESTION NO 21 OF 2004**

**HON L A RANDALL:**

Can the Government state the length of the renewed contract and also whether there is provision in the contract for additional generators?

**HON F VINET:**

The lengths of the contracts we understand is approximately 10 years. There is no entitlement to an additional generator

ORAL

**NO. 22 OF 2004**

**THE HON L A RANDALL**

**DISPOSAL OF REFUSE**

Can Government state what is the latest position regarding the tenders for the disposal of waste and refuse by any process and has a Transaction Manager been appointed?

**ANSWER**

**THE HON THE MINISTER FOR THE ENVIRONMENT, ROADS AND UTILITIES**

Answered together with Question Nos 23 and 24 of 2004.

ORAL

**NO. 23 OF 2004**

**THE HON L A RANDALL**

**EUROPA INCINERATOR LIMITED**

Can Government state how many employees were employed by Europa Incinerator Limited as at 1<sup>st</sup> January 2004?

**ANSWER**

**THE HON THE MINISTER FOR THE ENVIRONMENT, ROADS AND UTILITIES**

Answered together with Question Nos 22 and 24 of 2004.

**NO. 24 OF 2004**

**THE HON L A RANDALL**

**INCINERATOR**

Can Government state whether it is still their intention to proceed with the purchase, installation and operation of a new incinerator plant, and if so, when is this expected to happen and where will it be located?

**ANSWER**

**THE HON THE MINISTER FOR THE ENVIRONMENT, ROADS AND UTILITIES**

Government will continue with the existing arrangements for the disposal of its refuse until it is able to implement its long-term strategy for future disposal. It continues to be the Government's intention to replace the existing incinerator with a new plant, to be constructed on the site of the existing plant. The tender for the appointment of a Transaction Manager has not yet been awarded although an appointment should be made shortly. As at 1<sup>st</sup> January 2004, 16 employees remain in employment with Europa Incinerator Company Limited.

**SUPPLEMENTARY TO QUESTION NO 24 OF 2004**

**HON L A RANDALL:**

So that means that it was 16 it is still 16 so the options which were open to the Government to reduce that number by retirement, transfer to GOG employment retention and redundancies have not been taken up?

**HON F VINET:**

The number continues to be 16.

**NO. 25 OF 2004**

**THE HON L A RANDALL**

**RUBBLE TIP**

Can Government state whether they have identified a new site for the disposal of construction rubble in the event that the present site is used for development?

**ANSWER**

**THE HON MINISTER FOR THE ENVIRONMENT, ROADS AND UTILITIES**

**Answer to Question No 7 of 2004**

The Government have made no decision such as the one described in the question.

**Answer to Question No 25 of 2004**

Several sites are under consideration. None has yet been finally selected.

**SUPPLEMENTARY TO QUESTION NO 25 OF 2004**

**HON DR J J GARCIA:**

Is an area next to the Caleta Hotel one of the sites which is under consideration?

**HON F VINET:**

Government have been considering a number of sites for depositing builder's gravel. The site next to the Caleta Hotel is currently Government's preferred option.

**HON DR J J GARCIA:**

In taking the decision in making that particular site the preferred option can the Minister say whether there has been any consultation with interested parties with regard to that?

**HON F VINET:**

There has been consultation with the major stakeholders who will be affected by this namely the GONHS and the Caleta Hotel.

**HON DR J J GARCIA:**

Is the Minister in a position to tell the House what the results of the consultation have been and were those consulted favourable to having a rubble tip there or were they against it?

**HON CHIEF MINISTER:**

As one can imagine the owners of the Caleta Palace are not overjoyed at the prospect I think that would be an understatement, as far as GONHS is concerned I seem to recall, it is just that my honourable and new friend in the House has not yet really had an opportunity to familiarise himself with the consultation process which took place before the election. I think GONHS position was that they were content provided part of the newly created site was used as a wetland or some sort of natural habitat. This is rapidly becoming a dilemma for the Government. We do need a site for rubble the east side project really has no further capacity if the hon Members drive past the east side reclamation site they will see that it has almost risen above road level around the plateau of the mound. A site can only be somewhere along the coast much of Gibraltar's remaining coastline is natural rock habitat which would be environmentally impossible to use for these purposes so it is not that the Government specifically wants to create a reclamation in the area of the Caleta Palace it is just that that is one of the remaining coastal sites which has been identified which would not cause a nuclear war with one or other environmental lobby group in Gibraltar. We might be cruising for such a battle with the owners of the Caleta Palace but we are not making the decision until we are absolutely 100 per cent certain that there really is absolutely no other alternative and if we can find another alternative we will do it.

**HON DR J J GARCIA:**

Can the Government say how they expect the creation of such a site would impact on the tourism industry in that particular sector particularly on the hotel itself given that I understand just by picturing the building that there are rooms which will face onto the rubble site?

**HON CHIEF MINISTER:**

The extent to which the site would come directly in front of the hotel is a matter of design it is a question of how far north the site encroaches. It would be possible



actually not to encroach very much but then one will have a smaller site with relatively higher construction cost because what really costs is the bunding and all of that. I think that the owners of hotel are more concerned by the sort of aesthetic considerations of a sort of what they will regard as a typical site but I see that the owners of the Caleta Palace themselves wish to do some real estate development next to the hotel so it is not that they object to building works I think it is more to the unsightly nature of the sight as it progresses and one option maybe to see a way of operating this sight in a way which minimises the aesthetic problems. It may or it may not be possible but those are the sort of things that are being looked at the moment.

**NO. 26 OF 2004**

**THE HON L A RANDALL**

**SIGNAL STATION ROAD**

Can Government state whether they have now concluded their consideration to road maintenance on the Upper Rock generally, including Signal Station Road?

**ANSWER**

**THE HON MINISTER FOR THE ENVIRONMENT, ROADS AND UTILITIES**

No.

**SUPPLEMENTARY TO QUESTION NO 26 OF 2004**

**HON L A RANDALL:**

Will Government not accept the fact that the state of the roads is deteriorating very, very rapidly and unless something is done quickly traffic may have to be closed to access to St Michael's Cave et cetera?

**HON F VINET:**

We do not accept the hon Member's view. We have not had site reports to that effect.

**HON L A RANDALL:**

I can assure that the professionals who use that road have.....

**HON CHIEF MINISTER:**

You mean the taxi drivers?

**HON L A RANDALL:**

The professionals that use that road have reported to us that the road is in imminent need of repair.

**NO. 27 OF 2004**

**THE HON L A RANDALL**

**DUDLEY WARD TUNNEL**

Can Government state whether they have concluded their assessment of the full viability of their preferred option for the remedial works that will enable the reopening of Dudley Ward Tunnel for vehicular traffic?

**ANSWER**

**THE HON MINISTER FOR THE ENVIRONMENT, ROADS AND UTILITIES**

No.

**SUPPLEMENTARY TO QUESTION NO 27 OF 2004**

**HON L A RANDALL:**

At what stage is the consideration or when do they foresee a decision being taken?

**HON F VINET:**

If I can just give a short background to this. Government have considered in some detail the various recommendations and options that were submitted in the report prepared by the appointed engineering consultant on the work that is considered necessary as having to be undertaken in this area before a through flow of traffic can be re-established. A preferred solution was identified from the various alternatives that were submitted however before a final decision can be taken on this ground investigation works need to be undertaken to confirm the viability and constructability of the preferred option. Such exploratory works additionally provide necessary data for use in a design. Several elements of this investigation have already been undertaken but there is still a need to complete this exercise and until such time as all the required data is obtained we will not be in a position to confirm the full viability of a preferred option.

**HON L A RANDALL:**

The answer provided by the Minister is not much different to the one provided on the 28<sup>th</sup> March 2003. That was nine months ago so how much longer is this consideration going to take?

**HON F VINET:**

Hopefully as little time as possible we have no specific date to go.

**HON S E LINARES:**

Will the Minister state whether the consultants are private consultants or just Government consultants?

**HON F VINET:**

Private consultants.

**HON S E LINARES:**

Has the Minister got an indication of how much these consultants are costing?

**HON F VINET:**

No.

**HON F R PICARDO:**

Would the Minister agree with me that in answers to questions so far what we are hearing, namely that there is going to be a plan or there is not going to be a plan for the resurfacing of the roads in the Upper Rock, that there is going to be a rubble tip next to the Caleta Palace Hotel and that it is not yet clear when we will be able to drive all the way round Gibraltar but that is of very little use to our tourist product that we should find ourselves in that particular predicament?

ORAL

**NO. 28 OF 2004**

**THE HON L A RANDALL**

**AQUAGIB**

Can Government state whether the stake of the equity they hold in Aqua Gib is the same as the one they held in Lyonnaise?

**ANSWER**

**THE HON MINISTER FOR THE ENVIRONMENT, ROADS AND UTILITIES**

Answered together with Question No 29 of 2004.

**NO. 29 OF 2004**

**THE HON L A RANDALL**

**AQUAGIB**

Can Government state whether they propose to dispose of any part of their stake in the equity of Aqua Gib during the course of 2004?

**ANSWER**

**THE HON MINISTER FOR THE ENVIRONMENT, ROADS AND UTILITIES**

There has been no change in the company. The same company has simply changed its name. There has been no change in the Government's shareholding and Government have no plans to do so.

**NO. 30 OF 2004**

**THE HON L A RANDALL**

**GNC/GIBTEL**

Can Government state whether there have been any new developments on the part of the European Commission in respect of the complaints filed in 1996 by GNC and Gibtel?

**ANSWER**

**THE HON MINISTER FOR THE ENVIRONMENT, ROADS AND UTILITIES**

The EU Commission has decided to take no action on the roaming complaint filed by Gibtel in 1996. The Board of Gibtelecom has consequently decided to initiate legal proceedings against the Commission. Gibtelecom lodged the applications with the Court of First Instance of the European Communities on 24<sup>th</sup> December 2003. The EU Commission has not yet taken any formal decision on the numbering complaint filed by GNC in 1996.

**SUPPLEMENTARY TO QUESTION NO 30 OF 2004**

**HON L A RANDALL:**

Can Government confirm that they have received the final decision from the Commission with respect to the roaming agreement and whether it was any different to the provisional decision?

**HON CHIEF MINISTER:**

Knowing the hon Member personally as I do I know that he would not be taking advantage of any inside knowledge of the affairs of Gibtelecom given his previous senior management position in that company for use in the House today and on that basis the answer to the question is that as indeed I have said in the House before there is a provisional negative decision on both. It has been made final on one not yet on the other. I suppose and hope that if the decision on roaming is made final if it is on the same lines as the provisional that the Board of Gibtelecom will make the same decision as it has made in relation to the roaming agreement.



**HON L A RANDALL:**

Firstly, let me just say to the Chief Minister that I took early retirement from Gibtelecom six months ago or more and a lot has happened since. I was referring to the roaming agreement, my understanding and that was in answer to a question which was posed in March by my predecessor that there would first be a preliminary decision which the company could then challenge and then there would be a final decision and court proceedings would not take place until after the final decision was received.

**HON CHIEF MINISTER:**

There is a confusion I think it is provisional rather than preliminary. The procedure as it has been explained in this House before the hon Member was in this House is that the Commission writes a letter saying, "*We have provisionally decided to make the following decisions,*" and gives you a period of time and says what do you think of what we have provisionally decided and then there is a whole procedure that gives the complainant the opportunity to come back saying we think you are completely and utterly wrong for the following reasons and that was done. The fact is that it then took the Commission a long time after Gibtelecom, I think it would have been the company separately Nynex and Gibtel one for each complaint, they quite quickly responded to those provisional decisions but the Commission took quite some time to come back. When it came back on the telephone one it was negative and therefore they made the decision that they have now made and we have not quite yet reached that same position in respect to the numbering one but we have no doubt that they will come it is just a question of dressing it up. It really is very disappointing.

**HON L A RANDALL:**

The answer given by the Chief Minister is that only one of the complaints is going ahead with litigation, the roaming one?

**HON CHIEF MINISTER:**

Only because that is the one that has reached the stage where it is the end of the road. We are half a step from the end of the road on the other one as well and I hope that the Board of Gibtelecom will make the same decision when that one eventually comes through as well. Both were the subject of adverse provisional decision.

**HON J J BOSSANO:**

Can we have confirmation just to make sure that we know where we are the other one is what Spain's refusal to recognise the country code, the 350 code?

**HON CHIEF MINISTER:**

That is the so-called numbering issue.

ORAL

**NO. 31 OF 2004**

**THE HON L A RANDALL**

**GNC/GIBTEL**

Can Government state whether they propose to dispose of any part or their stake in the equity of Gibtelecom (GNC/Gibtel/Gibconnect) during the course of 2004?

**ANSWER**

**THE HON MINISTER FOR THE ENVIRONMENT, ROADS AND UTILITIES**

The Government have no plans to do so.

**NO. 32 OF 2004**

**THE HON L A RANDALL**

**ELECTRICITY – POWER FAILURES**

Can Government state the number of power cuts that affected whole districts in the year 2003, their duration, the areas affected and the reason why they occurred?

**ANSWER**

**THE HON MINISTER FOR THE ENVIRONMENT, ROADS AND UTILITIES**

The number of power failures that have occurred in the year 2003 and which have affected whole districts have been 17. I will now hand over to the hon Member the requested information.

**SUPPLEMENTARY TO QUESTION NO 32 OF 2004**

**HON L A RANDALL:**

Am I right in assuming that the reasons provided have been accepted by the respective parties, so when it says OESCO, OESCO has accepted that they are responsible for this failure?

**HON F VINET:**

That is correct.

**Answer to Question No 32 of 2004**

<b>ncident No</b>	<b>Date</b>	<b>Duration</b>	<b>Areas Affected</b>	<b>Reason</b>
<b>1</b>	Wed 5 Feb 03	7mins - 1hr 19 mins	Three districts supplied from Waterport Power Station 10,14,15	The power failure was caused by the contractor engaged in works at Corral Road (Pipework Ltd) damaging one of our 11,000 volts high voltage feeder cable.
<b>2</b>	Fri 21 Mar 03	3 mins – 10 mins	Four districts supplied from Waterport Power Station 10, 11, 14, 15	Fault in generator set No 4 at OESCO.
<b>3</b>	Sat 29 Mar 03 06.25 hrs	1 min – 4 mins	All the 8 districts supplied from Waterport Power Station 10 – 18	Fault in generator set No 4 at OESCO.
<b>4</b>	Sat 17 May 03 21.30 hrs	9 mins – 11 mins	Four districts supplied from Waterport Power Station 10, 11, 14, 15	Sudden frequency dip.
<b>5</b>	Wed 21 May 03	1 min – 10 mins	Five districts supplied from Waterport Power Station 10, 11, 13, 14, 15	Fault in generator set No 6 at OESCO.
<b>6</b>	Sun 8 Jun 03 20.37 hrs	11 mins	Four districts supplied from Waterport Power Station 10, 11, 14, 15	Sudden frequency dip
<b>7</b>	Tues 10 Jun 03 16.45	7 mins - 11 mins	Five districts supplied from Waterport Power Station 10, 11, 13, 14, 15	Fault in generator set No 2 at Waterport Power Station.
<b>8</b>	Tues 15 July 03 18.38 hrs	17 mins	Four districts supplied from Waterport Power Station 10, 11, 14, 15	Fault in generator set No 2 at Waterport Power Station faulty jacket water trip amp.
<b>9</b>	Tues 9 Sept 03	34 mins – 1 hr 37 mins	Total blackout	Fault in generator set No 2 at Waterport Power Station AVR failure.
<b>10</b>	Mon 15 Sept 03 07.45 hrs	2 – 5 mins	Seven districts supplied from Waterport Power Station 10, 11, 13, 14, 15, 17, 18	Fault in generator set No 2 at Waterport Power Station AVR failure.
<b>11</b>	Tues 21 Oct 03 14.05 hrs	20 mins – 1 hr 5 mins	Four districts supplied from Waterport Power Station 11, 13, 15, 17 and one district from KBDC 9	Human error caused trip of generator set No 2 at Waterport Power Station.

<b>12</b>	Tues 21 Oct 03 18.00 hrs	8 mins	Four districts supplied from Waterport Power Station 10, 11, 13, 15	Generator set No 2 at Waterport Power Station tripped manually VCCW temp & press high
<b>13</b>	Sun 26 Oct 03 11.37 hrs	18 mins - 43 mins	Eight districts supplied from Waterport Power Station 10, 11, 12, 13, 14, 15, 17, 18 and one district from KBDC 7	HV fault at KBDC feeder to S28 (KBDC 7)
<b>14</b>	Sun 26 Oct 03 13.55 hrs	15 mins – 20 mins	Eight districts supplied from Waterport Power Station 10, 11, 12, 13, 14, 15, 17, 18 and one district from KBDC 7.	When S28 was reconnected through S29, No 5 OESCO tripped for no apparent reason.
<b>15</b>	Fri 31 Oct 03 01.50 hrs	8 mins	Eight districts supplied from Waterport Power Station 10, 11, 12, 13, 14, 15, 17, 18	Fault in generator set No 5 at OESCO Reverse Power Relay operated for no apparent reason.
<b>16</b>	Wed 19 Nov 03 10.50 hrs	15 mins – 37 mins	Four districts supplied from Waterport Power Station 10, 11, 14, 15	Generator set No 1 at Waterport Power Station tripped on reverse power during commissioning tests on the SCADA System.
<b>17</b>	Sat 13 Dec 03 11.31 hrs	2 mins – 6 mins	Two districts supplied from Waterport Power Station 14, 18	The high voltage feeders tripped during commissioning tests on the SCADA System.

ORAL

**NO. 33 OF 2004**

**THE HON DR J J GARCIA**

**JOHN MACKINTOSH SQUARE**

On what date did the tender for the John Mackintosh Square beautification stipulate that the works had to be finished?

**ANSWER**

**THE HON MINISTER FOR THE ENVIRONMENT, ROADS AND UTILITIES**

Answered together with Question No 34 of 2004.

**NO. 34 OF 2004**

**THE HON DR J J GARCIA**

**JOHN MACKINTOSH SQUARE**

What is the projected additional cost and the additional delay of constructing underground toilets in the Piazza project?

**ANSWER**

**THE HON MINISTER FOR THE ENVIRONMENT, ROADS AND UTILITIES**

The original contract completion date is the 26<sup>th</sup> March 2004. At the time of going out to tender a final decision as to the design and location of the WC block had not been taken. The preferred option was to construct an underground facility within the Square and thus a provisional sum of £75,000 was included in the tender documents based on a preliminary design. Subsequently, the detailed design was produced incorporating a larger facility than originally envisaged and including a more robust and reliable drainage system ( mini pumping station) and the new access to the air-raid shelter. The final cost is still subject to negotiation with the contractor. The original scope of works encompassed the construction of underground toilets thus this element of the works has not contributed to any additional delays.

**SUPPLEMENTARY TO QUESTION NOS 33 AND 34 OF 2004**

**HON DR J J GARCIA:**

Where there any other locations considered apart from the underground facility?

**HON CHIEF MINISTER:**

I think it is clear that the hon Member is referring to facts which were notorious before the hon Member had responsibility for these things perhaps you will let me answer. The answer is that it was mooted that there was no decision made or ministerial

consideration of any alternative but it is also true that a ministerial slip of the tongue in an interview led to much misunderstanding on the part of other people. The answer is yes it was said but no it had never actually got to a state of discussion that sustained the certainty of the statement that was made. It was one of the options under consideration, the guardroom. It was never bought back for discussion by those who made the decisions in relation to the whole project in the first place. It was being dealt with in a technical committee chaired by one minister and the ideas were being bandied about as a possibility but it was never in the project as being there.

**HON DR J J GARCIA:**

Where there any other options considered at whatever level which would have been perhaps quicker and more cost effective than the present alternative?

**HON CHIEF MINISTER:**

I do not think so. The alternatives were somewhere on the Square which would not have been desirable. Under the Square or off the Square somewhere, the people doing the brainstorming around this project thought that the guardroom was a possibility at the technical level but that there were no others unless one went in away from the Square and tried to find, one might have wanted to put them in the Police Station or somewhere like that going off the Square but there was no other obvious possibility and I think there is some on several occasions people expressed the view that there are not enough public convenience utilities facilities around Gibraltar and I think this is one that will become a central facility. The costs are not excessive given the nature and size of the facility, their permanence, their unobtrusiveness which has an aesthetic value.

**HON DR J J GARCIA:**

Given that the Government have confirmed that the toilets will have their own pumping station are they also in a position to confirm that they will have their own generator in the event of a power cut?

**HON CHIEF MINISTER:**

I cannot remember the technicalities of it. There are certainly two in case one breaks down but I think that there is a sort of some arrangement so that actually there is a lot of capacity for accumulation before a power failure will result in any terrible inconvenience.

**HON S E LINARES:**

Can Government confirm that there are two toilet facilities within the John Mackintosh Square?



**HON CHIEF MINISTER:**

Only to the extent that I can confirm to him that we are not planning to have boys and girls share toilets. There is one for the boys and one for the girls. I suppose that is two there is also a toilet above ground limited for the disabled but if he means male and female here and then male and female there the answer is no.

**HON S E LINARES:**

I meant two different sites for men and women or boys and girls on one side as in one set of toilets for men and women probably the disabled at the top and another completely different facility for either public or private entity.

**HON CHIEF MINISTER:**

That is a second option, no.

**NO. 35 OF 2004**

**THE HON DR J J GARCIA**

**UPPER ROCK**

Has the cleaning of the slopes in the Upper Rock been allocated to any company or will this be put out to tender?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

The cleaning of the slopes in the Upper Rock was allocated to Master Service (Gib) Ltd as an extension of the Upper Rock cleaning contract which they already held.

**SUPPLEMENTARY TO QUESTION NO 35 OF 2004**

**HON DR J J GARCIA:**

When we have discussed this issue in the House in the past the Minister originally expressed the view that they were looking at one new contractor for the slopes but subsequently came to the conclusion that it was better to have the same one doing both the slopes and the roads otherwise there might be a potential difficulty. Can the Minister say what the terms of that contract are and how much is being paid to the contractor?

**HON J J HOLLIDAY:**

The rates that were agreed with the contractor are based on the original contract for the cleaning of the Upper Rock bearing in mind that there are some specialised work to be done because of the needs of the cleaning to be done on slopes which need an element of specialisation I am told. Initially we were going to go down the route as the hon Member clearly pointed out of having separate contracts those within the Department of the Environment who really handled this particular contract advised that it was better to have one contractor doing both sets of work than actually having

two companies operating within a very limited amount of time. The cost of the contract was £4,887.50 per month and the contract was contracted for a period of five months and subsequently extended and we believe that during the next two or three months we will be monitoring to see the need that there is in actually undertaking this work. The cost of £4,800 is quite a significant expense and considering that this sort of work was done on an ad hoc basis in the past having a contractor actually carrying this out on a monthly basis all through the year is not justified so we are now monitoring to see when but they know that within the next two or three months we will have to call them back and restart the cleaning process.

**HON DR J J GARCIA:**

I do not know whether the Minister answered this or not but just to clear the point does this mean they have to clean the rock every month or every week, what is the frequency of operations?

**HON J J HOLLIDAY:**

Whilst they are actually on contract there is a daily cleaning being undertaken but obviously it covers quite a long list of slopes so I assume that it is done on a rotational basis but monitored by the Cleansing Superintendent to ensure that the slopes are kept clean.

**NO. 36 OF 2004**

**THE HON DR J J GARCIA**

**UPPER GALLERIES**

Can Government say what was bid by each of the four tenderers who submitted a tender for the repair of the retaining wall at the Upper Galleries?

**ANSWER**

**THE HON THE MINISTER FOR THE ENVIRONMENT, ROADS AND UTILITIES**

The following four quotations were received from tenderers for the undertaking of these works:

- i. £44,161.52
- ii. £64,615.26
- iii. £85,541.65
- iv. £91,074.46

**SUPPLEMENTARY TO QUESTION NO 36 OF 2004**

**HON DR J J GARCIA:**

Can the Minister then say which of those four was awarded the tender because what was actually published in the Gazette was the sum £45,701.50.

**HON F VINET:**

The contract was awarded to AMCO in the sum as the hon Member has rightly said of £45,701.50. The difference between AMCO's tendered sum and the contract sum was due to additional requirements from the client, the Gibraltar Tourist Board, which resulted in additional traffic management measures they needed.

**NO. 37 OF 2004**

**THE HON L A RANDALL**

**EUROPE 2005**

Can Government state whether Gibraltar is required to switch over from Analogue to Digital TV as part of action plan eEurope 2005?

**ANSWER**

**THE HON THE MINISTER FOR HERITAGE CULTURE, YOUTH AND SPORT**

This matter is under consideration.

**SUPPLEMENTARY TO QUESTION NO 37 OF 2004**

**HON L A RANDALL:**

Is the Minister aware that the closing date for publishing of intentions was December 2003?

**HON C BELTRAN:**

The hon Member must be aware that the action plan eEurope 2005 is simply a proposal from the Commission to Member States to consider should this later become a directive I can say that it is the policy of this Government to meet all its international obligations. I would add that the hon Member has been until recently a Member of the Gibraltar Co-ordinating Group looking into this matter and he must be aware of the latest situation which is precisely that this matter is to be considered.

**HON L A RANDALL:**

I have to admit to not being able to recall eEurope 2005 being considered by the Committee which the Minister mentions and I can tell him it is over a year and it is

driven by the person who is the CEO of the Gibraltar Regulatory Authority. I can assure the Minister that the European Commission recommended to Member States that their intentions should be published in December 2003, just their intentions nothing more.

**HON C BELTRAN:**

It is a recommendation as the hon Member rightly says.

**NO. 38 OF 2004**

**THE HON S E LINARES**

**MINISTRY FOR CULTURE**

Can the Minister for Culture state whether more staff have been employed in his ministry?

**ANSWER**

**THE HON THE MINISTER FOR HERITAGE CULTURE, YOUTH AND SPORT**

Two officers have been deployed from within the Service, a Principal Officer (Senior Officer Grade) and a Typist.

**NO. 39 OF 2004**

**THE HON S E LINARES**

**THREE KINGS CAVALCADE**

Can Government state how much has been spent on the preparation of the Cavalcade Parade?

**ANSWER**

**THE HON THE MINISTER FOR HERITAGE CULTURE, YOUTH AND SPORT**

The Government of Gibraltar did not pay for any of the costs of this year's Three Kings Cavalcade.

**SUPPLEMENTARY TO QUESTION NO 39 OF 2004**

**HON S E LINARES:**

Does that mean that the camels were actually paid by the Cavalcade Committee?

**HON C BELTRAN:**

The camels were sponsored by Gibtelecom.

**HON S E LINARES:**

What about the cost of the person organising all the cavalcade, is that not part of the costs of the cavalcade parade?



**HON C BELTRAN:**

The cavalcade is organised by the Cavalcade Committee not a Government organisation.

**HON S E LINARES:**

Did Government not deploy a Youth Officer into the Ministry of Culture in order to organise this because he was not allowed to use the phone in the other place?

**HON CHIEF MINISTER:**

The question is *“How much has been spent on the preparation of the cavalcade?”* The salary of the civil servant in question was not spent on the preparation of the cavalcade parade he was already on the Government’s pay role costs and the question is whether he did that or something else. The hon Member knows that the particular officer in question has now been transferred to the new Ministry for Heritage, Culture, Youth and Sport as an events organiser. He will organise the cavalcade, he will be involved in the organisation of the fair, of other Government hospitality events and indeed of any event of a sporting, cultural, heritage nature and indeed for any other Government department and the Government do not allocate a proportion of his salary cost to the cost of each of those events anymore than the Government do not allocate to the cost of any other Government activity a proportion of the salary of part of one civil servant.

**NO. 40 OF 2004**

**THE HON S E LINARES**

**NEW YEAR CONCERT**

Can Government state what was the cost of this year's New Year Concerts?

**ANSWER**

**THE HON THE MINISTER FOR HERITAGE CULTURE, YOUTH AND SPORT**

The total cost of this year's New Year Concert was £26,043.53.

**SUPPLEMENTARY TO QUESTION NO 40 OF 2004**

**HON S E LINARES:**

Can the Minister give a breakdown of this amount?

**HON C BELTRAN:**

I can write to the hon Member and give him the details I do not have the breakdown with me here, that was not in the original question.

**NO. 41 OF 2004**

**THE HON S E LINARES**

**YOUTH SERVICE**

Can the Government state how many Youth Officers are currently in employment with the Youth Service?

**ANSWER**

**THE HON THE MINISTER FOR HERITAGE CULTURE, YOUTH AND SPORT**

Currently the Gibraltar Youth Service employs the following:

- 1 - Senior Youth Worker
- 2 - Youth and Community Workers
- 1 - Trainee Youth and Community Worker (currently studying in UK)
- 1 - Part-time Youth Worker
- 9 - Session Youth Leaders

**SUPPLEMENTARY TO QUESTION NO 41 OF 2004**

**HON S E LINARES:**

Is this figure since the new officer was moved to the Ministry of Culture?

**HON C BELTRAN:**

No.

**HON S E LINARES:**

What the Minister is saying is that this figure counts him as well, he is included in this list?

**HON C BELTRAN:**

The staff complement that I have just given out includes the post but not the body of the person that we are talking about.

**HON S E LINARES:**

The question is currently, what is the staffing currently, now, not the posts?

**HON C BELTRAN:**

The approved staff complement for the Youth Service is one Senior Youth Worker and four Youth and Community Workers which is five the same amount as I explained before in terms of numbers.

**HON S E LINARES:**

Does that mean that the Minister has one less now than he had before?

**HON C BELTRAN:**

No.

**HON S E LINARES:**

How can he then deploy a body from one department to another which the Chief Minister has stated in the previous question, he has deployed to have an organiser person in the Ministry of Heritage and Culture and now he has deployed him from the Youth Office to the Ministry of Culture where is that body because he is including it now?

**HON C BELTRAN:**

The post is being covered by a part-time worker. The body will be full-time as soon as the advert comes out and it is filled.

**HON S E LINARES:**

Can the Minister then state who is currently manning the post or place where the current Youth Officer was that is Laguna Estate Youth Club?

**HON CHIEF MINISTER:**

I honestly do not think it is appropriate to mention individual officers .....

**HON S E LINARES:**

As a point or order.....I have not mentioned any person or any name of anybody so I would not like the Chief Minister to start twisting the fact that I have named anybody specifically. I have not done so, if he wants to mention it that is up to him but I would rather clear it now before he starts saying that I have been mentioning people. I am mentioning a post.

**HON CHIEF MINISTER:**

It seems clear that my command of the English Language not being as complete as his I obviously do not understand what is meant in the English Language by the words "*who*". "*Who*" is a request to identify a person by name. We have already gone through the question of the post. He then stands up and asks "*Who is covering?*" and the only answer to that is the name of an individual and when this is pointed out to him he accuses everybody of twisting his words. Perhaps he would like to rephrase the question if "*who*" is not the invocation of the name then what information is he seeking exactly?

**HON S E LINARES:**

By "*who*" it means that there has to be a body there one does not have to mention his name. Is he or she a Youth Officer or is he or she an EO in Government or is he or she a PTO from the Industrial side this is what I meant?

**HON CHIEF MINISTER:**

The hon Member has already been told that it is being covered by a part-time Youth Worker and I know of no way of identifying a body than by the name that it was given at birth.

**HON F R PICARDO:**

Would the Chief Minister agree with me that the best way to do that if he finds himself in that predicament again is by saying when asked who he can say instead of the name the person who is doing that other job et cetera is the person filling post whatever there is no need to deploy I am sure the Chief Minister will agree, the suggestion that only he has the command of the English Language which enables us to determine who he is being asked about?

**NO. 42 OF 2004**

**THE HON S E LINARES**

**YOUTH SERVICE**

Can Government state how many Youth Leaders who completed the course this year and those who completed the first course on Youth Leaders are currently working with the Youth Service?

**ANSWER**

**THE HON THE MINISTER FOR HERITAGE CULTURE, YOUTH AND SPORT**

This year's Youth leader training course is not expected to be completed until July 2004, having started in October 2003. Two training courses have already been completed and a total of 10 Youth Leaders (nine paid session workers and one volunteer) who have completed training courses currently work for the Youth Service.

**NO. 43 OF 2004**

**THE HON S E LINARES**

**YOUTH SERVICE**

Can Government state whether the Youth Clubs were opened during the Christmas and New Year period?

**ANSWER**

**THE HON THE MINISTER FOR HERITAGE CULTURE, YOUTH AND SPORT**

Yes. The Youth Clubs were opened, several days and for varied purposes during the Christmas and New Year period.

**SUPPLEMENTARY TO QUESTION NO 43 OF 2004**

**HON S E LINARES:**

Firstly, I would like to congratulate the Minister that he is opening it for Christmas since the last time and the last Minister did not believe that the Christmas period was the right period to have the Youth Clubs opened. I am glad that the policy of Government have changed to open these Youth Clubs during the Christmas period. I would like to state that because last time I posed this question there was a bit of controversy as to why it should open and I am glad it does now.

**HON LT COL E M BRITTO:**

If the hon Member would refer to Hansard and the discussion he and I had on this subject last year he will read that I explained that the policy of the Government was to open the Youth Clubs over the Christmas period as and when necessary and that it had been open as and when necessary during last Christmas not that there was a policy decision to close them and that that has changed.

**HON S E LINARES:**

I beg to differ that he did actually believe that the Youth Clubs, in fact he stated that the youths did not use it during the Christmas period and that that was why they were closed. Does that meant that the youth are now using it?

**HON LT COL E M BRITTO:**

I have already said it once, once more and not again. Last year I said that the Youth Clubs should be opened as and when necessary because the youth did not use them normally so they were opened as and when necessary which included for the making of the floats and there has been no policy decision to close them and therefore no change in policy to reopen and I will not say it again because the hon Member has the habit of repeating the question.



**NO. 44 OF 2004**

**THE HON L A RANDALL**

**GOVERNMENT LOTTERY**

Now that the contract for the running of the Gibraltar Government Lottery has been awarded, can Government state whether they propose to implement any changes to the structure of the Lottery?

**ANSWER**

**THE HON THE MINISTER FOR HERITAGE CULTURE, YOUTH AND SPORT**

This issue remains under consideration.

**SUPPLEMENTARY TO QUESTION NO 44 OF 2004**

**HON J J BOSSANO:**

Without wanting to question the Minister's command of the English Language what issue is under consideration?

**HON C BELTRAN:**

The issue of whether there is any proposal to implement any changes.

**HON J J BOSSANO:**

I can understand changes being under consideration but what I cannot understand is whether there ought to be changes being under consideration, is that the state of play they do not even know if changes are needed?

**HON C BELTRAN:**

Should changes become necessary and some may be necessary, they would certainly be implemented.

**HON J J BOSSANO:**

So, at the moment the Government have not yet decided whether there is a need for any change is that the correct state of play?

**HON CHIEF MINISTER:**

No. The Government increasingly accepts the fact that some sort of change is necessary. The participation in the lottery continues to decline, the number of unsold tickets continues to rise it is increasingly becoming a lottery not so much for the players as for the Government as to whether we win or lose money in any one year so I think some change is going to be. Too many things have changed around the lottery and although the previous Member whose seat the hon questioner has taken was a passionate believer in that the two-weekly lottery draws was a good and not a bad thing that is itself one of the issues under consideration. I think that the Government accepts that some change in the lottery is desirable to revitalise it, to recommercialise it, to make it more habit forming not in the bad sense but a lot of people fell out of the habit when it stopped being weekly. Indeed I recall that a study has been done, a consultation process was done and gathered by the Hon Colonel Britto when he was the Minister responsible and some suggestions were made none of them it has to be said very, very enlightened so we are really in the stage of accepting that a change seems to be indicated and still at the embryonic stage of considering what those changes might be but the more time passes the more urgent it becomes to address the question of change and take the bull by the horns.

**NO. 45 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**LEISURE CENTRE – KINGS BASTION**

Can the Minister for Sport confirm whether there are any new developments as to their long-standing promised conversion of Kings Bastion to a leisure centre, since a leisure centre was promised in their Manifesto of 1996?

**ANSWER**

**THE HON THE MINISTER FOR HERITAGE CULTURE, YOUTH AND SPORT**

Answered together with Question No 46 of 2004.

**NO. 46 OF 2004**

**THE HON F R PICARDO**

**LEISURE CENTRE – KINGS BASTION**

Can the Government now state whether negotiations with the MOD referred to in answer 359/2003 have now been completed and consequently, by what date they expect the King's Bastion Leisure Centre will be completed and open to the public?

**ANSWER**

**THE HON THE MINISTER FOR HERITAGE CULTURE, YOUTH AND SPORT**

Government's negotiations with MOD, referred to in the answer to Question No 359 of 2003 have not yet been completed. The Government have been elected on 27<sup>th</sup> November on their manifesto published for that General Election. The Government expect to honour the commitments in that manifesto during the next four years.

**SUPPLEMENTARY TO QUESTION NO 45 AND 46 OF 2004**

**HON F R PICARDO:**

Will the Minister agree with me factually that the commitment in relation to the King's Bastion Leisure Centre was actually a commitment contained also in the 1996 manifesto and 2000 manifestos of the GSD administration?

**HON CHIEF MINISTER:**

The Government are not accountable to the Opposition for manifestos that have been superceded by subsequent manifestos and subsequent elections. We have a four year term ahead of us, we have been elected with a manifesto, it contains a commitment to build a leisure centre and the electorate are entitled to expect us to honour our commitments. When as happens to all governments, governments finish their term not having completed all their commitments some members of the electorate generously forgive the Government for those failures others do not and desist from voting for it and that is the extent of the Government's accountability for what might or might not have been in its 1996 manifesto.

**HON F R PICARDO:**

Would the Chief Minister or the Minister the Hon Mr Beltran agree with me that in fact the original answer to this question now amounts to a commitment in this House to complete the project within the life of this parliament?

**HON CHIEF MINISTER:**

The hon Member can deduce from my friend's answer the words that he has uttered in the answer namely that the Government expects to honour the commitments in its 2003 manifesto during the next four years. The words are clear they are not ambiguous and then he is not entitled to deduce from them anything other than their natural meaning.

**HON MISS M I MONTEGRIFFO:**

Can the Government confirm whether this project is still or is going to form part of a wider project that was mentioned by the Chief Minister in the last meeting of the House?

**HON CHIEF MINISTER:**

I consider that to be an entirely fair question. The answer is that if the negotiations with the MOD which are referred to in the answer can be brought about to an end quickly the answer to the question is yes. If on the other hand the negotiations have not come to a favourable conclusion quickly then the answer is that we will peel that aspect of the project away from it and proceed around those negotiations. It will alter the nature the project that might otherwise have taken place but it means that we will proceed otherwise we cannot wait indefinitely for those negotiations to complete.

**HON MISS M I MONTEGRIFFO:**

Does that answer also mean whether the Government will decide whether the Leisure Centre will be privately run or publicly run?

**HON CHIEF MINISTER:**

I think that question is still open in either case whether it is done with or without those negotiations having been successfully completed.

**NO. 47 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**EUROPA SPORTS GROUND**

Can the Minister for Sport confirm whether the Government have now successfully completed negotiations with the MOD in relation to the hand-over of the Europa Sports ground to the Government which in turn would be handed over to the Gibraltar Cricket Association, something which his predecessor announced would happen over 3 years ago?

**ANSWER**

**THE HON THE MINISTER FOR HERITAGE CULTURE, YOUTH AND SPORT**

The situation remains the same as explained in the reply given to previous similar questions namely Question Nos 100, of 2002 and 100 of 2003.

**SUPPLEMENTARY TO QUESTION NO 47 OF 2003**

**HON MISS M I MONTEGRIFFO:**

Yes, but in all the past questions that I have asked I get different answers and I would like the Minister for Sport to confirm whether it is still the position of the MOD that they require the sportsgrounds for emergency military situations and that is the reason why after his predecessor announced in this House three years ago that the Cricket Association would be happy at the news that he had received that the MOD would be handing over the sportsground at Europa, does that mean that they are still negotiating because in the last meeting of the House I got another conflicting reply from the Minister because he said he thought that the MOD would not change its mind?

**HON C BELTRAN:**

My reply is quite clear I believe that the situation remains that there are no indications that MOD will change its mind.

**HON MISS M I MONTEGRIFFO:**

In effect it means that the Government will no longer try to negotiate with the MOD does it mean that the Government have given up then is that the situation?

**HON C BELTRAN:**

The Government have not given up and as the Chief Minister has just mentioned we are not actively engaged in the matter.

**HON MISS M I MONTEGRIFFO:**

Have the Government looked at a possibility that the MOD might be able to release another area whereby they could actually provide the facilities that the Cricket Association presently have at Europa?

**HON C BELTRAN:**

I understand that the Cricket Association at the very present moment is quite happy with the allocations they have in the place that they have them.

**NO. 48 OF 2004**

**THE HON DR J J GARCIA**

**HEAD 7 – SUBHEAD 9 (D)**

Can Government say how much of the £25,000 Heritage budget for the promotion of heritage issues (Head 7, Sub-Head 9 (d)) has been spent so far, giving a breakdown of the sum?

**ANSWER**

**THE HON THE MINISTER FOR HERITAGE CULTURE, YOUTH AND SPORT**

The information requested by the hon Member is provided in a separate schedule which I will now hand to him.

**Answer to Question No 48 of 2004**

£3,460.00	-	Printing of colour magazine – issue – 4 (Gibraltar Heritage)
£ 888.31	-	Rita Benitez Mota – lectures on ‘International Museum Day’
£5,000.00	-	Grant for publication of book – Mr Serruya
£3,750.00	-	Prince Research Consultants Ltd (Moorish Castle)
£1,060.97	-	Transportation of Exhibits
£1,000.00	-	Insurance
£ 489.60	-	Travel and Accommodation
£ 415.90	-	Hosting of Visitors
£ 62.00	-	Printing of Invitations

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£16,126.78

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**SUPPLEMENTARY TO QUESTION NO 48 OF 2004**

**HON DR J J GARCIA:**

The schedule shows that of the £25,000 about £16,000 has been spent, does the Minister forecast that this particular item of expenditure will fall within the budget for the year?

**HON C BELTRAN:**

Yes I expect it to be within budget.

**HON DR J J GARCIA:**

In respect of the £5,000 spent for the publication of a book can the Minister elaborate on that particular item of expenditure?

**HON C BELTRAN:**

The book referred to is entitled *'The Royal Gibraltar Regiment in Ceremonial Dress'* published as the Gibraltar Government heritage monograph.

**HON DR J J GARCIA:**

Is it the policy of the Government, as somebody with an interest to declare, to give grants to people who publish historical works of this nature?

**HON CHIEF MINISTER:**

Not all of them. I rise because it precedes the Minister's responsibility for these matters. This was a grant that was requested it was acceded with a very marginal case a lot of people write books a lot of people ask for Government support. The Government obviously cannot afford to fund them all there is a bit of a concern that it might have created a precedent and I hope that the hon Member's last comment will not encourage it.

**HON DR J J GARCIA:**

In relation to the £3,750 of expenditure to Prints Research Consultant Ltd in respect of the Moorish Castle can the Minister elaborate on that item?

**HON C BELTRAN:**

Essentially Prints Research is really involved in the moving of the prison but obviously this is linked to the castle, really the jewel in the heritage crown as I believe has been the name given to the Moorish Castle.

**HON DR J J GARCIA:**

This was for what exactly for reports into the move or....?

**HON C BELTRAN:**

Yes reports on the whole move and developments in the castle area.

**NO. 49 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GIBRALTAR SPORTS AUTHORITY**

Can the Minister for Sport confirm whether any agreement has now been reached with the Union as to the transfer of staff to the Gibraltar Sports Authority?

**ANSWER**

**THE HON THE MINISTER FOR HERITAGE CULTURE, YOUTH AND SPORT**

No.

**SUPPLEMENTARY TO QUESTION NO 49 OF 2004**

**HON MISS M I MONTEGRIFFO:**

Can the Minister confirm when the last meeting was held with the Union as regards this matter?

**HON C BELTRAN:**

I cannot confirm a date. I know that work is continuing on the contracts, conditions of service, of future Gibraltar Sports Authority Employees but to-date no agreement has been reached with the Unions regarding the transfer of staff.

**HON MISS M I MONTEGRIFFO:**

Can the Minister give an indication as to when the Government expect to meet with the Unions over this matter?

**HON CHIEF MINISTER:**

The ball is in the Government's court to the extent that the draft proposals to put to the men by way of contract terms is in No 6 for consideration and really the next stage of the negotiation will be for the Government to produce these to the staff and their representative for them to consider. The hon Lady is asking for indication of when that might happen, I think that is one of those issues that falls into the category that we discussed before tea of pre-election issues that were left pending the election which we would hope to have cleared the decks of within the next month or two like the other two that we discussed earlier. I would say that in a month or two we would certainly have pushed out to the staff and their representative the proposed terms of contract.

**HON MISS M I MONTEGRIFFO:**

Does it therefore mean if my memory is correct that in order for the Sports City to function Government will need to employ extra staff and therefore does that mean that unless they come to an agreement with the Union and they start employing more staff the Sports City will not be functional?

**HON CHIEF MINISTER:**

It does not mean that at all it means the opposite of that. The Sports Authority exists, the Government will proceed with the new facilities as soon as they are all ready in the Sports Authority with new staff and that is not something that will be negotiated with the existing staff or anybody else. It is a new operation, new entity, new staff, in new premises. What is going to be negotiated or rather the subject matter of the negotiations to which our exchanges have so far been referring is whether terms can be agreed for the existing staff and the existing facilities, the Victoria Stadium and the Government department also to be moved into the Sports Authority or whether they both stay separate and the Authority goes forward on its merry way and the Government continues with the Victoria Stadium and its sports facilities with its separate staff as at the moment which is what would happen if the staff opt not to go into the Authority which as the Government said we would respect that.

**HON MISS M I MONTEGRIFFO:**

Can the Chief Minister give an indication whether the Government will shortly in quotes "*advertise the posts that are required for the running of the new Sports City*"?

**HON CHIEF MINISTER:**

At the moment and without prejudice to what I explained to the hon Lady before about the Government going forward its own way with the new facilities the sensible policy of the previous Minister for Sport was that whilst negotiations with the staff of the Victoria Stadium looked as if they might be successful to hold back to see if it could all be evened out at the same time I think that remains the position coupled with the fact that until the facilities are ready, only the hockey pitch is ready so far, until the facilities under construction are ready the situation has not become urgent. I stick to what I said in answer to the last supplementary but one which is that in the next month or two there is bound to see movement whether positive or negative

movement remains to be seen this matter will be brought to a head in a couple of months. Whether during those couple of months any attempt will be made to recruit staff for the Authority that I could not tell her. I do not think it is sensitive because as the next question in the Order Paper alludes to the only thing that is currently sensitive in terms of the new facilities is looking after the hockey pitch none of the other new facilities are operational yet.

**HON MISS M I MONTEGRIFFO:**

Would the Government accept the situation where within the existing sporting facilities meaning the Victoria Stadium, the Government would have employees working side by side that have decided not to go to the new Sports Authority or together with those that have decided to join the Authority would they have two sets of employees within the same environment?

**HON CHIEF MINISTER:**

It is a very, very long way from the Government's preferred option. The Government have a commitment to respect any decision made by a majority of the workers in the department and I think we have said that in the House before. The circumstances that the hon Member describes in the question would only arise if the majority of the staff in the Victoria Stadium let us call it the department, were to opt in favour and a minority were to opt against then the question would arise for consideration whether the facilities would go to the Authority the majority of the staff that wanted to go to the Authority would go to the Authority and whether the minority would remain civil servants seconded to the Authority. It is an untidy messy situation. The Lyonnaise experience has not been a particularly happy one when one mixes people so it is to be avoided at all costs but before .....it would require discussion with the staff because even secondment is something that requires as element of goodwill on the part of the staff. It may even require some degree of acquiescence on the part of the secondees to agree to be seconded outside of service.

**NO. 50 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GIBRALTAR SPORTS AUTHORITY**

Can the Minister for Sport confirm when the Government expect to employ persons who will be responsible for the up-keep of the water-based hockey pitch?

**ANSWER**

**THE HON THE MINISTER FOR HERITAGE CULTURE, YOUTH AND SPORT**

**HON C BELTRAN:**

The relevant staff will be employed when the Gibraltar Sports Authority becomes operational.

**HON MISS M I MONTEGRIFFO:**

Here we have the opposite situation where the facility is running without having employees .....

**HON CHIEF MINISTER:**

Interim arrangements.

**HON MISS M I MONTEGRIFFO:**

Interim arrangements and the Government I assume I am going to get the same answer as I did the last time, are they at all willing to listen to the proposals by the staff members of the ground-staff of the Victoria Stadium that they are willing to do this without any prejudice to whatever meetings that the Government may have with the Union.

**HON CHIEF MINISTER:**

The answer remains the same as she anticipated not just for the reasons that I explained last time but indeed because the staff at the Victoria Stadium are already working exceedingly long hours, exceedingly long hours and frankly to take on additional responsibilities I think is probably not a realistic physical proposition but I do not want to hide behind that reason the principal reason is the one that I gave her last time that these things are very difficult to extricate oneself from.

**HON MISS M I MONTEGRIFFO:**

Say, for example, and this is hypothetical if the groundsmen decide at any stage to join the Authority would they be responsible for the upkeep or would the Government employ extra personnel.

**HON CHIEF MINISTER:**

That is open, once one has an Authority with staff and with additional sporting facilities it then becomes a question for the best deployment of resources. There may be a need, there is bound to be a need to recruit extra staff there is no possibility of the existing body of men being able to run the existing facilities and all the new facilities when they come on stream, How the existing workforce would be distributed within the Authority is a matter for management and for discussion. Some may end up working on the hockey pitch it is just a matter of work organisation but only once they join the Authority and if that is the deployment decision that management take.

**NO. 51 OF 2004**

**THE HON J J BOSSANO**

**GIBRALTAR SPORTS AUTHORITY**

Has any expenditure taken place by the Gibraltar Sports Authority in the current financial year?

**ANSWER**

**THE HON THE MINISTER FOR HERITAGE CULTURE, YOUTH AND SPORT**

No.

**SUPPLEMENTARY TO QUESTION NO 51 OF 2004**

**HON J J BOSSANO:**

Is it likely therefore then that we shall have a repeat of what was still in Appendix 'G' of last year's Estimates that is that the out-turn for the year will be that nothing has been financed so far of the amount that was voted by the House is that correct?

**HON C BELTRAN:**

Funds provided in the Estimates as contribution to the Gibraltar Sports Authority will probably need to be vired to other subheads to cover expenses required to be met in respect of works, facilities and so on which were at the time of preparation of the Estimates expected to have become the responsibility of the Authority during the current financial year that is the situation.

**HON J J BOSSANO:**

In terms of the biggest element in the expenditure which was the personnel emoluments, the salary of the person that was supposed to be in charge of that Authority is that something that has not been triggered off yet because the Authority is not functioning?



**HON C BELTRAN:**

No it has not been triggered off yet.

**NO. 52 OF 2004**

**THE HON J J BOSSANO**

**GOVERNMENT LOTTERY**

Did the Government achieve the forecast out-turn of £247,000 from the Gibraltar Government Lottery for the financial year 2002/2003 and does it still expect to achieve the £556,000 for the current financial year?

**ANSWER**

**THE HON THE MINISTER FOR HERITAGE CULTURE, YOUTH AND SPORT**

The actual surplus for the year ended 31<sup>st</sup> March 2003 was £752,000 compared with the forecast out-turn of £247,000. The latest forecast out-turn for the current financial year has been revised by the Treasury Department to £300,000.

**SUPPLEMENTARY TO QUESTION NO 52 OF 2004**

**HON J J BOSSANO:**

Can the Minister explain how it is that the forecast out-turn was so far out of the final result given that the forecast out-turn is made only a couple of months before the end of the financial year?

**HON CHIEF MINISTER:**

I am told that the explanation for that is that the Government won the lottery several times in the last two months between the date of the calculation forecast out-turn which is projected forward it is not calculated, remember that this goes out to print long before the end of the financial year, so the forecast out-turn is itself based on guessing the last couple of months of the last financial year. If in that period the Government wins the lottery which is a prime illustration of the point that we were discussing before that the latest forecast out-turn for the current financial year is £300,000 so there is £450,000 difference turning whether a couple of things happen

or do not happen and I believe from the purely financial point of view that the lottery has become far too volatile for the Government.

**HON J J BOSSANO:**

In relation to what was said before about the decision not yet being taken, I note that in the Audited Accounts that have been tabled today on page 18 the Auditor does say that the week ticket sales for some time now have been under review but he has not been able to obtain an indication as to when the exercise will be completed.

**HON CHIEF MINISTER:**

He is in the same position as you.

**HON J J BOSSANO:**

Yes and I could not have more luck now than he had in 2002 are we likely to see something being done this year?

**HON CHIEF MINISTER:**

The only thing that has happened in the meantime that in effect removes one of the psychological obstacles to change is that the Lottery Administration Contract has now been awarded, extended. So, this uncertainty of about is it worth changing given that there might be a change of operator? Is it appropriate to negotiate a change with the incumbent operator that might not be around in a few months time? All that was operating on people's minds as a sort of damper on any enthusiastic. He was not particularly enthusiastic, they were not particularly enthusiastic either because they did not know whether they were going to be around so the only thing that has happened I do not think it may have had the effect yet but will have the effect that now that there has been an extension of that contract the company now knows there has not been a change it is the same one that really they are now in a position to make proposals to the Government in the knowledge that it is not going to be for somebody else's benefit.

**NO. 53 OF 2004**

**THE HON C A BRUZON**

**SOCIAL INSURANCE CREDITS**

Has the Minister for Social Services now been able to determine whether everybody who is on the social wage is also registered with the ETB as an unemployed in order to obtain the social insurance contribution credit, as she undertook to do in answer to supplementary questions arising from Question No 15 of March 2003?

**ANSWER**

**THE HON THE MINISTER FOR SOCIAL AND CIVIC AFFAIRS**

What I undertook to do in answer to supplementary questions arising from Question No 15 of March 2003, I did by way of a lengthy letter to the Leader of the Opposition dated 9<sup>th</sup> June 2003. I again confirm however that those persons receiving credits in the year 2000, 2001 and 2002 were not, from an Employment Service perspective registered as unemployed. I should point out that the relevant regulations were amended on 25<sup>th</sup> September 2003 and credits are now awarded automatically to entitled persons on application, without any further requirement to register as unemployed at the Employment Service.

**NO. 54 OF 2004****THE HON C A BRUZON****SOCIAL INSURANCE SCHEDULES**

Can Government state what increase there has been in the return of social insurance schedules for each quarter of 2001 since the answer to Question No 14 of 2003?

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

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

**Answer to Question No 54 of 2004****Social Insurance returns increase as at 31<sup>st</sup> December 2003**

	<b>Private</b>	<b>Official</b>	<b>Self-employed</b>
	<b>Return Increase</b>	<b>Return Increase</b>	<b>Return Increase</b>
<b>Quarter 1/01</b>	212	191	No Increase
<b>Quarter 2/01</b>	348	186	No Increase
<b>Quarter 3/01</b>	647	190	No Increase
<b>Quarter 4/01</b>	667	206	55

ORAL

**NO. 55 OF 2004**

**THE HON C A BRUZON**

**MOUNT ALVERNIA**

Can Government state how many elderly citizens have applied for a place at Mount Alvernia, and how many of these are occupying a bed at St Bernard's Hospital, in each month of 2003, giving a monthly breakdown by sex and age?

**ANSWER**

**THE HON THE MINISTER FOR SOCIAL AND CIVIC AFFAIRS**

Answered together with Question No 56 of 2004

**NO. 56 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**MOUNT ALVERNIA**

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 December 2003?

**ANSWER**

**THE HON THE MINISTER FOR SOCIAL AND CIVIC AFFAIRS**

A total of 98 elderly persons have applied for and are awaiting a place at Mount Alvernia as at the end of December 2003.

A total of 37 are occupying a bed at St Bernard's Hospital. The breakdown of months, age and sex requested by the hon Member will be forwarded to her as soon as the information has been compiled.

**SUPPLEMENTARY TO QUESTION NOS 55 AND 56 OF 2004**

**HON MISS M I MONTEGRIFFO:**

If the Minister will recall the early part of last year I think it was, during a meeting of the House she answered a question based on the same question that we are asking today and she said that she was hopeful that more patients from St Bernard's would be allocated shortly at Mount Alvernia because the Government were keen in refurbishing the second floor at Mount Alvernia, can she say whether there are any plans to refurbish or whether the Government have started the refurbishment of the second floor at Mount Alvernia?

**HON MRS Y DEL AGUA:**

It is not just the refurbishment of the second floor that I was talking about it is the refurbishment of the whole of Mount Alvernia, of all the floors including the opening of the annex which was never used before. It is envisaged that these works would be finalised by April 2004.

**HON MISS M I MONTEGRIFFO:**

Is it not the case that the second floor is still closed?

**HON MRS Y DEL AGUA:**

I believe, if my memory serves me right, that the second floor has just been refurbished and patients are being transferred from one floor to the other.

**HON C A BRUZON:**

The second floor of Mount Alvernia is now empty and is being refurbished at this point in time is that correct?

**HON CHIEF MINISTER:**

In the second floor refurbishment has just been finished and patients who are residents are about to be decanted to it so that refurbishment of the next floor can start.

**HON C A BRUZON:**

Is the first floor the floor above the ground floor, obviously it is, now the second floor is the one above the first floor, that second floor looks like a demolished area and is being I suppose refurbished and the people from the second floor have now been moved to the fourth floor which I must confess looks very beautiful and nicely refurbished?

**HON MRS Y DEL AGUA:**

Yes the hon Member might be correct it is just a question of refurbishing a floor and decanting as the process goes along.

**HON MISS M I MONTEGRIFFO:**

Can the Minister at this stage confirm how many beds there will be available eventually once the refurbishments are completed in April?



**HON MRS Y DEL AGUA:**

Yes, a total of 140.

**NO. 57 OF 2004**

**THE HON C A BRUZON**

**DR GIRALDI HOME**

In relation to the Doctor Giraldi Home, can Government state why two of the senior management at the Social Services Agency responsible for the home, have resigned?

**ANSWER**

**THE HON THE MINISTER FOR SOCIAL AND CIVIC AFFAIRS**

The two resignations in question have come about due to the post-holders' disagreement over a matter of disciplinary procedure.

**SUPPLEMENTARY TO QUESTION NO 57 OF 2004**

**HON C A BRUZON:**

My concern is the welfare of the disabled as I am sure the same will apply to the hon Lady. I just want to make sure in asking that question that if there is anything wrong that has to be put right regarding the disabled in Dr Giraldi Home that it will be done as soon as possible.

**HON MRS Y DEL AGUA:**

I can assure the hon Member that the welfare of the disabled is being considered by me obviously as Minister responsible for the disabled and they are perfectly well looked after. The resignation of these two employees does not affect them in any way.

**HON F R PICARDO:**

Is the Minister saying that these two individuals resigned before disciplinary action could be taken against them, is that what she meant?

**HON CHIEF MINISTER:**

No. The Government are not just responsible for the welfare of the users of the home it is also responsible as an employer to ensure that its staff is subject to fair disciplinary process. Disciplinary action was taken against two or three quite junior members of staff not the two that have resigned, in circumstances about which they approached No 6 Convent Place complaining that they had been unfairly treated. The Chief Secretary conducted a thorough review and concluded that indeed they had been unfairly treated in that without going into the merits the Disciplinary Procedures followed were not correct and did not amount to a fair opportunity to address the issues against them. The Chief Secretary therefore directed that they be reinstated and subjected, if necessary, to a proper Disciplinary Procedure in response to which these two more senior members of staff resigned. That is both the chronology and the relationship of the two resignees so to speak.

**NO. 58 OF 2004**

**THE HON C A BRUZON**

**DR GIRALDI HOME**

Can Government state why the respite unit at the Dr Giraldi Home has remained closed since November 2002?

**ANSWER**

**THE HON THE MINISTER FOR SOCIAL AND CIVIC AFFAIRS**

Answered together with Question Nos 59 and 60 of 2004.

ORAL

**NO. 59 OF 2004**

**THE HON C A BRUZON**

**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 by age and sex for each month of 2003?

**ANSWER**

**THE HON THE MINISTER FOR SOCIAL AND CIVIC AFFAIRS**

Answered together with Question Nos 58 and 60 of 2004.

**NO. 60 OF 2004**

**THE HON C A BRUZON**

**DR GIRALDI HOME**

Can Government state what has been the total number of residents at Dr Giraldi Home in respect of each month of the year 2003, giving a breakdown by sex and age?

**ANSWER**

**THE HON THE MINISTER FOR SOCIAL AND CIVIC AFFAIRS**

**Answer to Question No 58 of 2004**

The respite Unit previously operated from Dr Giraldi Home was moved in November 2002 to the Bishop Healy Home situated at Europa Road, after the flooding of the former. Respite provision still remains at Bishop Healy until a decision on the future use of the respite unit at Dr Giraldi is reached.

**Answer to Question No 59 of 2004**

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

**Answer to Question No 60 of 2004**

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

**Answer to Question No 59 of 2004**

Month	Applied	Accommodated	Female	20 Years	36 Years	58 Years	Male	6 Years	13 Years	14 Years	15 Years	16 Years	18 Years	19 Years	21 Years	25 Years	27 Years	43 Years
Jan 03	14	14	3	2	Nil	1	11	3	1	Nil	Nil	Nil	2	Nil	3	Nil	Nil	2
Feb 03	23	21	6	3	Nil	3	15	5	Nil	Nil	Nil	2	3	Nil	3	Nil	1	1
Mar 03	20	19	4	2	Nil	2	15	4	Nil	Nil	Nil	2	2	1	3	Nil	1	2
Apr 03	15	13	Nil	Nil	Nil	Nil	13	1	2	Nil	1	Nil	1	2	2	Nil	1	3
May 03	19	16	3	3	Nil	Nil	13	Nil	1	Nil	Nil	2	3	2	3	Nil	1	1
June 03	18	14	2	2	Nil	Nil	12	Nil	Nil	Nil	Nil	2	2	4	2	1	Nil	1
July 03	14	10	3	2	1	Nil	7	Nil	2	Nil	Nil	Nil	2	Nil	2	Nil	Nil	1
Aug 03	11	11	Nil	Nil	Nil	Nil	11	Nil	Nil	Nil	Nil	3	3	Nil	3	2	Nil	Nil
Sept 03	11	10	1	1	Nil	Nil	9	Nil	Nil	Nil	Nil	3	1	1	2	Nil	Nil	2
Oct 03	13	10	1	1	Nil	Nil	9	Nil	1	Nil	Nil	1	2	Nil	3	Nil	1	1
Nov 03	16	16	2	1	1	Nil	14	Nil	2	1	Nil	2	2	Nil	3	1	1	2
Dec 03	9	9	1	1	Nil	Nil	8	Nil	Nil	Nil	Nil	2	2	1	Nil	1	Nil	2

**Answer to Question No 60 of 2004**

	Number of Residents	Female	25 Years	40 Years	45 Years	48 Years	50 Years	51 Years	55 Years	58 Years	Male	7 Years	10 Years	23 Years	30 Years	39 Years	47 Years	54 Years
Jan 03	16	9	1	1	2	1	1	1	1	1	7	1	1	1	1	1	1	1
Feb 03	16	9	1	1	2	1	1	1	1	1	7	1	1	1	1	1	1	1
Mar 03	16	9	1	1	2	1	1	1	1	1	7	1	1	1	1	1	1	1
Apr 03	17	10	1	1	2	1	1	1	1	2	7	1	1	1	1	1	1	1
May 03	17	10	1	1	2	1	1	1	1	2	7	1	1	1	1	1	1	1
Jun 03	17	10	1	1	2	1	1	1	1	2	7	1	1	1	1	1	1	1
Jul 03	17	10	1	1	2	1	1	1	1	2	7	1	1	1	1	1	1	1
Aug 03	17	10	1	1	2	1	1	1	1	2	7	1	1	1	1	1	1	1
Sep 03	17	10	1	1	2	1	1	1	1	2	7	1	1	1	1	1	1	1
Oct 03	17	10	1	1	2	1	1	1	1	2	7	1	1	1	1	1	1	1
Nov 03	17	10	1	1	2	1	1	1	1	2	7	1	1	1	1	1	1	1
Dec 03	17	10	1	1	2	1	1	1	1	2	7	1	1	1	1	1	1	1

**SUPPLEMENTARY TO QUESTION NOS 58, 59 AND 60 OF 2004**

**HON C A BRUZON:**

Once again I thank the Minister for the information given but there is a lot here so would it be acceptable procedure for me to approach her department or herself at some future date for clarification rather than spend another five minutes studying this?

**HON MRS Y DEL AGUA:**

Certainly.



ORAL

**NO. 61 OF 2004**

**THE HON C A BRUZON**

**SOCIAL SERVICES AGENCY BOARD**

Can Government state how many times has the Social Services Agency Board met during 2003 giving a breakdown of the dates of any meetings?

**ANSWER**

**THE HON THE MINISTER FOR SOCIAL AND CIVIC AFFAIRS**

Answered together with Question Nos 62 and 63 of 2004.

ORAL

**NO. 62 OF 2004**

**THE HON C A BRUZON**

**NUMBER OF CHILDREN IN CARE**

Can Government state how many children are held in care giving a breakdown by age and sex as at the end of each month of the year 2003?

**ANSWER**

**THE HON THE MINISTER FOR SOCIAL AND CIVIC AFFAIRS**

Answered together with Question Nos 61 and 63 of 2004.

**NO. 63 OF 2004**

**THE HON C A BRUZON**

**SOCIAL SERVICES AGENCY**

Can Government state, out of the £2,250,000 expenditure of the Social Services Agency, how much is earmarked for support for persons with disabilities?

**ANSWER**

**THE HON THE MINISTER FOR SOCIAL AND CIVIC AFFAIRS**

**Answer to Question No 61 of 2004**

The Social Services Agency Board has met 3 times during 2003. On the 27<sup>th</sup> January 2003, 6<sup>th</sup> May 2003 and 14<sup>th</sup> October 2003.

**Answer to Question No 62 of 2004**

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

**Answer to Question No 63 of 2004**

I am not clear whether the hon Member is referring to expenditure relating to Dr Giraldi and services for the disabled, like residential or respite service, St Bernadette's Stay and Play and services of that nature. If this is what he is referring to, it is impossible to give a figure as this is globalised within all the services provided by Social Services. If however, he is referring to the contingency fund under the control of the Principal Secretary Social Affairs, which provides mobility aids for disabled people, £34,000 are budgeted for this purpose.

Month	Number	Female	3 Years	5 Years	9 Years	12 Years	13 Years	14 Years	16 Years	17 Years	Male	3 Years	6 Years	7 Years	8 Years	9 Years	13 Years	16 Years	17 Years
Jan 03	18	9	Nil	1	2	1	2	2	1	2	9	1	1	Nil	Nil	3	2	1	1
Feb 03	19	10	Nil	1	Nil	1	2	2	2	2	9	1	1	Nil	Nil	3	2	1	1
Mar 03	19	10	Nil	1	Nil	1	2	2	2	2	9	1	1	Nil	Nil	3	2	1	1
Apr 03	19	10	Nil	1	Nil	1	2	2	2	2	9	1	1	Nil	Nil	3	2	1	1
May 03	19	10	Nil	1	Nil	1	2	2	2	2	9	1	1	Nil	Nil	3	2	1	1
June 03	21	11	1	1	Nil	1	2	2	2	2	10	1	2	Nil	Nil	3	2	1	1
July 03	21	11	1	1	Nil	1	2	2	2	2	10	1	2	Nil	Nil	3	2	1	1
Aug 03	21	11	1	1	Nil	1	2	2	2	2	10	1	2	Nil	Nil	3	2	1	1
Sept 03	21	11	1	1	Nil	1	2	2	2	2	10	1	2	Nil	Nil	3	2	1	1
Oct 03	23	12	1	1	1	1	2	2	2	2	11	1	2	1	Nil	3	2	1	1
Nov 03	24	13	1	1	1	1	2	2	3	2	11	1	2	1	Nil	3	2	1	1
Dec 03	25	13	1	1	1	1	2	2	3	2	12	1	2	1	1	3	2	1	1

**HON C A BRUZON:**

I was referring to disabled people in general, the overall picture.

**HON MISS Y DEL AGUA:**

As I said it is impossible to gauge or to extrapolate from the globalised figure given for social services just relating to disabled people. It is impossible to do that.

**NO. 64 OF 2004**

**THE HON C A BRUZON**

**GASA – SWIMMING POOL**

Can Government state when they expect works to begin on the swimming pool for the disabled to be provisioned at the GASA site?

**ANSWER**

**THE HON THE MINISTER FOR SOCIAL AND CIVIC AFFAIRS**

The swimming pool is intended for the elderly and for the disabled. This is a manifesto commitment and so the Government will proceed with it and make public announcements when it is ready to do so.

**SUPPLEMENTARY TO QUESTION NO 64 OF 2004**

**HON MISS M I MONTEGRIFFO:**

Will the swimming pool be run by Government or will it form part of the facilities run by GASA?

**HON CHIEF MINISTER:**

Making due allowance to the fact that the person who actually knows the answer is not here and that I am speaking to you from a distant knowledge I believe that the answer is that whilst the swimming pool is for the use of the elderly and the disabled which I think is in the summer months, it is the responsibility of the Government but whilst it is in the use of GASA for their general training purposes which I think is in the winter months I think it is their responsibility. I think there is some sort of carve-up in time but I cannot be 100 per cent I would urge her not to rely entirely on that and perhaps put it to the honourable and gallant gentleman who is not here at the moment.

**HON MISS M I MONTEGRIFFO:**

Seeing that the hon and gallant Gentleman is not here can I ask the Chief Minister the next supplementary and I accept that the Government might not know it but can the Government confirm when and if the information is correct as the Chief Minister has said that some months it would be GASA run and other months it would be Government run, when it is GASA run will the Government be providing GASA with extra funds in order to be able to run that swimming pool?

**HON CHIEF MINISTER:**

I do not know probably they are quite keen just to get hold of it I do not think that they have asked for money on top but I cannot be sure I do not think so but again I will have somebody speak to the hon Lady about it.

**HON MISS M I MONTEGRIFFO:**

It will also be interesting for the Opposition to know whether this site is going to be handed over on a lease basis as the previous site was to GASA that would also be interesting if the Government can look into that?

**HON CHIEF MINISTER:**

I have another distant recollection that this is GASA's site it is not a question of leasing it to them it is already their site. It is a case of us building a pool .....

**HON MISS M I MONTEGRIFFO:**

Lease-in pool.

**HON CHIEF MINISTER:**

Well as the hon Member sitting next to her will tell her *"if you build something on land that is already leased to somebody else you are hard put to argue that the pool is not included in the lease."*

**HON MISS M I MONTEGRIFFO:**

So then I am correct in assuming that the pool will become the property of GASA?

**HON CHIEF MINISTER:**

Leased.

**NO. 65 OF 2004**

**THE HON C A BRUZON**

**SOCIAL ASSISTANCE**

Can Government state of the persons receiving social assistance in respect of the end of the fourth quarter of 2002 and at the end of each quarter of 2003, how many were registered with the Employment Agency as seeking employment, how many have been employed since and how many are still receiving social assistance giving a breakdown by month, sex and age?

**ANSWER**

**THE HON THE MINISTER FOR SOCIAL AND CIVIC AFFAIRS**

Answered together with Question Nos 66 to 74 of 2004.

ORAL

**NO. 66 OF 2004**

**THE HON C A BRUZON**

**SOCIAL ASSISTANCE**

Can Government state what was the number of persons receiving social assistance for the fourth quarter of 2002 and each of the months of 2003 giving a breakdown by age and sex?

**ANSWER**

**THE HON THE MINISTER FOR SOCIAL AND CIVIC AFFAIRS**

Answered together with Question Nos 65 and 67 to 74 of 2004.



ORAL

**NO. 67 OF 2004**

**THE HON C A BRUZON**

**SOCIAL INSURANCE CREDITS**

Can Government state how many men aged 60 years and over were receiving social insurance credits in each month of the year 2003 giving a breakdown detailing how many of these were registered as unemployed with the Employment Agency?

**ANSWER**

**THE HON THE MINISTER FOR SOCIAL AND CIVIC AFFAIRS**

Answered together with Question Nos 65, 66 and 68 to 74 of 2004.

ORAL

**NO. 68 OF 2004**

**THE HON C A BRUZON**

**DISABILITY ALLOWANCE**

Can Government state how many persons were in receipt of a disability allowance under the social assistance arrangements for each month of the year 2003 giving a breakdown for each month, their sex and age?

**ANSWER**

**THE HON THE MINISTER FOR SOCIAL AND CIVIC AFFAIRS**

Answered together with Question Nos 65 to 67 and 69 to 74 of 2004.

ORAL

**NO. 69 OF 2004**

**THE HON C A BRUZON**

**SOCIAL INSURANCE SCHEDULES**

Can Government state what is the number of the social insurance schedules returned to-date for each quarter of the years 2002 and 2003 to-date?

**ANSWER**

**THE HON THE MINISTER FOR SOCIAL AND CIVIC AFFAIRS**

Answered together with Question Nos 65 to 68 and 70 to 74 of 2004.

ORAL

**NO. 70 OF 2004**

**THE HON C A BRUZON**

**OPEN LONG TERM BENEFITS FUND**

Can Government state what is the income, expenditure and balance of the Open Long Term Benefits Fund in respect of each month of 2003?

**ANSWER**

**THE HON THE MINISTER FOR SOCIAL AND CIVIC AFFAIRS**

Answered together with Question Nos 65 to 69 and 71 to 74 of 2004.

ORAL

**NO. 71 OF 2004**

**THE HON C A BRUZON**

**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 months of each transfer for each month in 2003?

**ANSWER**

**THE HON THE MINISTER FOR SOCIAL AND CIVIC AFFAIRS**

Answered together with Question Nos 65 to 70 and 72 to 74 of 2004.

**NO. 72 OF 2004**

**THE HON C A BRUZON**

**CLOSED LONG-TERM BENEFITS FUND**

Can Government state what was the number of pensioners being paid or with entitlement to payment in each month of 2003 from the Closed Long-Term Benefits Fund giving a breakdown of pre-1969 Spanish pensioners and locally funded pensioners showing the number of Gibraltar/UK Nationals, Moroccans and other nationalities for each month?

**ANSWER**

**THE HON THE MINISTER FOR SOCIAL AND CIVIC AFFAIRS**

Answered together with Question Nos 65 to 71 and 73 to 74 of 2004.

**NO. 73 OF 2004**

**THE HON C A BRUZON**

**CLOSED LONG-TERM BENEFITS FUND**

Can Government state what was the income, expenditure and balance of the Closed Long-Term Benefits Fund for each of the months of 2003 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 AND CIVIC AFFAIRS**

Answered together with Question Nos 65 to 72 and 74 of 2004.

**NO. 74 OF 2004**

**THE HON C A BRUZON**

**SHORT-TERM BENEFITS FUND**

Can Government state what is the income, expenditure and balance of the Short-Term Benefits Fund in respect of each month of 2003?

**ANSWER**

**THE HON THE MINISTER FOR SOCIAL AND CIVIC AFFAIRS**

The Government remain willing to provide to the Opposition detailed information of this sort which is unprecedented in Gibraltar before 1996. However, given the intense administrative burden of preparing this information within 5 days, I will forward this information in writing to the hon Member within 10 days.



ORAL

**NO. 75 OF 2004**

**THE HON C A BRUZON**

**DOMICILIARY CARE SERVICE**

Can Government confirm how many persons are receiving visits by the domiciliary care service as at 31<sup>st</sup> December 2003, providing a breakdown by age and sex?

**ANSWER**

**THE HON THE MINISTER FOR SOCIAL AND CIVIC AFFAIRS**

Answered together with Question Nos 76 to 79 of 2004.

ORAL

**NO. 76 OF 2004**

**THE HON C A BRUZON**

**DOMICILIARY CARE SERVICE**

Can Government confirm whether there is a waiting list in respect of persons deemed to qualify for domiciliary care service as at 31<sup>st</sup> December 2003, providing the number of individuals , broken down by age and sex on any such waiting list?

**ANSWER**

**THE HON THE MINISTER FOR SOCIAL AND CIVIC AFFAIRS**

Answered together with Question Nos 75 and 77 to 79 of 2004.

ORAL

**NO. 77 OF 2004**

**THE HON F R PICARDO**

**DOMICILIARY CARE SERVICE**

Can Government state the name and shareholding of the company to which domiciliary care service has been contracted out, the terms of the contract, and give a breakdown, by nationality of the employees of that company?

**ANSWER**

**THE HON THE MINISTER FOR SOCIAL AND CIVIC AFFAIRS**

Answered together with Question Nos 75, 76, 78 and 79 of 2003.

ORAL

**NO. 78 OF 2004**

**THE HON F R PICARDO**

**DOMICILIARY CARE SERVICE**

Can Government provide a breakdown of the expression of interest received by the Government for the provision of domiciliary care services, providing a list of the names of the parties that submitted tenders and the terms of each proposed tender?

**ANSWER**

**THE HON THE MINISTER FOR SOCIAL AND CIVIC AFFAIRS**

Answered together with Question Nos 75 to 77 and 79 of 2004.

**NO. 79 OF 2004**

**THE HON F R PICARDO**

**DOMICILIARY CARE SERVICE**

Can Government state the total number of employees as at the 31<sup>st</sup> December 2003 of the company that provides domiciliary care to the Elderly Care Agency and of these, how many are Gibraltarians and how many are Spanish?

**ANSWER**

**Answer to Question Nos 75, 76, 77 and 79**

I hand the hon Member lists giving the information requested.

**Answer to Question No 75 of 2004**

41 persons received Domiciliary Care as at 31<sup>st</sup> December 2003.

19 Males, 29 Females

<b>Age</b>	<b>60-65</b>	<b>66-70</b>	<b>71-75</b>	<b>76-80</b>	<b>81-85</b>	<b>85-90</b>	<b>91-</b>
<b>Males</b>	1	2	2	4	2	1	-
<b>Females</b>	1	1	2	7	8	5	-

**Answer to Question No 76 of 2004**

There is a waiting list for Domiciliary Care Service.

On the 31<sup>st</sup> December 2003 the Waiting List stood at 45 –

9 Males, 36 Females

Age	60-65	66-70	71-75	76-80	81-85	85-90	91-
<b>Males</b>				2	6	1	-
<b>Females</b>			5	6	17	7	1

**Answer to Question Nos 77 and 79 of 2004**

ADA Company Ltd  
22b Crutchett's Ramp  
Shareholder

50 per cent Mrs Dominguez  
25 per cent Mrs Buttigieg  
25 per cent Mrs M Guerrero

15 months contract.

Total number of employees	Gibraltarian	Spanish
<b>9 Carers</b>	-	9
<b>1 Supervisor</b>	-	1
<b>Management</b>	-	3
<b>Office Staff</b>	-	2

**Answer to Question No 78 of 2004**

Two expressions of interest were received for the provision of domiciliary care:-

ADA Company Ltd - 22 Crutchett's Ramp  
Serviceall Centre Ltd - 230/6 Main Street

**SUPPLEMENTARY TO QUESTION NOS 75 TO 79 OF 2004**

**HON F R PICARDO:**

In relation to Question No 78 of 2004 which I think is the one being particularly answered by the Minister not in writing the question also asks at the terms of each proposed tender is the Minister in a position to provide that?

**HON MRS Y DEL AGUA:**

Government do not consider it appropriate to disclose the terms of any tender or expression of interest in this case which has not been accepted.

**HON F R PICARDO:**

Will the Minister confirm that that is in relation to this case or is that the policy of the Government generally?

**HON MRS Y DEL AGUA:**

It is a policy in general.

**HON F R PICARDO:**

Will the Minister note that in relation to an earlier question by my learned friend in relation to repairs to a wall in the Upper Galleries a breakdown of even unsuccessful tenderers was given and will she therefore reconsider at least whether that is the general policy of the Government?

**HON CHIEF MINISTER:**

She will not. There is nothing that the hon Member can call in aid of the previous issue to that. When Government puts out a tender the Government are happy to give the name and amount of the successful tenderer and the amounts but not the names of the unsuccessful tenderers and that because I think that the hon Members are entitled to know whether the Government have accepted the lowest bid so that if we have not accepted the lowest bids they can exercise their right to scrutinise why we have not accepted the lowest bids which sometimes it happens. There is a difference between giving that sort of information and giving details of unsuccessful expressions of interest which do not relate to monetary matters about bids for services at particular levels. So, the Minister has correctly stated the Government's policy and there is no inconsistency between her answer to the hon Member on this occasion and the breakdown given to the Hon Dr Garcia both in which questions relate to wholly different types of issue.

**HON F R PICARDO:**

Nonetheless would the Minister address her mind to Question No 77 of 2004 which asks also what the terms of the contract contracted are given that that part of my question has not been replied to?

**HON MRS Y DEL AGUA:**

I believe that part of his question has been answered by stating that it is a 15 month contract. The other terms of the contract I believe are too numerous to mention across the floor in this House.

**HON F R PICARDO:**

Would the Minister consider providing a copy of the other terms?

**HON CHIEF MINISTER:**

No. It is not the policy or the practice of this or of any other Government, other Governments indeed have had wholly different practices, it is not the policy of the Government to make available copies of all the commercial contracts that it signs. The hon Member is entitled to ask the Government specific questions about the principal areas of the contracts if he wants to know for how long, what the rate is, he should ask specific questions but he cannot expect to have access to Government's commercial documentation in the sense of providing copies. If that were to be extended to all contracts that the Government signs then this would be terribly onerous and burdensome and it has never been the practice it has to be said to give even as much information as we give but we do try to give as much as is possible.

**HON F R PICARDO:**

Nonetheless I am referring now to the schedule kindly provided by the Minister, is she satisfied by the fact that none of the employees of ADA Company Ltd which her schedule refers to are Gibraltarians?

**HON MRS Y DEL AGUA:**

The company is a Spanish company registered in Gibraltar and all its employees are generic to the company. They came with the company and unfortunately no other expression of interest received met the requirements or the needs of the ECA to provide this kind of service in the community.

**HON F R PICARDO:**

Can I ask the Minister on what she bases the suggestion that this is a Spanish company given that the information provided to me by her is that this company is called ADA Company Ltd thereby suggesting that it is a Gibraltarian company and that the shareholding does not reflect ownership by a Spanish SL or SA and in fact it is in the personal names of three individuals?

**HON CHIEF MINISTER:**

The Minister has not said that, the hon Lady has said that this is a Spanish company registered in Gibraltar by which the hon Member must at least deduce that it is a Gibraltar company owned by Spaniards. ADA Company Ltd established in Gibraltar can only be a Gibraltar company or a company at least incorporated in some Anglo-Saxon jurisdiction, I suppose it could have been a company incorporated somewhere else where they use the limited in that sense and established in Gibraltar.

**HON F R PICARDO:**

In which case I am sure the Chief Minister will agree with me that it cannot adequately be described as a Spanish company.....



**HON CHIEF MINISTER:**

I do not think she has.....

**HON F R PICARDO:**

Then, would the Minister or the Chief Minister, given his interventions, state whether they are satisfied that this company employs no Gibraltarians?

**HON MRS Y DEL AGUA:**

The reason why they do not employ Gibraltarians at this moment in time I understand is because the qualifications that they require of their employees no Gibraltarian that has applied, because Gibraltarians obviously have a right to apply for any post or vacancies that they open, have the required qualifications.

**HON F R PICARDO:**

Can the Minister indicate what qualifications if any the Elderly Care Agency require this company that provides employees to it to ensure that its employees have?

**HON MRS Y DEL AGUA:**

I can say that one of the terms of the contract that the hon Member was referring to before states that all careworkers will be expected to have qualifications or recognised experience in care of the elderly.

**HON F R PICARDO:**

Is the Minister therefore saying that she is satisfied with the explanation provided to her by ADA Ltd that there are only at this stage Spaniards with those relevant qualifications who make up the total of 15 employees employed by this company and no Gibraltarians with those qualifications?

**HON MRS Y DEL AGUA:**

I am satisfied that the Elderly Care Agency who is responsible ultimately for delivering the service is satisfied in itself and I must say that the delivery of the service is appreciated by all the members in the community who are receiving it.

**HON F R PICARDO:**

There is absolutely no question of the Opposition questioning that.

**NO. 80 OF 2004**

**THE HON F R PICARDO**

**DRUG REHABILITATION PROGRAMME**

Can Government state whether there has been any increase in the number of employers participating in the wage subsidy pilot scheme that was approved under ESF for persons who have completed a Drug Rehabilitation Programme and others who meet the categories stated in answer to Question No 730 of 2002 now in operation?

**ANSWER**

**THE HON THE MINISTER FOR SOCIAL AND CIVIC AFFAIRS**

Answered together with Question No 81 of 2004.

**NO. 81 OF 2004****THE HON F R PICARDO****DRUG REHABILITATION PROGRAMME**

Can Government state whether there has been any increase in the number of persons that have been placed in employment, giving a breakdown by age and sex, in the wage subsidy pilot scheme that was approved under ESF for persons who have completed a Drug Rehabilitation Programme and others who meet the categories stated in answer to Question No 730 of 2002 now in operation?

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

There has been an increase if one might call it an increase because in my previous answer there were no people participating in the scheme as it has just been approved but since then there has been an increase of five employers in the Wage Subsidy Pilot Scheme and an increase of five employees placed in employment with the assistance of the Wage Subsidy Pilot Scheme broken down as follows:-

Age 18	-	0 Males
Age 18 – 24	-	1 Male
25+	-	4 Males
Total		5 Males

**SUPPLEMENTARY TO QUESTION NO 80 AND 81 OF 2004****HON F R PICARDO:**

Can the Minister clarify an increase in the number of employers and employees or only employees?

**HON MRS Y DEL AGUA:**

Employers and employees.

**HON F R PICARDO:**

So we have a situation as we had last time I think it was her colleague at the time the Minister for Employment the Hon Mr Corby, who had clarified that there were four employers and four employees, now we have gone up to nine and nine just for clarification?

**HON MRS Y DEL AGUA:**

That is correct.

**NO. 82 OF 2004**

**THE HON J J BOSSANO**

**ELDERLY CARE AGENCY**

Can Government state what is the latest forecast expenditure in the current financial year for the Elderly Care Agency?

**ANSWER**

**THE HON THE MINISTER FOR SOCIAL AND CIVIC AFFAIRS**

The forecast expenditure for 2003/2004 of the Elderly Care Agency is as follows:

Total recurrent	£3,432,625
Total Capital	£ 150,000
Trust Fund Expenditure	£1,751,457

**SUPPLEMENTARY TO QUESTION NO 82 OF 2004**

**HON J J BOSSANO:**

Given that the figure is not far out from the original estimate but is slightly above the recurrent expenditure is it likely that it will mean a slightly higher contribution from Head 5A Consolidated Fund contribution to the Agency in the current year?

**HON CHIEF MINISTER:**

Yes. That is the only source of funding to the Elderly Care Agency in respect of overspends.

ORAL

**NO. 83 OF 2004**

**THE HON F R PICARDO**

**ELDERLY CARE AGENCY**

Is there a requirement, on the part of the Elderly Care Agency that its employees should be resident in Gibraltar?

**ANSWER**

**THE HON THE MINISTER FOR SOCIAL AND CIVIC AFFAIRS**

Answered together with Questions 84 to 87 of 2004.

ORAL

**NO. 84 OF 2004**

**THE HON F R PICARDO**

**ELDERLY CARE AGENCY**

Can Government say how many Spanish nationals are employed in the Elderly Care Agency with a breakdown by position held and the comparable figure for Gibraltarians?

**ANSWER**

**THE HON THE MINISTER FOR SOCIAL AND CIVIC AFFAIRS**

Answered together with Question Nos 83 and 85 to 87 of 2004.

ORAL

**NO. 85 OF 2004**

**THE HON F R PICARDO**

**ELDERLY CARE AGENCY**

Can Government say how many Spanish nationals are employed in the Elderly Care Agency with a breakdown by position held and the comparable figures for Gibraltarians, as at 31<sup>st</sup> December 2003?

**ANSWER**

**THE HON THE MINISTER FOR SOCIAL AND CIVIC AFFAIRS**

Answered together with Question Nos 84, 86 and 87 of 2004.



**NO. 86 OF 2004**

**THE HON F R PICARDO**

**ELDERLY CARE AGENCY**

Can the Minister for Social Services now confirm, as she undertook to do in reply to supplementary questions arising out of Question No 28 of 2003, whether there were Gibraltarian applicants who were unsuccessful in filling the vacancies with the Elderly Care Agency which have been filled by Spanish nationals?

**ANSWER**

**THE HON THE MINISTER FOR SOCIAL AND CIVIC AFFAIRS**

Answered together with Question Nos 83 to 85 and 87 of 2004.

**NO. 87 OF 2004**

**THE HON F R PICARDO**

**ELDERLY CARE AGENCY**

Can the Minister for Social Services now confirm, as she undertook to do in reply to supplementary questions arising out of Question No 28 of 2003, that the vacancies that had been filled by March 2003 in the Elderly Care Agency were opened initially with the Employment and Training Agency and that the Spanish nationals who were successful in filling a number of those vacancies, applied for those vacancies through the ETB?

**ANSWER**

**THE HON THE MINISTER FOR SOCIAL AND CIVIC AFFAIRS**

**Answer to Question No 83 of 2004**

Yes. Although applications are accepted from non residents who are in possession of the relevant qualifications. This happens primarily with posts for staff nurses where there are non available locally.

**Answer to Question Nos 84 and 85 of 2004**

I will now hand the hon Member lists giving the information requested in Question Nos 84 and 85 of 2004.

The total number of staff as at December 2003 is 45.

The total number Spanish nationals employed is 23.

<b>Trained Nursing Staff</b>	<b>Spanish</b>	<b>Gibraltar/Other Total Complement</b>	
<b>Registered general nurses</b>	4	18	22
<b>Nursing Assistants</b>	13	58	71
<b>Cooks</b>	1	2	3
<b>Assistant Cooks</b>	2	3	5
<b>Domestics</b>	3	16	19
<b>Other Grades*</b>	-	25	25

**\*Example**

Administration/Catering Manager/Physiotherapist/Domiciliary Care Co-ordinator/  
Industrial Technician/Maintenance/Operative/Laundress/Storeman/Seamstress/Labourer.

**Answer to Question No 86 of 2004**

Since the ECA took over there has only been one Gibraltarian who has been unsuccessful in filling a vacancy against a Spanish national. The Gibraltarian in question was unable to meet the working hours.

**Answer to Question No 87 of 2004**

All ECA vacancies are initially opened with the ETB and advertised in the local newspapers, as I informed the Leader of the Opposition by letter dated 9<sup>th</sup> June, 2003.

**SUPPLEMENTARY TO QUESTION NOS 83 TO 87 OF 2004**

**HON C A BRUZON:**

In answer to Question No 83 did I understand the Minister correctly when she answered yes is there a requirement on the part of the Elderly Care Agency that its employees should be resident in Gibraltar?

**HON MRS Y DEL AGUA:**

The answer was 'Yes' but I did go on to mention that applications are accepted from non-residents when there are non locally to fill specific posts.

**NO. 88 OF 2004**

**THE HON J J BOSSANO**

**SOCIAL SERVICES AGENCY**

Can Government state what is the latest forecast out-turn for expenditure in the current financial year for the Social Services Agency?

**ANSWER**

**THE HON THE MINISTER FOR SOCIAL AND CIVIC AFFAIRS**

The latest forecast out-turn for expenditure in the current financial year for the Social Services Agency is £3,200,000.

**SUPPLEMENTARY TO QUESTION NO 88 OF 2004**

**HON J J BOSSANO:**

This is compared to the estimate of £2,300,000?

**HON MRS Y DEL AGUA:**

Yes.

**HON J J BOSSANO:**

Has there been additional work or activities taken on by the agency since the beginning of this financial year?

**HON CHIEF MINISTER:**

There are several departments of Government where expenditure is demand led which are serious over spenders as the hon Member will see when he gets the figures for the current financial year compared with the estimates. The problem is that in an attempt to impose discipline in control of expenditure and in curtailing increases in recurrent annual expenditure the Financial and Development Secretary when departments submit the original bid at the beginning of the year for the next financial year's budget as is happening now, for example, in respect for the forthcoming year, eliminates provision, reduces the bid and makes a provision in the estimates and then the department appears to proceed to spend the money anyway. There is much to be done in persuading the departments that they must exercise the budgetary discipline that the approved budget is intended to impose on them.

**HON J J BOSSANO:**

I am aware of the syndrome the Chief Minister is explaining but it is just that it is difficult in the context of this particular department because demand led in the area of the Social Services Agency, that is why I asked if it meant that they had taken on additional activities subsequent at the beginning of the financial year which had not been foreseen and the other point is that if one looks at the original estimates two thirds are personal emoluments so it is difficult to see that being cut back or subsequently increased.

**HON MRS Y DEL AGUA:**

Apart from the reason that the Chief Minister has just given there is a combination of other factors in the area that the hon Member has described, for example, there has been 66 per cent increase of children taken into care which obviously increases provision considerably. A greater demand in the respite services offered at Dr Giraldi Home and apart from that also there is the fact that what were previously Millbury employees and are now Agency employees were offered a package of measures which they obviously accepted which included better pay conditions, better allowances and obviously all that increases the budget as well.

**HON J J BOSSANO:**

Obviously this is Question Time and I do not want to slip into the budget debate but I thought that had already been worked into those estimates at the time. I would have thought that at the time of last year's budget the Millbury thing was out of the way already?

**HON MRS Y DEL AGUA:**

At the time that the last estimates were prepared the Agency had only been in operation for six weeks so it is very difficult to gauge. We could give an approximate state of expenditure but it would be very difficult to gauge exactly what the expenditure would be.

**NO. 89 OF 2004****THE HON J J BOSSANO****MINIMUM INCOME GUARANTEE**

Can Government give a breakdown for the number of pensioners in receipt of the Minimum Income Guarantee, showing the number receiving the single and married couple rates in bands of £5 up to the full amount as at December 2003?

**ANSWER****THE HON THE MINISTER FOR SOCIAL AND CIVIC AFFAIRS****Persons In Receipt of Minimum Income Guarantee As At 31<sup>st</sup> December 2003**

	£		£	ALL No		Couple No		Singles No
<b>From</b>	120.00	<b>To</b>	115.00	3		3		Nil
<b>From</b>	115.00	<b>To</b>	110.00	Nil		Nil		Nil
<b>From</b>	110.00	<b>To</b>	105.00	Nil		Nil		Nil
<b>From</b>	105.00	<b>To</b>	100.00	Nil		Nil		Nil
<b>From</b>	100.00	<b>To</b>	95.00	Nil		Nil		Nil
<b>From</b>	95.00	<b>To</b>	90.00	2		2		Nil
<b>From</b>	90.00	<b>To</b>	85.00	8		Nil		8
<b>From</b>	85.00	<b>To</b>	80.00	2		Nil		2
<b>From</b>	80.00	<b>To</b>	75.00	Nil		Nil		Nil
<b>From</b>	75.00	<b>To</b>	70.00	3		Nil		3
<b>From</b>	70.00	<b>To</b>	65.00	2		Nil		2
<b>From</b>	65.00	<b>To</b>	60.00	1		Nil		1
<b>From</b>	60.00	<b>To</b>	55.00	27		2		25
<b>From</b>	55.00	<b>To</b>	50.00	2		1		1
<b>From</b>	50.00	<b>To</b>	45.00	4		Nil		4
<b>From</b>	45.00	<b>To</b>	40.00	5		1		4
<b>From</b>	40.00	<b>To</b>	35.00	14		2		12
<b>From</b>	35.00	<b>To</b>	30.00	17		Nil		17
<b>From</b>	30.00	<b>To</b>	25.00	17		Nil		17
<b>From</b>	25.00	<b>To</b>	20.00	35		1		34
<b>From</b>	20.00	<b>To</b>	15.00	25		2		23
<b>From</b>	15.00	<b>To</b>	10.00	236		1		235
<b>From</b>	10.00	<b>To</b>	5.00	16		Nil		16
<b>From</b>	5.00	<b>To</b>	0.00	18		4		14
				<b>437</b>		<b>19</b>		<b>418</b>

**NO. 90 OF 2004**

**THE HON C A BRUZON**

**MINIMUM INCOME GUARANTEE**

Can the Minister for Social Services state what the amount of 'pocket-money' she referred to in her answer to Question No 16 of 2003 is in cases where the minimum income guarantee is reduced or withdrawn as a result of hospitalisation?

**ANSWER**

**THE HON THE MINISTER FOR SOCIAL AND CIVIC AFFAIRS**

Answered together with Question Nos 89 and 91 to 93 of 2004.

**NO. 91 OF 2004**

**THE HON C A BRUZON**

**MINIMUM INCOME GUARANTEE**

Can the Minister for Social Services now confirm the number of cases referred to by her in answer to supplementary questions arising from Question No 16 of March 2003 for the period up to March 2003 of persons who have had the relevant amount of minimum income guarantee withheld or reduced as a result of their hospitalisation for a period in excess of 13 weeks, and give the figure for the amount of reduction in each case?

**ANSWER**

**THE HON THE MINISTER FOR SOCIAL AND CIVIC AFFAIRS**

Answered together with Question Nos 90 and 92 of 2004.



**NO. 92 OF 2004****THE HON C A BRUZON****MINIMUM INCOME GUARANTEE**

Can the Minister for Social Services provide the number of persons for the period since March 2003 to date of persons who have had the relevant amount of the minimum income guarantee withheld or reduced as a result of their hospitalisation for a period in excess of 13 weeks, and give the figure for the amount of reduction in each case?

**ANSWER****THE HON THE MINISTER FOR SOCIAL AND CIVIC AFFAIRS****Answer to Question No 90 of 2004**

A pocket-money allowance of £15.00 a week or an amount that will top-up the pensioner's income to £15.00 is payable if the Minimum Income Guarantee is withdrawn as a result of hospitalisation.

**Answer to Question Nos 91 and 92 of 2004**

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

**Answer to Question No 91 and 92 of 2004**

Relevant cases whose Minimum Income guarantee payments have been withheld or reduced for period up to end of March 2003.

<b>Claimants</b>	<b>Entitlement</b>	<b>Reduced</b>	<b>Withheld</b>
1	£0.70		£0.70
1	£35.05		£35.05
1	£20.55		£20.55

Relevant cases whose Minimum Income guarantee payments have been withheld or reduced since March 2003 to date

<b>Claimants</b>	<b>Entitlement</b>	<b>Reduced</b>	<b>Withheld</b>
1	£56.80	£41.80	
1	£56.80	£41.80	
1	£56.80	£41.80	
1			£9.00

**SUPPLEMENTARY TO QUESTION NOS 90-92 OF 2004**

**HON C A BRUZON:**

Was the figure quoted £16 to £50, did I understand correctly?

**HON CHIEF MINISTER:**

The figure was £15.

**NO. 93 OF 2004**

**THE HON J J BOSSANO**

**MINIMUM INCOME GUARANTEE**

Can Government state what is the latest estimated expenditure for the elderly persons Minimum Income Guarantee in the current financial year?

**ANSWER**

**THE HON THE MINISTER FOR SOCIAL AND CIVIC AFFAIRS**

I hand the hon Member a list for Question No 89 of 2004. The latest estimated expenditure for the elderly persons minimum income guarantee in the current financial year is £500,000.

**SUPPLEMENTARY TO QUESTION NO 89 AND 93 OF 2004**

**HON J J BOSSANO:**

In terms of the amount which is below the budget that was provided which was £550,000 and we have been told that it is £500,000 is that right?

**HON MISS Y DEL AGUA:**

I did not actually query it but I noticed it myself and I believe that if one adds up all the sums shown in the list it actually comes up to £550,000 and not £500,000.

**HON CHIEF MINISTER:**

The answer is to the end of December, the budget figure is to the end of March.

**HON J J BOSSANO:**

In terms of the numbers are the ones provided by the hon Member for the position until the end of December still based on the original criteria that there had to be people living with a pensioner couple or another pensioner or has there been any change in that criteria as at December?

**HON MISS Y DEL AGUA:**

There has still not been any change.

ORAL

**NO. 94 OF 2004**

**THE HON J J BOSSANO**

**HOUSING – POST-WAR HOUSES – RENT RELIEF**

Can Government state as at 31<sup>st</sup> December 2003, how many tenants of post-war housing units are on rent relief and how much has been spent from the £455,000 provided for in the Social Assistance Fund Appendix 'H' to date in respect of these post-war properties?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

Answered together with Question No 95 of 2004.

**NO. 95 OF 2004**

**THE HON C A BRUZON**

**HOUSING – PRE-WAR HOUSES – RENT RELIEF**

Can Government state as at 31<sup>st</sup> December 2003, how many pre-war housing units are on rent relief and how much has been spent from the £455,000 provided for in the Social Assistance Fund Appendix 'H' to date in respect of these pre-war properties?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

**Answer to Question Nos 94 and 95 of 2004**

A total of 513 tenants are in post-war and 43 in pre-war housing.

A total of £341,250.03 has been spent from the £455,000 Social Assistance Fund as at 31<sup>st</sup> December 2003.

ORAL

**NO. 96 OF 2004**

**THE HON C A BRUZON**

**HOUSING – RENT RELIEF**

Can Government state what is the formula in place as at 31<sup>st</sup> December 2003 to determine eligibility for rent relief and the amount payable in respect thereof?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

Answered together with Question Nos 97 to 103 of 2004

ORAL

**NO. 97 OF 2004**

**THE HON C A BRUZON**

**HOUSING – RENT RELIEF**

Can Government confirm that the rent relief scheme also applies to rent controlled private sector tenants?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

Answered together with Question Nos 96 and 98 to 103 of 2004.



ORAL

**NO. 98 OF 2004**

**THE HON C A BRUZON**

**HOUSING – RENT RELIEF**

Can Government state whether there are any tenants in private rented accommodation currently receiving rent relief?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

Answered together with Question Nos 96, 97 and 99 to 103 of 2004.

ORAL

**NO. 99 OF 2004**

**THE HON C A BRUZON**

**HOUSING – RENT RELIEF**

Can Government state what is the final figure of households on rent relief that had this terminated during the financial year 2002/2003 and how many households have had this terminated in the current financial year 2003/2004 to date?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

Answered together with Question Nos 96 and 100 to 103 of 2004.

**NO. 100 OF 2004**

**THE HON C A BRUZON**

**HOUSING – RENT RELIEF**

Can Government state what is the final figure of households that had the level of rent relief reduced for the financial year 2002/2003 and how many households have had this benefit reduced in the current financial year 2003/2004 to date

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

Answered together with Question Nos 96 to 99 and 101 to 103 of 2004.

ORAL

**NO. 101 OF 2004**

**THE HON C A BRUZON**

**HOUSING – RENT RELIEF**

Can Government state what is the final figure of households on full rent relief for the financial year 2002/2003 and how many households have been assessed as entitled to receive the full amount for the financial year 2003/2004 to date?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

Answered together with Question Nos 96 to 100, 102 and 103 of 2004.

**NO. 102 OF 2004**

**THE HON C A BRUZON**

**HOUSING – RENT RELIEF**

Can Government state what is the final figure of households applying for rent relief for the financial year 2002/2003, the final number approved and the comparable figures for the current financial year to date?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

Answered together with Question Nos 96 to 101 and 103 of 2004.

**NO. 103 OF 2004**

**THE HON C A BRUZON**

**HOUSING – RENT RELIEF**

Can Government state what is the final figure of households that were receiving rent relief in the financial year 2002/2003 and the comparable figure for the current financial year to date?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

**Answer to Question No 96 of 2004**

The formula is shown on the attachment which I shall now hand over to the hon Member. The amount payable is the balance remaining after deducting the rent relief awarded from the full weekly rent.

**Procedure for Calculating Rent Relief for Tenants Residing in Government Flats**

1. Add all Gross Income declared within the same household. Multiply by 12 and then divide by 52.2 to calculate the Gross Weekly Income per Household.
2. Subtract all applicable allowances from total.
  - (a) Married **over** 65 years = £64.00
  - (b) Single **over** 65 years = £46.00
  - (c) Married **under** 65 years = £57.90
  - (d) Single **under** 65 years = £36.80
3. When amount has been obtained multiply by 25 per cent. This amount represents the new weekly rent payable by the tenant.
4. Ultimately should the applicant declare their children on the application a further £0.60 is then deducted from the total obtained in paragraph 3.

**Answer to Question No 97 of 2004**

I confirm that the Rent Relief Scheme also applies to rent controlled private sector tenants.

**Answer to Question No 98 of 2004**

A total of nine tenants on rent controlled accommodation are currently in receipt of rent relief.

**Answer to Question No 99 of 2004**

A total of 11 households have had their rent relief terminated in 2002/2003, which 10 have had theirs terminated in 2003/2004 to date.

**Answer to Question No 100 of 2004**

I confirm that a total of 112 households have had their rent relief reduced for 2002/2003, whilst a total of 145 have had their rent relief reduced in the year 2003/2004 to date.

**Answer to Question No 101 of 2004**

I can confirm that a total of 109 households were on rent relief in 2002/2003, whilst 71 were on rent relief in 2003/2004 to date.

**Answer to Question No 102 of 2004**

I confirm that up to 113 applications have been received for the year 2002/2003 of which 96 were approved, 13 rejected and four pending. Similarly, for 2003/2004 to date up to 81 applications have been received of which 63 were approved and 18 rejected.

**Answer to Question No 103 of 2004**

The final figure of households in receipt of rent relief for 2002/2003 is 889 whilst for 2003/2004 to date there are 775.

**SUPPLEMENTARY TO QUESTION NOS 96 TO 103 OF 2004**

**HON C A BRUZON:**

In connection with the answer given by the Minister to Question No 102 of 2004 what is the criteria for rejecting or accepting the matter of rent relief?

**HON J J NETTO:**

The answer to that question is in relation to the answer given in Question No 96 of 2004, it depends on the household income then the formula which I have supplied is taken into account in terms of the income within that particular household, that formula is applied and that formula determines whether someone gets a full rent relief or a partial rent relief.

**HON S E LINARES:**

Apart from the formula is there any other criteria or is it just purely on a financial and statistical way in which the Minister has set it out.

**HON J J NETTO:**

Yes the hon Member is correct.

**HON F R PICARDO:**

It is a fully objective and mathematical criteria and formula nothing else?

**HON J J NETTO:**

Yes that is correct. I should also add that this is a discretionary benefit but other than that it is basically on the mathematics of it.

**HON F R PICARDO:**

It is discretionary but if one comes within the mathematics of it there is little chance of getting confused.

**HON DR J J GARCIA:**

In relation to Question No 102 can I just clarify the figures because they do not seem to add up unless there are some that are still pending. We were given 113 applicants of which 96 were approved and 13 were rejected, there are some missing there and then we were given 81 applicants of which 63 were approved and eight were rejected there is also a number missing there, are those pending consideration or...?

**HON J J NETTO:**

In relation as to whether they add up this is the information that has been given by my administration staff but in relation to the hon Member's second supplementary as to why they were rejected obviously it is because the mathematics did not add up but in relation to the first one these are the figures that have been given.



**HON F R PICARDO:**

Will the Minister clarify it for us?

**HON J J NETTO:**

Yes.

~~~~~

**HON J J NETTO:**

With your indulgence Mr Speaker could I very quickly go back to Question No 102 of 2003. I can confirm that it is 113 applications that have been received for the year 2002 and 2003 of which 96 were approved as stated and 13 rejected but what I have missed to point out the fact that there were four remaining pending simply because they had asked for further information which had not bring brought back to the office.

**HON DR J J GARCIA:**

In relation to the clarification just made by the hon Member the second figure that he gave which was 81, 63 applications and eight rejected also did not add up. The total of 63 and eight rejected did not add up to 81.

**HON J J NETTO:**

It was 18 rejected not eight.

ORAL

**NO. 104 OF 2004**

**THE HON C A BRUZON**

**HOUSING – PRIVATE SECTOR**

Can Government state as at the end of December 2003 how many private sector properties were rent controlled and occupied?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

Answered together with Question No 105 of 2004.

**NO. 105 OF 2004**

**THE HON C A BRUZON**

**HOUSING – PRIVATE SECTOR**

Can Government state as at the end of December 2003 how many private sector properties were rent controlled and un-occupied?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

The Ministry for Housing has sought to find the number of rent controlled private sector properties, both occupied and unoccupied but regrettably, this information is not available.

**SUPPLEMENTARY TO QUESTION NOS 104 AND 105 OF 2004**

**HON C A BRUZON:**

In view of that response can the Minister then tell us how they can say in their electoral manifesto that empty private properties will be available to solve the housing problem?

**HON J J NETTO:**

I think that is not quite correct what the GSD said in these elections what they did say was that the information that we have derived from the Associations of Landlords is that there are a number of empty flats lying empty but whether the resolution of the housing problem is one which is far more generic as to the number of empty flats in the private sector it is a combination of many factors one of which is this one but not the only one.

**HON F R PICARDO:**

That with respect is not what is stated in the manifesto and I have heard what the Chief Minister said before about the manifesto but just on a point of information what the manifesto says is this reform relating to the Landlords and Tenants Ordinance will release hundreds of empty private sector flats onto the affordable rental market. Will the Minister confirm in his view these reforms will release hundreds of empty private sector flats and on what basis he reaches that judgement if he does not know how many are empty?

**HON J J NETTO:**

I can confirm that what the Association of Private Landlords have told us is that there are hundreds of empty flats but at the same time I can tell him that the information that we are trying to seek from them is so fragmented in terms of individual landlords that they themselves do not have an asset register to be able to count scientifically the number of empty flats. So, given that I am not the landlord of the private sector I am not in their shoes to be able to determine how many private sector properties there are standing empty.

**NO. 106 OF 2004**

**THE HON C A BRUZON**

**HOUSING – PRIVATE SECTOR**

Can Government state what they consider to be the level of rent in the 'affordable rental market' in the private sector for residential use?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

The Government will announce their reforms of the Landlord and Tenant Ordinance when they are ready to do so. Affordability varies from person to person depending on wealth and income.

**SUPPLEMENTARY TO QUESTION NO 106 OF 2004**

**HON F R PICARDO:**

I understand that the Government will make their reforms known when it is ready but will the hon Gentleman at least give us an indication in relation to properties, rental properties, what the Government consider to be affordable for the Government to provide and in the private residential market what do Government consider is an affordable level of rent.

**HON CHIEF MINISTER:**

The Government are implicit in the answer that Government are not willing to give that indication ahead of announcing their reforms of the Landlords and Tenants Ordinance.

**HON F R PICARDO:**

Will the Chief Minister at least give an indication of what the Government's thinking is even if he is not prepared to give a figure what it is that the Government are going to be careful to ensure that people can afford?

**HON CHIEF MINISTER:**

The hon Member can vary the formulation of the question marginally as many times as he likes, the substantive answer is the same. I do not think governments are obliged to share with Opposition parties their thought processes leading up to a policy which has not yet been announced. I think Government are entitled to do their thinking in private and when it is ready to announce its policy to announce its policy. The idea that we should debate hypothetically and in advance one strand of a policy which is under review is not something which is helpful because it simply starts all manner of speculation before it can be viewed in the context of the remainder of the regime that the reform will introduce. I do not say that that is the reason why the hon Member asks it but that might be the unintended effect of putting information in the public domain in isolation of the context in which it would actually be implemented and deployed, for example, will there be rent relief differences, what will the terms be of any tenancy at particular rents? All this is vital in assessing whether it is a reasonable or unreasonable proposition. The rent by itself can only serve as a headline.

ORAL

**NO. 107 OF 2004**

**THE HON C A BRUZON**

**EDINBURGH HOUSE**

Can Government state how many tenants at Edinburgh House are on rent relief as at 31<sup>st</sup> December 2003?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

A total of 19 tenants were in receipt of rent relief as at 31<sup>st</sup> December 2003.

**NO. 108 OF 2004**

**THE HON C A BRUZON**

**HOUSING – PRIVATE SECTOR**

Can Government state how many private sector flats are presently empty?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

This information is not available.

**SUPPLEMENTARY TO QUESTION NO 108 OF 2004**

**HON F R PICARDO:**

As I understand it the answer that the Minister has given is the same answer in relation to Question No 107 and Question No 108 of 2004?

**HON J J NETTO:**

Correct.

**HON CHIEF MINISTER:**

It is the same question.

**HON F R PICARDO:**

With respects it is not the same question, Question No 107 relates to rent relief and how many of the people are on rent relief at Edinburgh House and Question No 108 relates to private sector flats. Taking the Minister's earlier answer in relation to rent control private sector properties et cetera we have to accept that that information is



not available that is what he told us before that no such register exists but in relation to No 107 of 2004 will the Minister not agree with me that if he has given us the figure of people on rent relief can he not just look at the addresses of all of those in receipt of it and determine the number of them who live at Edinburgh House? I would have thought it is a very easy calculation.

**HON CHIEF MINISTER:**

He has given the answer.

**NO. 109 OF 2004**

**THE HON C A BRUZON**

**HOUSING – VACANT FLATS**

Can Government state how many Government housing units are vacant which have been declared void, giving a breakdown of address and room composition and the date that each of these properties became vacant and whether each of the properties is pre or post-war?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

This is a question which is difficult to answer with a full degree of accuracy due to the lack of attention given to this subject in the past. Since the GSD Government introduced additional personnel within the Ministry for Housing to conduct a Register of Government properties, we can say that there are:-

- (a) a total of 56 in the system awaiting refurbishment by either Buildings and Works or the Electricity Authority;
- (b) 80 properties requiring major extensive refurbishment;
- (c) a total of 166 properties identified for possible demolition.

I am afraid that I am not able to give the hon Member the precise details of the addresses since this could be used and targeted by squatters. With regards to room composition, internal condition surveys have not been undertaken. The information requested as to the dates when these became vacant is not available from our records. With regards to the breakdown between pre or post-war. I will make this available to him in due course, once the information has been done administratively.

Finally, there is an impression that there are supposedly many vacant Government flats. The figures above give an approximate indication as to their status. However, these figures will fluctuate continuously, as and when dwellings are processed internally through Buildings and Works and/or the Electricity Authority. In addition, that is not to say that maybe there are cases whereby some Government tenants have decided to purchase alternative accommodation elsewhere, or the fact that some tenants are housed elsewhere on social or medical grounds. The fact is that this is a complex variable to measure.

**SUPPLEMENTARY TO QUESTION NO 109 OF 2004**

**HON C A BRUZON:**

Would the Minister consider giving the Opposition the information in confidence concerning the addresses?

**HON CHIEF MINISTER:**

No.

**HON DR J J GARCIA:**

If their only concern was not to encourage squatters are they concerned that one of the seven Members or relatives might squat in one of these flats?

**HON CHIEF MINISTER:**

I do not know what need might any of the hon Members have to squat in due course but certainly as valued Members of this House certainly the Government will always relieve them of the need to have to resort to squatting we would not like the dignity of the Members of this parliament to be tarnished in that sort of way. The whole question of these voids which was the original question is fraught with difficulty, what the Minister for Housing meant when he said in the original answer given the little attention that has been given to this in the past it was not actually a side swipe at the immediately previous GSLP administration going back post-war administrations properties were abandoned, demolished, the concept of void properties is a financial control mechanism. When the Government's Accountants stopped rent being collected from properties where they were once collected they are declared void its income is no longer coming in but that does not mean that they are no longer available for rental they could have over the years simply ceased to exist and the appropriate entry has not been made or the appropriate information has not been communicated to the book keepers so, the real debate is how many rentable properties or how many properties subject to refurbishment or preparation for rental are still regarded as rentable by the Government and are lying there unrented due to delays in Government being able to do that. In the context of a debate on Housing that really is the statistic that we should be interested in, "*How many houses which might be rented out if the Government only proceeded with their normal repair are there available lying empty?*" To talk of void and things like this throws up a number which is completely meaningless in the concept of housing availability as such. Prefer not to give even confidentially the addresses. I might try to persuade the hon Member to identify those houses which are vacant which form part of the active housing stock. The houses which are in the normal system of Buildings and Works, the 56, I do not think that there can be any, he might have a different view but I will try to persuade him that there is no reason why he should not give you confidentially the addresses of the 56 because those are in the system so to speak but as far as properties requiring major extensive refurbishment where the Government might decide not to do the major refurbishment or perhaps sell them rather than repair them, or to the properties identified for possible demolition we would prefer not to hand out that information. So, if they would settle for the ones which are

unquestionably still in the housing stock that we could possibly strike a bargain on that concept.

**HON F R PICARDO:**

Referring to the answer of Question 71 of 2003 which dealt not with voids but that is where the issue of voids first came up in the supplementary from Mr Baldachino, there the Chief Minister did refer us in relation to vacant properties not to the addresses but at least to the areas, can we have the areas at least to continue the statistic going forward as it was provided previously?

**HON CHIEF MINISTER:**

As I said I will try and persuade the Minister to give you the addresses of the 56 at least.

**HON MISS M I MONTEGRIFFO:**

If the Chief Minister is successful can he also try and convince him to give the room composition of the 56?

**HON CHIEF MINISTER:**

Yes I will try my luck.

**HON J J NETTO:**

In relation to the 80 properties requiring major extensive refurbishment and the 160 properties identified for possible demolition generally speaking but not exclusively most of them will be in the Upper Town but not all of it.

**HON S E LINARES:**

Do those figures apply to the 100 that were announced before the elections to be sold on or is this separate? The Chief Minister mentioned that some might be sold but what I am saying here is do the 100 that were announced at the time, are these numbers part of that?

**HON CHIEF MINISTER:**

Yes.

**NO. 110 OF 2004**

**THE HON C A BRUZON**

**HOUSING – SOUTH DISTRICT**

Can Government state if they have any plans to provide affordable local housing in the South District and if so whether this will be for homeownership or rental?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

When and if Government had any such plans they would announce the fact at an appropriate time.

**SUPPLEMENTARY TO QUESTION NO 110 OF 2004**

**HON MISS M I MONTEGRIFFO:**

Can the Minister confirm whether they are envisaging to have any plans within the four years of this term of office?

**HON CHIEF MINISTER:**

I know that the hon Lady and Gentlemen in Opposition are determined to pretend that there has not just been a general election and therefore I suppose as a consequence of that they ignore things that are said. Government have just published a manifesto in which they have identified their housing schemes. Government have made public statements identifying the locations of its various planned housing schemes, three weeks later to ask the Government whether it has plans to build housing in sites which have not been identified in the manifesto or in any of those public statements is a somewhat curious thing which I think is a product of their failures to take account of the fact that an election has just taken place. The Government do not presently have any plans to build houses in the South District which is not to say that at some stage during the next four years the Government

may develop such plans but they do not exist now even as a possible project although the Government are aware that there are several sites in the South District which lend themselves to development in several different types of way but they are not amongst those of our housing scheme plans which are sufficiently in existence to be able to say that they Government plans anything. There are no plans in that respect.

ORAL

**NO. 111 OF 2004**

**THE HON C A BRUZON**

**HOUSING – NORTH MOLE ROAD**

Can Government now state how many people have registered their interest on a 'no commitment basis' so far for the flats to be built at North Mole Road, given the answer to Question No 418 of 2003?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

Answered together with Question Nos 112 to 114 of 2004.

ORAL

**NO. 112 OF 2004**

**THE HON C A BRUZON**

**HOUSING – NORTH MOLE ROAD**

Can Government state at what price it anticipates the flats to be constructed at the site at North Mole Road will be sold and what will be the price per square metre?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

Answered together with Question Nos 111, 113 and 114 of 2004



**NO. 113 OF 2004**

**THE HON C A BRUZON**

**HOUSING – NORTH MOLE ROAD**

Can Government confirm that the site at North Mole Road used by a local company for the storage of vehicles in bond is the same site they intend to use for part of their housing programme in that area?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

Answered together with Question No 111, 112 and 114 of 2004.

**NO. 114 OF 2004**

**THE HON C A BRUZON**

**HOUSING – NORTH MOLE ROAD**

Can Government state what height restrictions apply to their proposed housing project at North Mole Road as a result of its proximity to the airfield and how many floors will the buildings have?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

**Answer to Question No 111 of 2004**

A total of 1,422 people have registered their interest on a ‘*no commitment*’ basis?

**Answer to Question No 112 of 2004**

Government are not yet in a position to announce information about the sale prices of their homeownership flats to be constructed.

**Answer to Question No 113 of 2004**

As previously announced publicly on several occasions the proposed housing scheme site at North Mole Road is the “Sands Site” currently used for storage of vehicles in bond.

**Answer to Question No 114 of 2004**

The usual MOD airfield height restrictions apply. This has been incorporated into the design of the project, so that the number of floors varies depending on distance from the runway.

**SUPPLEMENTARY TO QUESTION NOS 111 TO 114 OF 2004**

**HON DR J J GARCIA:**

In relation to Question No 113 of 2004 given that the local company is a large organisation and a substantial employer in Gibraltar have the Government offered an alternative site where the storage of vehicles can now take place?

**HON CHIEF MINISTER:**

Yes, of course, unless the hon Member thought that we would just boot them out so that the economic activity would have to come to an end I think he can safely assume that there are both short term and long term arrangements in place. The company in question is talking to the Government about a permanent development on a new site to accommodate not just their existing business but indeed some expansion plans that they have. In the immediate short term because it is inevitable that the Government will wish access to the existing site which incidentally they only hold on licence before that long term arrangement is likely to be in place the Government will lend them the space to park their vehicles in the forecourt and inside the components factory site as an immediate substitute for the Sands areas but that is only intended as interim because there are other proposals under consideration.

**HON F R PICARDO:**

Can the Chief Minister clarify when he uses the word lend he means licence in real estate terms?

**HON CHIEF MINISTER:**

Yes.

**HON MISS M I MONTEGRIFFO:**

Can the Minister for Housing confirm when he talks about the usual restrictions on the actual floors of the buildings, can he confirm what actual floors there will be and if there are more than five if the Government intend to put lifts in all of the floors?

**HON J J NETTO:**

I can confirm that the MOD restrictions will apply so that will be taken into account and I can also confirm that the building will have lifts.

**HON MISS M I MONTEGRIFFO:**

But he cannot confirm at this stage how many floors the buildings will have?

**HON J J NETTO:**

It varies from five to eleven, five being the one nearest and eleven the one further away.

**HON MISS M I MONTEGRIFFO:**

I suppose the eleven will be facing the west I am correct?

**HON CHIEF MINISTER:**

Facing north.

**HON MISS M I MONTEGRIFFO:**

That is the west.

**HON F R PICARDO:**

North is the airport, that is where the highest ones are going to be?

**HON CHIEF MINISTER:**

The lowest ones the highest ones will be the furthest from the airfield at the back by the road.

**HON DR J J GARCIA:**

In relation to Question No 113 of 2004 and the answer given by the Minister is it the case that this arrangement with the company has now been concluded or is this under discussion?

**HON CHIEF MINISTER:**

A short term arrangement has been concluded, they have agreed to vacate the Sands on seven days notice and the Government have agreed to provide them with immediate alternative parking space. The long term proposal is still under discussion. They have put up a very good scheme which the Government are quite keen on and all else being possible Government would like to facilitate it, it is a good scheme.

**HON MISS M I MONTEGRIFFO:**

Can the Minister confirm or perhaps he has actually made reference but I did not hear him, whether the flats will be made available on a rental basis or on a 50/50 scheme or both?

**HON J J NETTO:**

They will be sold they will not be on a rental basis on the Sands site. The ones on the Sands site will be for homeownership.

**HON CHIEF MINISTER:**

There is one development which occupies the whole of the sands site and as I indicated earlier in answer to a question about parking, the extreme western end of the car park just at the end of the coach park beyond the little wall, those are going to be built up too. On that site that is to say on the side across the slip road so to speak attached to the coach park, on that side there will be homes for rental to elderly people and also some homes for sale but all the houses on the sands site are for sale.

**HON F R PICARDO:**

But those which are for sale will be available on a 50/50 basis yes or no that is the issue?

**HON CHIEF MINISTER:**

Yes.

**NO. 115 OF 2004**

**THE HON C A BRUZON**

**HOUSING WAITING LIST**

Can Government state on how many occasions has the Housing Waiting List been published in 2003, providing the dates of each publication?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

The Housing Waiting List was published four times during the year 2003. The dates of each publication are 4<sup>th</sup> February, 6<sup>th</sup> May, 7<sup>th</sup> August and 19<sup>th</sup> December 2003.

**SUPPLEMENTARY TO QUESTION NO 115 OF 2003**

**HON F R PICARDO:**

Is there any reason why the publication does not occur with any degree of regularity, for example, at the end of each quarter?

**HON J J NETTO:**

No reason at all. What we try to aim is to have it published four times in the year but .....

**HON CHIEF MINISTER:**

With some regularity, the second month of each quarter.

**HON F R PICARDO:**

In that case perhaps the Chief Minister is telling me that they would have been published with a total degree of regularity in the second month of each quarter except for the election in the fourth quarter of last year.

**HON CHIEF MINISTER:**

We did not want to obtain an unfair advantage by publishing the much improved housing list.

**HON MISS M I MONTEGRIFFO:**

It was the opposite.

**HON F R PICARDO:**

Having to accept as he did after the election that he had a housing crisis on his hands.

**NO. 116 OF 2004**

**THE HON C A BRUZON**

**HOUSING – LAGUNA ESTATE**

Can Government now confirm that all remedial and beautification work schemes listed by the Minister for Housing in answer to Question No 84 of 2003, had been completed at Laguna Estate by April 2003?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

All works to Laguna Estate were officially completed on 16<sup>th</sup> May 2003.

**SUPPLEMENTARY TO QUESTION NO 116 OF 2004**

**HON F R PICARDO:**

Can the Minister confirm that that is a slippage of almost three weeks in respect of the date which he had indicated to the House the works would be finished on, which was the end of April 2003.

**HON CHIEF MINISTER:**

If in fact that there is a public procurement contract of this sort which has been subject to a slippage of only three weeks I wish to be the first to congratulate my hon friend.

**HON F R PICARDO:**

I am sure the Chief Minister will recall that that was already a slippage of some months and that the revised predicted date was April.



**HON J J NETTO:**

The hon Member seems to be forgetting one important factor and that is that there were additions to the contract which obviously had to be taken into account.

**HON F R PICARDO:**

In respect of those additions a new predicted date was given which was not met only by three weeks.

**HON J J NETTO:**

Should he not be quite grateful that we have done it in six weeks then?

**HON F R PICARDO:**

It is not for me to be grateful for anything but I just pointed out the issue?

**NO. 117 OF 2004**

**THE HON C A BRUZON**

**HOUSING – BISHOP CANILLA HOUSE**

Can Government state whether, as at 31<sup>st</sup> December 2003, there are any vacant flats at Bishop Canilla House?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

As at 31<sup>st</sup> December 2003, there were no vacant flats at Bishop Canilla House.

**HON CHIEF MINISTER:**

May I just add to that answer so that the hon Member may not be misled, that there are no vacant flats for rental. The hon Member may be aware that one flat is being used as a social club by the tenants association and therefore is not rented out it is unoccupied by a tenant but it has been deployed for some time now for over a year now as a community area for the communal area for all the tenants.

**SUPPLEMENTARY TO QUESTION 117 OF 2004**

**HON C A BRUZON:**

The reason for my question is that when I went round Bishop Canilla before the elections to speak to the senior citizens there, I think Hon Dr Joseph Garcia accompanied me, we were told, “there is nobody living there ,” in one floor, “..there is nobody living there anymore...” the impression we got from the tenants themselves maybe they were mistaken .....

**HON J J NETTO:**

I can assure him that there are no vacant flats.

**HON F R PICARDO:**

What the hon Gentleman might like to notice is that they did not give us a party when we went to see them.

**NO. 118 OF 2004**

**THE HON C A BRUZON**

**HEAD 101 - HOUSING**

Can Government state how much of the amount provided in Head 101 in respect of housing has been spent in each month of the year 2003 and providing a breakdown of what projects any money has been expended?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

I can provide a breakdown of costs per project for the year ending 2003, as similarly provided in the past. The analysis of the amount spent during this period is set out in the attached schedule that I now hand to the hon Member. However, I regret not being able to provide a more detailed monthly breakdown since it is felt that this information would be considered commercially sensitive by the private sector.

## Answer to Question No 118 of 2004

### Head 101 – Housing

|    |                                                   |                   |
|----|---------------------------------------------------|-------------------|
| 1. | Major Remedial works and Repairs to Housing Stock |                   |
|    |                                                   | £                 |
|    | Window Replacement                                | 355,204           |
|    | Scaffolding                                       | 252,209           |
|    | Laguna Estate                                     | 251,572           |
|    | St Joseph's Stairs                                | 31,504            |
|    | 16 George's Lane                                  | 50,490            |
|    | Carillion/Estimating Project                      | 44,787            |
|    | Scud Hill House                                   | 290,905           |
|    | Edinburgh House                                   | 28,431            |
|    | Coelho House                                      | 62,896            |
|    | Heathfield House                                  | 35,408            |
|    | Tankerville & Prison Quarters                     | 267,856           |
|    | Government Loans                                  | 64,676            |
|    | Belvedere & Electra Flats                         | 586,214           |
|    | Alameda Estate Lifts                              | 308,796           |
|    | Varyl Begg Estate Phase 1                         | 1,064,206         |
|    | Varyl Begg Estate Phase 2                         | 41,301            |
|    | Rosia and Vineyards House                         | 368,164           |
|    | Miscellaneous Works                               | 162,228           |
|    | Asbestos Cleanup                                  | 7,162             |
|    |                                                   | <hr/>             |
|    |                                                   | £4,274,009        |
| 2. | Consultant Fees                                   | 22,277            |
|    |                                                   | <hr/>             |
|    | <b>Total</b>                                      | <b>£4,296,286</b> |
|    |                                                   | <hr/>             |

ORAL

**NO. 119 OF 2004**

**THE HON C A BRUZON**

**HOUSING ALLOCATION COMMITTEE**

Can Government state on how many occasions the Housing Allocation Committee has met in 2003 and providing the dates of each meeting?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

Answered together with Question Nos 120 and 121 of 2004.

ORAL

**NO. 120 OF 2004**

**THE HON C A BRUZON**

**HOUSING – MEDICAL ADVISORY COMMITTEE**

Can Government state on how many occasions the Housing Medical Advisory Committee has met in 2003, providing a breakdown of the dates of each meeting?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

Answered together with Question Nos 119 and 121 of 2004.

**NO. 121 OF 2004**

**THE HON C A BRUZON**

**SOCIAL ADVISORY COMMITTEE**

Can Government state on how many occasions the Social Advisory Committee has met in 2003, giving the dates of each meeting?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

**Answer to Question No 119 of 2004**

The Housing Allocation Committee met on eight occasions. The dates of each meeting are 29<sup>th</sup> January, 5<sup>th</sup> March, 16<sup>th</sup> April, 11<sup>th</sup> June, 30<sup>th</sup> July, 17<sup>th</sup> September, 29<sup>th</sup> October and 26<sup>th</sup> November 2003.

**Answer to Question No 120 of 2004**

The Medical Advisory Committee met on 10 occasions. The dates of each meeting are 13<sup>th</sup> January, 17<sup>th</sup> February, 7<sup>th</sup> April, 12<sup>th</sup> May, 9<sup>th</sup> June, 6<sup>th</sup> August, 18<sup>th</sup> August, 22<sup>nd</sup> September, 13<sup>th</sup> October, 10<sup>th</sup> November 2003.

**Answer to Question No 121 of 2004**

The Social Advisory Committee met on 10 occasions. The dates of each meeting are 4<sup>th</sup> February, 6<sup>th</sup> March, 9<sup>th</sup> April, 28<sup>th</sup> May, 24<sup>th</sup> June, 4<sup>th</sup> September, 16<sup>th</sup> September, 8<sup>th</sup> October, 19<sup>th</sup> November, 16<sup>th</sup> December 2003.



ORAL

**NO. 122 OF 2004**

**THE HON L A RANDALL**

**BUILDINGS AND WORKS DEPARTMENT**

Can Government state whether the negotiations with the Union regarding the move into a proposed Authority for Buildings and Works department have been resumed?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

The Government are currently engaged in discussing the proposed Authority with the Unions.

ORAL

**NO. 123 OF 2004**

**THE HON C A BRUZON**

**HOUSING – PENSIONER EXCHANGE LIST**

Can Government state how many applicants are on the Housing Pensioner Exchange List as at 31<sup>st</sup> December 2003, giving a breakdown of those who are Government tenants and private sector tenants, their age and sex?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

Answered together with Question Nos 124 to 131 of 2004.

ORAL

**NO. 124 OF 2004**

**THE HON C A BRUZON**

**HOUSING WAITING LIST**

Can Government state how many applicants have been in the pre-list for housing on the last day of each month of 2003 giving a breakdown of their flat requirements?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

Answered together with Question Nos 123 and 125 to 131 of 2004.

**NO. 125 OF 2004**

**THE HON C A BRUZON**

**HOUSING WAITING LIST**

Can Government state how many applicants have been in the Housing Waiting Lists on the last day of each month of 2003 giving a breakdown of their flat requirements and the date they became eligible for housing?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

Answered together with Question Nos 123, 124 and 126 to 131 of 2004.

ORAL

**NO. 126 OF 2004**

**THE HON C A BRUZON**

**HOUSING – NUMBER OF APPLICANTS**

Can Government state what is the number of housing applicants as at 31<sup>st</sup> December 2003 who are socially recommended and how many are classified as homeless, giving a breakdown by age and sex?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

Answered together with Question Nos 123 to 125 and 127 to 131 of 2004.

ORAL

**NO. 127 OF 2004**

**THE HON C A BRUZON**

**HOUSING – NUMBER OF APPLICANTS**

Can Government state how many housing applicants as at 31<sup>st</sup> December 2003 are medically recommended providing a breakdown of the category of their medical recommendation, age and sex?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

Answered together with Question Nos 123 to 126 and 128 to 131 of 2004.

ORAL

**NO. 128 OF 2004**

**THE HON C A BRUZON**

**HOUSING – POST-WAR FLATS**

Can Government state how many post-war flats are vacant as at 31<sup>st</sup> December 2003 giving the address, room composition and the date they became vacant?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

Answered together with Question Nos 123 to 127 and 129 to 131 of 2004.

**NO. 129 OF 2004**

**THE HON C A BRUZON**

**HOUSING – PRE-WAR FLATS**

Can Government state how many pre-war flats are vacant as at 31<sup>st</sup> December 2003 giving the address of each, room composition and the date they became vacant?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

Answered together with Question Nos 123 to 128, 130 and 131 of 2004.



ORAL

**NO. 130 OF 2004**

**THE HON C A BRUZON**

**HOUSING – PRE/POST-WAR FLATS**

Can Government state how many pre and post-war housing units, which have been allocated in each month of 2003, have been on a do-it-yourself basis?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

Answered together with Question Nos 123 to 129 and 131 of 2004.

**NO. 131 OF 2004**

**THE HON C A BRUZON**

**HOUSING – PRE-WAR FLATS**

Can Government state how many pre-war housing units have been allocated in each month of 2003, broken down by month to date?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

**Answer to Question Nos 123 to 131 of 2004**

The Government remain willing to provide to the Opposition detailed information of this sort which is unprecedented in Gibraltar before 1996. However, given the intense administrative burden of preparing this information within five days, I will forward this information in writing to the hon Member within 10 days.

**NO. 132 OF 2004****THE HON S E LINARES****GHA – SCHOOL OF HEALTH**

Can Government state how many students currently attending courses in the School of Health giving a breakdown by year of intake?

**ANSWER****THE HON THE MINISTER FOR HEALTH**

The statistical information requested by the hon Member is contained in the schedule that I now hand to him.

**Answer to Question No 132 of 2004**

There are currently 19 students attending courses in the School of Health Studies. The breakdown is as follows:

|                       | <b>Start Date</b> | <b>End Date</b> | <b>Commenced</b> | <b>No Completed</b> |
|-----------------------|-------------------|-----------------|------------------|---------------------|
| <b>RGN Diploma</b>    | Sept 2000         | August 2005     | 12               | 1 dropped out       |
| <b>Enrolled Nurse</b> | June 2003         | May 2005        | 8                | -                   |

**SUPPLEMENTARY TO QUESTION NO 132 OF 2004**

**HON S E LINARES:**

As a matter of interest is it now the responsibility of the Minister of Health, the School of Health which used to be under Bleak House and under the auspices of Training and exclusively although it is conducted most of the time at Bleak House is it completely under Health and not under Training auspices?

**HON LT COL E M BRITTO:**

I detect a level of confusion in the question asked by the hon Member. There are two separate things. Training is carried out at Bleak House under the auspices of the Training Department and also concurrently and but separately the School of Health provides its own training within Bleak House as well.

**NO. 133 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GHA – POST OF CHIEF EXECUTIVE**

Can Government now confirm 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 HEALTH**

No.

**SUPPLEMENTARY TO QUESTION NO 133 OF 2004**

**HON MISS M I MONTEGRIFFO:**

Seeing that this is as the Chief Minister accepted in Question No 261 of 2003, a matter that was long overdue, when is it that the Government intend to bring the matter to a satisfactory conclusion?

**HON CHIEF MINISTER:**

The matter is now subsumed into the review of the management structure of the Health Authority which is underway as part of the Healthcare reform programme.

**HON MISS M I MONTEGRIFFO:**

Can Government confirm that if and when the matter comes to a satisfactory conclusion, because in this House we are now used to the idea of Government for years saying that they are going to look into matters and then it takes them years and years to solve the problem, when it does finally come to a satisfactory conclusion whether they intend to re-advertise the post again or whether it is just a question of increasing the remuneration of the post itself?

**HON CHIEF MINISTER:**

If I could answer that question there would have been nothing to subsume into the review. The results of the review would be known and it would just be a question of implementing action. That supplementary ignores the answer I gave the hon Lady to the previous supplementary and that is that the whole matter is subsumed into the review and the Government are still completely undecided about the future of these posts, who will occupy them and at what rate of remuneration.

**HON MISS M I MONTEGRIFFO:**

Am I correct in assuming that the Government cannot give a confirmation that the present incumbent of the post will remain in the post once the decision is taken?

**HON CHIEF MINISTER:**

Correct. On the basis that the post may be redesigned, redeployed, reshaped and therefore it would not look like the past that is today for the other reason which is the one that she interpreted in the answer. All possibilities are open.

**HON MISS M I MONTEGRIFFO:**

What the Chief Minister is saying is as I have said that there is no guarantee that the present incumbent will remain in that post?

**HON CHIEF MINISTER:**

Repeating the question and repeating the answer does not enlighten the debate any further it simply wastes the time of the House. The hon Lady has had the answer to that question.

**HON MISS M I MONTEGRIFFO:**

Can the Chief Minister confirm whether I am correct in that assumption?

**HON CHIEF MINISTER:**

I have answered the hon Lady's question and I do not propose to answer it again.

**NO. 134 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GHA – PRESCRIPTION CHARGES**

Can Government state how much extra revenue the Gibraltar Health Authority has raised for periods 12, 13, 1, 2, 3, 4, 5, 6, 7 & 8 as a result of their policy to increase prescription charges, also updating the previous information given in answer to Question No 256 of 2003, which was incomplete?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

Government do not have a policy of increasing prescription charges.

**SUPPLEMENTARY TO QUESTION NO 134 OF 2004**

**HON MISS M I MONTEGRIFFO:**

I have always, in this House, put in this exact question and what I am asking is what revenue the Government have raised as a result of their having increased prescription charges and I have always got an answer from the previous Minister for Health.

**HON LT COL E M BRITTO:**

This Minister tends to answer the questions in the Order Paper and if she has asked it in that manner before, I have seen Hansard and she has had an answer before. If she asks a question she gets an answer. If she specifies what she wants to know again I will try to answer the Question.

**HON MISS M I MONTEGRIFFO:**

I cannot understand the answer from the Minister I think it could not be clearer. Can Government state how much extra revenue the Gibraltar Health Authority has raised for periods and I specify the periods, as a result of their policy to increase prescription charges and I have also asked him also updating the previous information given in answer to Question No 256 of 2003 which was incomplete. So, the Minister has just said that he has looked at the previous Question No 256 of 2003, I cannot understand why he is not willing to provide that information when it has been provided before?

**HON CHIEF MINISTER:**

The hon Lady cannot be that obtuse. It is true that on one occasion during the last Parliament, Government increased some prescription charges and reduced it for others by exempting from prescription charges some people that have previously been liable to pay them. That does not entitle the hon Lady for the next 50 years continuing to ask questions implying that Government have in the present a policy of increasing prescription charges. So, if years after the event the hon Lady is still asking how much extra revenue the Gibraltar Health Authority has raised for certain periods as a result of their policy to increase prescription charges the answer is that Government do not currently have a policy of increasing prescription charges. If the hon Lady wants to ask on the other hand how much extra revenue is Government now raising as a result of its decision 'X' years ago to raise prescription charges as against what it would now be raising for those heads had it not increased prescription charges back in that year. That would be a different question that would be entirely valid.

**HON MISS M I MONTEGRIFFO:**

I think that the Chief Minister is trying to confuse the issue because as I have said I put exactly the same question which I refer to , Question No 256 of 2003, and I got the reply. If the Chief Minister is going by the fact that he wants me to rephrase the question to be 100 per cent as he says this is the usual norm of the Chief Minister. He wants me to say differently because as a result of their policy to increase the prescription charges I could have put the year in that is the only difference and the question that I have put in today is precisely the same one I have put in on more than five occasions and I again refer to updating the previous information given in answer to Question No 256 of 2003 which was incomplete. The very least that the Government could have done is to have given me the information which was incomplete to Question No 256 of 2003?

**HON CHIEF MINISTER:**

As I have said to the hon Lady in answer to supplementaries on the last question, repeating the question does not alter the answer that she got when she asked the question three minutes earlier. If she persists in formulating the question in this way the answer that she will get is the one that she has had namely, *the Government do not have a policy of increasing prescription charges*, if she wants the information that it appears she wants then she has got to ask a question, formulate her question in a way which entitles and calls for that information and that is not the question that is on the Order Paper.



**HON MISS M I MONTEGRIFFO:**

I see. So, now Government have changed their policy of answering this specific question is that correct?

**HON CHIEF MINISTER:**

Correct. The hon Lady got it at last.

**HON MISS M I MONTEGRIFFO:**

Will Government then provide the information as soon as possible because they must have it in hand and in any case the information that I am asking?

**HON CHIEF MINISTER:**

The hon Lady has still not formulated the question.

**HON MISS M I MONTEGRIFFO:**

I am saying that if they are not willing to answer the question in this House any longer can they provide it at a later stage as soon as possible and secondly could the Chief Minister not agree with me that they could at least have provided the latter part of the information to that question?

**HON CHIEF MINISTER:**

No to the last part, but she appears having given us the glimmer of hope that she had finally grasped the point that the Government are taking a different attitude to her politically mischievous question.....

**HON MISS M I MONTEGRIFFO:**

Mischievous?

**HON CHIEF MINISTER:**

.....yes. To continue to refer four or five or six years after the event to the Government's policy to increase prescription charges is the equivalent of my referring to the hon Lady's policy, for example, of something that they were doing nine years ago and implying that it is still their policy and a number of very graphic examples rush to the front of my mind which I am sorely resisting [INTERRUPTION] No need for the hon Members to get so nervous. So, therefore it is not a question of whether the Government are willing to provide the information not inside the House but later outside the House. Government are entirely willing to provide the information to her inside and outside the House provided she asks a question that calls for that information and the question that the hon Lady has on the Order Paper is not a question that calls for that information and the Government are no longer willing

whether inside or outside the House, whether today or tomorrow to provide her as it has done in the past with information which is not called for strictly on a strict interpretation of the question. That is the Government's position the hon Lady can stand up immediately after me and repeat her question again. No one on this side of the House will rise again to answer it for her. If she really wants the information which she knows, and I am confirming to her, the Government are perfectly willing to give her, she must delete from her question the words that spoil it for her which is asking for information for fee increases raised by an alleged policy which the Government do not have as a policy and therefore the answer must necessarily be zero because if the hon Lady asks me for information about revenue raised by a policy which is not my policy how can the answer be anything other than zero. The answer must necessarily be zero.

**MR SPEAKER:**

One more question, one more answer.

**HON MISS M I MONTEGRIFFO:**

It was never zero before and can the Chief Minister confirm to this House whether in fact Government did increase prescription charges and because this is the only supplementary that Mr Speaker is allowing me, can the Chief Minister also confirm whether the very least that he could have done was to have updated the information that was incomplete to Question No 256 of 2003?

**HON CHIEF MINISTER:**

Both of those questions have been answered at least twice each in the last ten minutes. I started my answer to her last supplementary by saying "No" to the last bit. The last bit having been whether at least he could not provide the answer that was not incomplete and secondly of course it is implicit in all of the answers that I have given to the hon Lady that the Government on one occasion increased prescription charges several years ago. So, why must she now stand up to ask me, *"Is the Government at least willing to admit that it increased prescription charges?"* she has had the answer to that question. Of course the Government increased prescription charges in 1990 or whenever it was.

ORAL

**NO. 135 OF 2004**

**THE 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 March, April, May, June, July August, September, October, November, and December 2003?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

Answered together with Question No 136 of 2004.

**NO. 136 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GHA – ELDERLY CARE PATIENTS**

Can Government state during the months of March, April, May, June, July, August, September, October, November and December of 2003, of the beds occupied by elderly persons who have been formally discharged, but refused to leave, how many fell into each of the three categories identified by Government:

- (1) Elderly persons living alone;
- (2) Elderly persons needing support;
- (3) Others able to be looked after?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

The Government remain willing to provide to the Opposition detailed information of this sort which is unprecedented in Gibraltar before 1996. However, given the intense administrative burden of preparing this information within five days, I will forward this information in writing to the hon Member within 10 days.

**SUPPLEMENTARY TO QUESTION NO 136 OF 2004**

**HON MISS M I MONTEGRIFFO:**

I am really flabbergasted. Was it not the Chief Minister's decision to call a meeting of the House and have we not had more time on this occasion for Government or exactly the same time which is five days and on previous occasions again I have been given the information that I have sought. Why on this occasion are Government not willing to provide information which they have provided before given the same number of days that they have been given previously to answer? Can the Minister at least confirm that he has a knowledge that there are the same number of

elderly long stay patients at St Bernard's as there were the last time that I asked this same question?

**HON LT COL E M BRITTO:**

I will forward the information in writing to the hon Lady within 10 days.

**HON MISS M I MONTEGRIFFO:**

Why does the Minister then make public statements to the effect that there are so many patients in the hospital that should not be there, that there are so many numbers of elderly patients blocking beds if he has not got the figures?

**HON LT COL E M BRITTO:**

For the third time, the answer to the question is that the information will be made available within 10 days.

**HON MISS M I MONTEGRIFFO:**

But the Minister has not answered my question and he will not. Is he embarrassed to give the information?

**NO. 137 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GHA- SHORTAGES OF BEDS**

Can Government confirm whether there still continues to be shortages of beds at St Bernard's Hospital?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

The situation varies from time to time, but shortages are always the result of blockage of acute beds by elderly people whose medical condition does not require their hospitalisation. Without this problem there would never be a bed shortage at St Bernard's Hospital.

**SUPPLEMENTARY TO QUESTION NO 137 OF 2004**

**HON MISS M I MONTEGRIFFO:**

Again I find that to be an extraordinary explanation of the sequence of events that have occurred in this House of Assembly regarding the shortages of beds at St Bernard's with this Government, not with the GSLP, with this Government, can the Minister not confirm that the problems of the shortages of beds were created by the Government for the simple reason that we warned them as far back as 1999 that they were making a huge error in doing away with the original Lewis Stagnetto Ward, can the Minister confirm that or is it the Chief Minister that is going to reply for him?

**HON CHIEF MINISTER:**

Neither the Minister nor the Chief Minister can confirm that because it is not true. However, we do recognise the hon Lady's scratched record on this issue, we do recognise that she appears to have nothing to say politically except that and that since we cannot stop her repeating the same line day in day out, then the hon Lady

will repeat the same thing day in day out. Her repetition does not render it any more true now than it was when the hon Lady first uttered it and the answer to the question is that Government do not agree with her.

**HON MISS M I MONTEGRIFFO:**

If the Chief Minister cares to look into the records of Hansard which I do not think he does, will he not accept that I asked a question, Question No 6 of 1999 to the then Hon Keith Azopardi and I said, *“Can the Minister confirm whether the kitchen will in fact be staying in what used to be the old Lewis Stagnetto Ward?”* and his answer was, *“The current plan revolves around that scenario.”* Can the Chief Minister not understand that he is not giving this House the correct information when the Chief Minister says, *“No,”* because the old Lewis Stagnetto Ward was in fact a ward until this Government came into power and then they decided to house the kitchen there. May I say that when the GSLP were just about to enter into an election campaign in 1996 the GSLP had already expended £150,000 in refurbishing the original kitchen and the kitchen was housed in the old Lewis Stagnetto Ward as a decanting measure. How can he now tell this House of Assembly that what I am saying is not correct?

**HON CHIEF MINISTER:**

What the hon Lady is saying is not correct. The hon Lady is saying that the current bed shortage in St Bernard's Hospital is due to the fact that the Lewis Stagnetto Ward was not returned to ward status whilst their refurbishment of the kitchen would have taken place. Those facts that the kitchen has moved are incontrovertible facts. The kitchen has been moved it was in one place and now it is in another which is in Lewis Stagnetto Ward what I do not agree with, which is what I said I did not agree with is the hon Lady's argument that that is the reason why there is a bed shortage at St Bernard's Hospital as opposed to the explanation that the Government offers which is that beds are being blocked by a record number of elderly people blocking beds many more than used to be the case in her time and there are sociological reasons that Government understand and accept and that is why it is doing something about providing residential facilities for the elderly. Government do not accept that the reason for the bed blockage is the kitchen business. No it does not because the hon Lady who says that the bed blocking has been created by the GSD Government and it did not happen when she was the Minister then the hon Lady has got to explain why there were no bed shortages whilst she was refurbishing wards, reducing the number of beds if the reason for the bed shortage now is the fact that the kitchen has not been returned to its original place. Put another way the number of beds that there are in St Bernard's Hospital that are operational is a figure around 164 is actually more or less in fact I think it is one or two more than the number of beds that were available to the hon Lady through most of her term of office because of her ward refurbishment programme. Never mind whether the beds were in one ward or in another ward. Whilst the hon Lady was in office, for most of the time that she was in office the number of beds available to the hon Lady are the number of beds that there are available today and if there was not a problem of bed shortage then but there is a number of bed shortage now it cannot be as a matter of mathematical obvious logic it cannot be by reason of the kitchen. It can only be by reference to some other reason which has expanded in size and it is as everybody in Gibraltar accepts and understands hospital administration, medical staff, everybody except her understands and accepts that the reason is a massively increased number of beds being occupied for want of alternative facilities by people who are not

ill in the acute sense requiring to occupy a hospital bed but simply old and who either cannot look after themselves at home and stay in a hospital as a residential home, which is not what hospitals are for or in some cases whose family just do not want to take them back and refuse to take them back from hospital after they are medically discharged. Everybody knows that that is the reason except the hon Lady and therefore for all the reasons that I have just explained the Government have no matter how many times she may want to repeat the yarn the Government have never accepted or agreed with her distorted and analysis and explanation of the problem, does not agree with her distorted analysis of the problem and will never agree with her distorted analysis of the problem or the reasons for it however many times she may repeat it because it is simply not true. It is obviously calculated to serve the hon Lady's political purposes which I accept she has done to great effect and with great skill but nevertheless to serve the hon Lady's political purpose of seeking to find a reason for this problem which is not the real reason but which smacks more of Government fault than the real reason which is the bed blockage problem by elderly people which is the real problem whether the hon Lady wishes to accept it or not.

**HON MISS M I MONTEGRIFFO:**

I think that the Chief Minister's contribution is 100 per cent politically motivated. He has said so many things. Let me take, for example, the statement that he has made about the number of beds that were available when we were in Government. When the GSLP was using the old Lewis Stagnetto Ward we were using it as a decanting ward and we would have actually put the kitchen back to where it was and we would have had an extra ward in the hospital and we would then have gone back to the 182 beds so what the Chief Minister is saying is nonsense. Secondly, when the Chief Minister tries to blame the elderly I have asked time and time again in this House for the Government to actually give me the numbers of the people in the hospital who are the elderly people that they claim are blocking beds. What answers do I get? I get in March 1999 – 56, in November, December January 2002 – 55, in April, May, June, July, August, September, October 2002 I get 54, 42, 44, 38, and 40 and then in February 2003 I get the figure 42, 44, 40, 46 and 46 so the figure is actually decreasing. Now, only minutes ago I have asked Government for the same information and they have denied me that information.

**HON CHIEF MINISTER:**

The real reason why we find ourselves in a problem which incidentally is about to be resolved through the Government's enlightened policy of building a much larger and new hospital and in parallel with that significantly increasing the capacity of Mount Alvernia but the real reason and I referred earlier to sociological reasons which the Government understands and has to grapple with is that instead of whilst they were in office having the foresight to understand that as more people in Gibraltar were buying homes, as more people in Gibraltar therefore both husband and wife had to work and therefore would be less able to look after their elderly people and that elderly people were living longer and longer because they failed to foresee that, they invested not a single penny in the eight years that they were in office in increasing the capacity the number of beds available in Gibraltar in residential homes and it is a matter of straightforward mathematical calculation.....



**HON MISS M I MONTEGRIFFO:**

Will the Chief Minister give way?

**HON CHIEF MINISTER:**

No I will not give way until I finish making the point. It is a matter of straightforward mathematical calculation.....

**HON MISS M I MONTEGRIFFO:**

It is a shameful reply.....

**HON CHIEF MINISTER:**

Elderly people are living longer therefore the proportion of elderly people in our community is bigger than it used to be therefore if in the eight years that they were in Office they failed to increase the number of beds even if there was no increase in the percentage demand for residential home beds it only requires a 10 year olds mathematical skills to work out that the number of beds in elderly people's residential homes would be outstripped by the demand for residential homes. That is the point because the GSLP failed to invest in this area of social need in which the Government are now investing to increase not only substantially the capacity of Mount Alvernia but with a manifesto commitment at these last elections which they did not have to build or to establish a second elderly people's home over and above Mount Alvernia. Those are the problems or why if the hon Member thinks that the problem of bed shortage is not related or caused by the bed blocking problem by elderly people who are not ill and who simply need residential care why does the hon Lady think that we are spending millions of pounds in increasing the capacity of Mount Alvernia what does she think we will use them for if there is no demand that needs to be transferred, does the hon Lady think that we are doing it for fun? Why does she think that we have taken on board a commitment to build a second elderly care residential home if there is no need for it because beds are not being blocked by elderly people in need of these homes? Both of these things would have to be aberrations on the part of the Government before her denial as to the real reasons of the bed blockage being elderly people blocking beds in hospital before her denial of that could begin to be true and that is the reality of the matter. The idea, even by her own *[INTERRUPTION]* there is no time limit, I know that the hon Lady is anxious for me to finish because she does not like her distortion of the reasons for this problem to be addressed and shot out of the water which is what they deserve to do and this is not Government saying that this is not a problem. This is the Government saying there is a problem but the cause of the problem is not the one that the hon Lady repeatedly asserts or her stubborn refusal to recognise that the real cause of this problem is bed blocking in St Bernard's Hospital is wholly unrealistic compared to the realities on the ground. Even if the hon Lady, she says that the number of beds being blocked is falling and she says that it is falling now to 30, if those 30 people were not there it does not matter whether the figure is 50, 60, 40, 30 or 25 there are only four people waiting in the Accident and Emergency Ward to be hospitalised on the day in question. So, suffice for there to be only four beds being blocked by elderly people for that to be the cause of the problem because even if there were only 20 beds being blocked and she accepts that there are 30 if those 30 *[INTERRUPTION]* if she accepts that the figure 30 that we have given the hon Lady

demonstrates that the figures are falling she is accepting the figure albeit alleging that they are falling but she is accepting the figure.

**HON MISS M I MONTEGRIFFO:**

Point of order. The Hon Minister for Health has not provided me the figures.

**HON CHIEF MINISTER:**

On this occasion. The Minister for Social Services did give these statistics on bed blockage the hon Lady may not have been in the House to hear it yesterday or the day before. The only point that I am trying to make is that even if there are only 15 people in the hospital and it is much more than that, but even if there were only 15 beds occupied by elderly people who are simply old but not ill then there would never be a bed problem in Gibraltar because there have never been more than 15 people queuing up waiting for a bed. Does she not see that that must be so?

**HON MISS M I MONTEGRIFFO:**

I cannot see that that must be so because we are talking about a situation where, when we were in Government we had more elderly patients in St Bernard's than what there are now and if I were to remind this House that the Chief Minister started off in his budget speech of 2001 when we had already identified that there were bed shortages in St Bernard's by saying, "...*there is no acute shortages of beds...*" like they always do. They start by denying that there is a problem, then they blame other people of the problem and then can the Government not recognise that they have been eight years in Government in which to solve the problem and what are they saying now after the eight years? Like the Hon Mr Britto said in his interview that he expected the problem to be solved at the end of the year

**HON LT COL E M BRITTO:**

The problem has been solved now.

**HON MISS M I MONTEGRIFFO:**

The Minister said in his interview two nights ago, I recorded it and I have it here with me, that he would stick his neck out and that the problem would be solved by the end of the year. What does he expect another nine years of inactivity from this Government?

**HON CHIEF MINISTER:**

No. Government do not expect anything the sort but the problem with the hon Lady is that she cannot understand the Government's position in this or indeed anybody's position in this because she does not acknowledge the factual realities. The problem which has evolved over the years and each year has become more and more acute is that there are these elderly people living in the hospital. This is using the hospital like a hostel. That situation can only be solved in one of two ways either one boots

them out and whenever anybody is discharged from the hospital who is not happy to be discharged from the hospital even if the doctors have medically discharged the person the hon Lady has a fit in public, press release after press release, the dreadful Government, the ogre Government forcing this poor elderly person out of hospital even if the doctors have discharged.....what a heartless Government. So, the real reason is beds being blocked. The hon Lady accuses the Government of taking too long to solve the problem. The only quick way of solving the problem is to vacate the beds by making people who are not ill enough to be in them go home but if the Government do that we are being terribly heartless and cruel to the elderly. The other way that the problem can be solved which takes a little bit longer is to build a bigger hospital and one expands. A much bigger hospital with many more beds. ....[INTERRUPTION] another distortion made by the hon Lady and one expands Mount Alvernia by opening the top floor. Not the convent behind where the nurses used to live, the top floor of Mount Alvernia itself that the GSLP were too stingy and too unconcerned with the interests of the elderly to be willing to fund with nurses so they were used as storerooms when with a little bit of money and a little bit of commitment they could have been used for rooms for the elderly. One can go beyond opening up the fourth floor of Mount Alvernia to converting the ex-nun's quarters behind Mount Alvernia into even more rooms for the elderly. But from the year 2001 when we started debating this where the problem was much, much smaller than it is today and not acute so my answer to that question was entirely accurate it is not bad between 2001 and 2004 it is three years and in three years to be about to open a new hospital and to be about to open a refurbished and enlarged Mount Alvernia with an extra four beds in three years I think it is very good going the hon Lady should be congratulating us not criticising us.

**HON MISS M I MONTEGRIFFO:**

Let us put the record straight, we never had the problems of the shortages of beds that this Government have. Secondly, it is a shameful situation where today we have had five families ringing up our offices telling us that Government are coercing and harassing their elderly to leave the hospital. It is a shameful situation and the relatives have given us permission to actually name them. The families have said, *"Name us we are happy that the people of Gibraltar know what this Government are doing to the elderly people."* They have transferred them from John Ward to Lady Begg Ward where they have actually squeezed in beds, cramped them from Lathbury Barracks or perhaps from Mount Alvernia, but they have been told that they have to take the relatives home and one of them especially is a sponsored patient himself he is not even a next of kin. His name is Mr Cotrill and the relative concerned is Mr Louis Pizarrello 83 years old who is ill and is suffering from incontinence and he has been told that he has to take him home and there are other patients and I can give their names to the Chief Minister. This morning this Government have already started what they started saying in the election campaigns. In fact, they threatened the nursing staff, they have threatened the doctors and now it is a scandalous situation they are threatening the families and the relatives of those people that are in hospital that they have to leave is that not a shameful situation?

**HON CHIEF MINISTER:**

What is a shameful situation is that the hon Lady should criticise the Government because there are not enough beds in our hospitals for people that are ill and then describe as shameful the fact the Government invite people that are medically

discharged from leaving a hospital. Hospitals are for people who are ill. They are not for people who are old. For people who are old there are old people's homes. For people that are ill there are hospitals. If the people that are old but not ill occupy the hospital beds when people that are ill but not old go to the hospital there are not enough beds for them hence bed shortages because they are being occupied by people who are old but not ill and the hon Lady by her last intervention has simply confirmed the sheer political dishonesty of on the one hand accusing the Government of bed blocking and refusing to recognise that the problem is elderly people who are old but not ill blocking acute beds whilst at the same time in the same breath acknowledging that there are old people in the hospital who are not ill by reciting the name of one patient at least or five patients who if they had been asked to leave the hospital it is because the doctor has discharged them and therefore by saying that she is admitting what five minutes ago she denied namely that there are people in hospital who have been discharged by their doctors but do not leave and all that she has done far from describing the situation which is of shame to the Government simply exposed herself between one question and the next that in the previous question she was consciously denying something which she knew at the time that she was denying it to be true.

**HON C A BRUZON:**

I do accept the fact that the refurbishment of Mount Alvernia will help enormously. At the moment I believe there are only two floors being used by what date does the Chief Minister reckon we shall have the problem solved by the completion of the work in Mount Alvernia?

**HON CHIEF MINISTER:**

The current target date is April/May but the hon Member should know that such as the sociological developments in this area in terms genuinely of more and more elderly people happily for us all living longer and needing increasing amount of state support. There is much that the Government have been doing. There is, for example, the domiciliary care pilot scheme supporting as many people as possible to continue to stay in their own homes for as long as possible, installing lifts in Government housing estates so that elderly people can stay at home longer for more years without being imprisoned in their homes for inability to climb up and down the stairs, all of that and the expansion of Mount Alvernia in the Government's judgement will not permanently solve the problem. Mount Alvernia will eliminate the problem of the number of beds being blocked in St Bernard's Hospital today but that is not the end of the problem because there are more numbers coming up into the demand zone. That is why the Government believe that to really make a lasting impact on the problem not only do we have to do all of that but there is also now a need for a second home which will almost double beyond the extended Mount Alvernia the number of beds available, double the capacity in the whole of Gibraltar. Then I think we will have made the sort of impact that the hon Member was hoping for in his question.

**NO. 138 OF 2004**

**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> March 2003 to end of December 2003 specifying each month?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

The information requested by the hon Member is contained in the schedule which I now hand to her.

**Answer to Question No 138 of 2004**

| <b><u>2003</u></b> |              |            |             |             |            |             |            |            |            |
|--------------------|--------------|------------|-------------|-------------|------------|-------------|------------|------------|------------|
| <b>March</b>       | <b>April</b> | <b>May</b> | <b>June</b> | <b>July</b> | <b>Aug</b> | <b>Sept</b> | <b>Oct</b> | <b>Nov</b> | <b>Dec</b> |
| 619                | 616          | 508        | 581         | 529         | 541        | 632         | 519        | 651        | 753        |

?? Please note that these figures are house-calls taken at the Primary Care Centre during normal hours. All house-calls received by Doctors after normal working hours have been recorded.

**SUPPLEMENTARY TO QUESTION NO 138 OF 2004**

**HON MISS M I MONTEGRIFFO:**

Can the Minister confirm whether these figures proves that the figures are static, decreasing or increasing?

**HON LT COL E M BRITTO:**

The hon Lady has asked me for the figures from March to December which I have provided. If she wants comparative figures the hon Lady can ask for those and then work out for herself what the comparisons are. I do not have the comparative figures with me.

**HON MISS M I MONTEGRIFFO:**

I do not want the comparative figures I thought the Minister would express an interest in knowing what the totals are for all these months.

**HON LT COL E M BRITTO:**

The figures are shown on a month by month basis. The hon Lady asked whether they were increasing, static, or decreasing and I have said that those are the figures on a monthly basis and if she wants to know whether they are decreasing, increasing or otherwise then the hon lady should ask for figures for other means?

**NO. 139 OF 2004****THE HON MISS M I MONTEGRIFFO****GHA - ELECTIVE OPERATIONS**

Can Government confirm how many routine operations were cancelled at St Bernard's hospital due to the non-availability of beds for March, April, May, June, July, August, September, October, November and December of 2003, giving a breakdown for each month?

**ANSWER****THE HON THE MINISTER FOR HEALTH**

Elective operations cancelled due to non-availability of beds from March to December 2003 are as follows:

|              |          |           |
|--------------|----------|-----------|
| March        | -        | 6         |
| April        | -        | 0         |
| May          | -        | 0         |
| June         | -        | 0         |
| July         | -        | 0         |
| August       | -        | 2         |
| September    | -        | 5         |
| October      | -        | 2         |
| November     | -        | 3         |
| December     | -        | 0         |
| <b>Total</b> | <b>-</b> | <b>18</b> |

## **SUPPLEMENTARY TO QUESTION NO 139 OF 2004**

### **HON MISS M I MONTEGRIFFO:**

Will Government not agree that the statistics show in the report that one of the reasons, 20 per cent, of operations have been cancelled because beds are not available?

### **HON CHIEF MINISTER:**

I do not have percentages at hand it still has to be calculated what the figures show is that in this hospital which the hon Lady says that is so chaotic and dreadful and so much inflicted by acute bed shortage, in 10 months 18 operations have had to be cancelled as a result of the non-availability of beds. If we were to take part in the contest that happens in England on this front, I think we would have come top of the league every year with a record as good as this one.

### **HON F R PICARDO:**

I am very concerned that this question raises the same issue that was raised in relation to Question No 137 of 2004 which is a very serious issue and think that on both sides of the House there is unanimity in the view that if there is one bed that is not available for somebody who needs it we should all be very concerned about it and we might disagree about the way that we resolve the problem but I do not think that we go anywhere near the problem by accusing each other of being obtuse or of not having the ability of a 10 year old child to count. I do not think that that advances the debate one jot. I will unfortunately have to adopt exactly the same attitude with the Minister for Health because it appears to me that even on their own figures their arguments do not work. As I understand it the number of beds available in St Bernard's is 177. the number that would have been available if the Lewis Stagnetto Ward had not remained permanently as kitchen would have been 192. The Chief Minister has told us that on the worst day the biggest call for beds is 15 doing the simple mathematics of a 10 year old boy....the Chief Minister said that the greatest pressure for beds was 15. Mr Speaker, 167 plus 15 is 183 therefore without being obtuse it is very clear that if the programme of refurbishment had been seen to a conclusion by the GSD administration 192 beds would have been available instead of 167 and therefore the four people who needed beds today would have had them and there would have been beds to spare and that gives the lie to all the arguments put by the Chief Minister and I use the word lie because the Chief Minister has not hesitated to call the Opposition dishonest and accuse us of lying.

### **HON LT COL E M BRITTO:**

The hon Member, new as he is, should learn to get all his facts and get these right before starting to pontificate.

### **HON F R PICARDO:**

As should the Minister.



**HON LT COL E M BRITTO:**

I have not given the hon Member any facts yet and any that I have given have been correct. The figures that have been given by the hon Member are wrong. When the GSLP came into government in 1988 there were 192 beds in the hospital. Whenever she exposes this argument the hon Lady very conveniently forgets that they lost 12 beds due to the refurbishment that the GSLP carried out. A total of 12 beds were lost in the redesign of the wards and this is not me saying it it is the hospital records. *[INTERRUPTION]* the hon Lady lost beds when she redesigned the wards and put in partitions with an end result of a loss of 12 beds. The hon Lady may not be aware but that is what the records show and added to that, maybe she should make notes, instead of shaking her head so as not to make erroneous mistakes as she made on television recently when she said, *"When I was in power I had 192 beds,"* she did not have 192 beds she inherited 192 beds when she started, she lost 12 through the refurbishment which was a perfectly good thing because it improved the wards but she lost a further 17 when Private Ward was closed down as part of the refurbishment and was not used. The net result was that when the hon Lady left the figure had been reduced to about 163 to 165 I have been unable to get the exact figure but let us leave it at around 165, when the GSD started, and if one takes into account and this is where it starts to get difficult to show on my feet, in Lewis Stagnetto Ward there were 13 beds and in the Private Corridor there were 17, the GSD Government put people who were in Lewis Stagnetto Ward into Private Corridor so we increased by four because there were 13 when in Lewis Stagnetto and we put them in Private Corridor which was 17 so we increased by four. If we had as the hon Lady is so fond of saying not put the kitchen into Lewis Stagnetto we would have recouped another 13 beds. Today we have put in another eight beds into the hospital so between the eight that have been put in today and the four we gained in between Lewis Stagnetto and Private Corridor it is an increase of 12 so today as I speak on my feet there are the same number of beds in the hospital minus one as if there would have been if we had not put the kitchen into Lewis Stagnetto Ward. So, all her arguments that there are fewer beds are wrong that today there are as many beds as if we had not put the kitchen in and when the hon Members make claims that the new hospital only has an extra 10 beds again they are wrong.

**HON S E LINARES:**

Rubbish.

**HON LT COL E M BRITTO:**

I beg your pardon?

**HON S E LINARES:**

The refurbished office block.

**HON LT COL E M BRITTO:**

The hon Members can make all the stupid comments they like. They have not seen the new hospital. When they see it they will eat their words. A new hospital has been built at a considerable cost. The outer shell of the building may be the same

when they go in and see what there is in there they will come into this House and if they have any degree of sense or any degree of shame they will apologise for the stupidity of the comments that they make and have made during their election campaign[*INTERRUPTION*] This is Question Time Mr Speaker and the hon Member should sit down and keep quiet and learn to obey the Standing Orders.

**HON MISS M I MONTEGRIFFO:**

For the record, when GSLP came into Government we started to refurbish wards and we used Private Corridor for decanting purposes even with the number of beds that we had for the eight years which is about the same that the hon Member says they have now we never ever had shortages of beds. Never, ever, ever had them but what I am saying is that what I did was tell the Minister at the time that if he would have taken heed of our warnings and he did in fact accept that Lewis Stagnetto Ward patients should remain in Private Corridor if he would not have actually put the kitchen in the old Lewis Stagnetto Ward he would have had more beds. That is all that I am saying but Government must understand that with the same number of beds, with the same number of elderly patients, never, ever, in the eight years of a GSLP Government did we have the problems that they have now today.

**HON CHIEF MINISTER:**

We understand that and we have acknowledged that the problem is getting worse not because this Government are any less competent than the hon Lady's but because the sociological problem has got worse over the years and perhaps some light is finally being shed on the debate because the hon Lady appears now to be accepting the mathematics and saying, *"Well, whatever the mathematics what I am saying to the Chief Minister is that in our time we did not have the bed shortages that they have got now."* Correct. The question is not whether the bed shortage now is not bigger than it was before, of course the bed shortage problem is bigger than it was before what is in dispute between us the reason why that is so and if I could just say something to the hon Member sitting next to her and ignoring all his slanderous breaches of parliamentary tradition and rules and discipline and his apparent inability to remember that this is not a barrack room and that he is not supposed to be a barrack room lawyer, ignoring all of that when he says that if there were now 196 beds which is what he said there would now be enough available space he is failing to understand one fact, because the problem genuinely is the one that we are saying it is. If there were 196 beds they would have been filled up by elderly people because the demand exists for accommodation for elderly people and whether one had 167 beds or 196 beds we would still have the same problem today because those extra 30 odd beds would simply have been filled by an extra 30 people needing accommodation. That is what the hon Member does not understand. The problem is as we have been describing and until the source of the problem is tackled which is the fact that this community desperately needs more accommodation for elderly people who either can no longer look after themselves at home or whose families cannot look after them both of which categories are increasing in amounts and in numbers, until that core problem cause is addressed it does not matter how many beds one puts in the hospital there will still be full occupancy and therefore there will still be shortages. In one, two three or five days of the year such as happened the other day when there were four people in Casualty, by the way undesirable as that is and deeply regrettable as that is. In England it happens every day of the year in almost every hospital one cares to mention. All I am trying to say is that these problems have to be kept into perspective. The fact that things happen occasionally

in my opinion much more regrettable though the hon Members have not mentioned it today, as far as I am concerned that four people had to wait overnight in the Accident and Emergency Ward waiting for a bed is the need to have to mix the wards with sexes. The Opposition have not mentioned that today and it is symptomatic of the same problem.

**MR SPEAKER:**

No more questions.

**HON MISS M I MONTEGRIFFO:**

One more please.

**MR SPEAKER:**

No that was the end.

**MR SPEAKER:**

In the last House I gave a ruling that was that there would only be two supplementaries to each question plus one from the Leader of the party and I suspended it later. I am now breaking the suspension, the rule now applies and I do not want to make another rule about cutting short the replies. Two supplementaries plus one from the leader.

**HON DR J J GARCIA:**

With respect, can I ask why Mr Speaker has chosen to introduce the ruling?

**MR SPEAKER:**

Has the hon Member not been here all the time?

**HON DR J J GARCIA:**

I have and the problem has not been the number of supplementaries but the length of the answers.

**MR SPEAKER:**

Question and Answers are not debates. Question and Answers is information not debates.

**HON DR J J GARCIA:**

With respect Mr Speaker the problem has been the length of the answers not the number of supplementaries that we have been asking.

**MR SPEAKER:**

If there is a problem with that I will also cut the length of the answer if necessary. Carry on.

**NO. 140 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GHA – LAMBETH PRIMARY CARE TRUST**

Can the Minister for Health now confirm what in answer to Question No 225 of 2003, his predecessor said that Lambeth Primary Care Trust, together with the GHA, are looking at simplifying the payments for our sponsored patient treatments in the UK, which will result in a sum of money rather than the number of people?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

This matter is currently the subject of discussion with the UK Department of Health.

**SUPPLEMENTARY TO QUESTION NO 140 OF 2004**

**HON MISS M I MONTEGRIFFO:**

In the meeting of the House of Assembly of March 2003, his predecessor said that they were quite excited at the prospect of moving from quota patients 120 to 150 even though originally his predecessor the Hon Keith Azopardi had said that they were hoping to get to the figure of 200. The hon Member said, “*..the next year we will probably go above 150 which again is good news for exchequer the idea too is also that they would have to get the relevant information and put it together in some sort of calculation but then the end result will be a sum of money rather than the number of people per quota.*” Does that mean that the sum of money will do away with the quota system?

**HON LT COL E M BRITTO:**

Yes, implicit in the question is that there will be a sum of money and there will not be a figure or quota in digital terms.

**HON MISS M I MONTEGRIFFO:**

So, now there is no question of actually being happy or having exultations about the number of patients that are going over as regards the quota patients which means that if, for example, there were 500 quota patients last year and 1,000 the following year the figure will be the same is that correct?

**HON LT COL E M BRITTO:**

Instead of getting excited about the figure of patients jumping from 10 to 12 we are going to get excited about the figure of pounds jumping from 10 to 12.

**MR SPEAKER:**

Now from the Leader. The Leader is entitled to ask a question.

**HON MISS M I MONTEGRIFFO:**

But the Leader is not here.

**MR SPEAKER:**

Whoever is the Leader.

**HON F R PICARDO:**

The Leader of the Opposition is Joe Bossano, he remains in Gibraltar, he is not present in the Chamber.

**MR SPEAKER:**

No. The hon Members do not want to ask another supplementary?

**HON F R PICARDO:**

The Leader is not here.

**MR SPEAKER:**

Well....

**HON DR J J GARCIA:**

With respect, the problem is that we feel that this ruling is curtailing our role as an Opposition to conduct our job and hold the Government to account on behalf of the people.

**MR SPEAKER:**

Yes, you have an opportunity to ask another question.

**HON F R PICARDO:**

I would have thought that the person to continue making the question is the Member in Opposition responsible for this area of public policy which happens to be the Hon Miss Marie Montegriffo.

**MR SPEAKER:**

The hon Lady has had two questions.

**HON F R PICARDO:**

Yes but she should be entitled to continue asking questions.

**MR SPEAKER:**

I will not argue if the hon Members do not want to ask another supplementary we go to the next question.

**HON DR J J GARCIA:**

Can we request a recess?

**MR SPEAKER:**

The hon Members can but I am not giving it.

**NO. 141 OF 2004**

**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 1<sup>st</sup> March 2003 to end of December 2003?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

All patients are given the choice to be treated either in Spain or in the UK at the time of referral whenever this is considered appropriate by the referring consultant. A total of 217 patients have elected to go to Spain during the period of 1<sup>st</sup> March to the end of December 2003.

**SUPPLEMENTARY TO QUESTION NO 141 OF 2003**

**HON MISS M I MONTEGRIFFO:**

When we are talking about treatment in Spain are we also talking about consultants in Gibraltar referring patients to Spain for surgical interventions?

**HON LT COL E M BRITTO:**

We are talking about all referrals.

**HON MISS M I MONTEGRIFFO:**

Can the Minister confirm that the allowance afforded to these patients is calculated on the same basis that it is for those patients that are sent to the UK?



**HON LT COL E M BRITTO:**

Yes the subsistence is calculated on the same basis and principles, the travel allowance obviously is different.

**HON S E LINARES**

Is the travelling allowance the same as if they went to Cadiz or to Seville?

**HON LT COL E M BRITTO:**

Yes. The travel allowance is based on petrol and mileage so the destination does not matter it is based on the cost of petrol and the distance travelled. The subsistence like when travelling to UK is based on stay and number of nights. In order to be helpful I suggest that the hon Lady writes to me and I will send her a copy of the sponsored patients conditions and she will see all the information for herself.

**HON MISS M I MONTEGRIFFO:**

I will, except that I have already written to him about four or five weeks ago and I still have not received replies to any of the letters that I have written to him. I hope I get an answer quickly to all of them and to the one that I will intend to write to the Minister.

**NO. 142 OF 2004**

**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 March, April, May, June, July, August, September, October, November and December of 2003?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

The cost to the Gibraltar Health Authority in respect of patients sent to the Malaga Clinic for scans for the period in question was £1,613.50

**SUPPLEMENTARY TO QUESTION NO 142 OF 2004**

**HON MISS M I MONTEGRIFFO:**

Can the Minister confirm that once the CT Scans are operational in the Europort Building whether the patients to Malaga and to Algeciras will no longer be required to be sponsored there?

**HON LT COL E M BRITTO:**

No, the Minister cannot confirm that because most of the patients that go to Malaga go for MRI Scans and these will continue to be necessary.

**HON MISS M I MONTEGRIFFO:**

I was referring to the Algeciras Clinic as well.

**HON LT COL E M BRITTO:**

As the hon Lady knows there are different types of scans. Those that go to Malaga are normally CT Scans which is what is going to be done in Gibraltar. It is not possible to give a generic categoric answer to the hon Lady's question, what is true is that by far the majority of patients who need scans will be treated in Gibraltar.

**HON MISS M I MONTEGRIFFO:**

Coming to the conclusion that this is the first time that I have been here in this House for 20 years that there is a Minister answering questions having the Chief Executive or the Head of the Department behind him.

ORAL

**NO. 143 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GHA – PATIENT REFERRALS**

Can Government state since the 1<sup>st</sup> March 2003 to the end of December 2003, what was the total number of patient referrals to the UK?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

Answered together with Question Nos 144 to 145 and 147 of 2004.

ORAL

**NO. 144 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GHA – QUOTA PATIENTS TREATED IN UK**

Can Government now state what were the costs of the 26 quota patients treated in the UK for the period 1 February to end of March 2002 with the costs being met by the UK Government?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

Answered together with Question Nos 143, 145, and 146 and 147.

**NO. 145 OF 2004**

**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 HEALTH**

Answered together with Question No 143, 144, 146 and 147 of 2004.

**NO. 146 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GHA – SPONSORED PATIENTS**

Can Government state what was the total number of sponsored patients treated in the UK with the costs being met by the UK and what were these costs for the year 2002, together with the comparable figures for the previous year?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

Answered together with Question Nos 143 to 145 and 147.

**NO. 147 OF 2004**

**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> March 2003 to the end of December 2003, with the fees being met by the Gibraltar Health Authority and the cost of such fees?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

In reference to this question which is purely statistical I would like to put on record that I have offered the hon Lady before this House took place, about two weeks ago and before the meeting of the House was announced, the possibility of requesting this information in writing to be provided on a regular basis and I have offered not this one in particular but all statistical information to be asked of the Minister in writing and I have undertaken if it is asked to provide it at appropriate intervals monthly, quarterly, or six monthly. I say this because the hon Lady has the habit of inserting political points in her question.

**MR SPEAKER:**

Yes quite right. What is wrong with that?

**HON LT COL E M BRITTO:**

If Mr Speaker feels that the rule that says that one is not allowed to make political points is right then fine.

**MR SPEAKER:**

What rule?



**HON LT COL E M BRITTO:**

Is there not a rule that says that one cannot make political points and cannot make statements in the preamble to a question?

**MR SPEAKER:**

No, you are inventing it.

**HON LT COL E M BRITTO:**

I must read the Standing Orders again. Okay. I make the point that that offer has been made and that it is there to be taken or not taken. I in turn was available about four weeks ago and I am also waiting for the hon Lady to give me a reply. The statistical information requested is contained in the schedule which I hand over to the hon Member.

**Answer to Question No 147 of 2004**

143. The total number of patient referrals to the UK for the period 1<sup>st</sup> March 2003 to the end of December, 2003 was 946.
144. The UK Department of Health has submitted provisional global figures for the year but we do not as yet have individualised details of costs.
145. The UK Department of Health has provided figures for the full year and this is set out in answer to Question No 146 of 2004.
146. The total number of quota patients and latest available related costs made available by the UK Department of Health for the years in question are as follows:

|           |     |          |
|-----------|-----|----------|
| 2001/2002 | 119 | £408,000 |
| 2002/2003 | 150 | £330,000 |

Please note that the amounts quoted are provisional and have been rounded by the DoH to the nearest thousand.

147. The number of sponsored patients treated in the UK from 1<sup>st</sup> March 2003 to the end of December 2003, with fees being met by the Gibraltar Health Authority was 456. the provisional figure of fees recorded to date is £975,000.

## SUPPLEMENTARY TO QUESTION NO 147 OF 2004

**HON MISS M I MONTEGRIFFO:**

The figure in answer to Question No 143 of 2004, the total number of patient referrals to the UK for the months of March to December, is it 946 because if so the number has increased dramatically?

**HON LT COL E M BRITTO:**

Yes, Question No 143 of 2004 asks for patient referrals not to patients and as the hon Lady should know patient referrals are the total number of visits made by patients and therefore not the number of patients.

**HON MISS M I MONTEGRIFFO:**

I understand that the number of patients is different to the number referrals and every time that I put a question in the House I do it because I am going by the notorious formula that we are all in agreement of because this formula takes years for us and I suppose the Government to be able to identify what are the costs involved and I would take this opportunity to tell the Minister whether Government are in fact looking at the possibility of changing this formula. The previous Minister for Health has called it the notorious formula and a formula that takes so long for everybody involved to be able to identify what the actual figures are?

**HON LT COL E M BRITTO:**

The formula is very easy as long as one knows the values of A, B, C, D, E and F. All one does is multiply A by B add C subtract D and E and divide by F, simple.

**HON MISS M I MONTEGRIFFO:**

It is not a question for the Minister to say that A and F and D and everything else is simple. What I have said is that his predecessor has called it the notorious formula because it takes years for everyone concerned in order to be able to identify the actual figures involved.

**HON MISS M I MONTEGRIFFO:**

Does the Minister not realise that when we had this meeting that he has actually made reference to now, would he not accept that there is an attempt from the Chief Minister with the Leader of the Opposition to talk about the procedures of the House and that is the answer that I gave him and if I prefer to ask him questions in this House about a formula am I not entitled to?

**HON LT COL E M BRITTO:**

I am not sure I understand what the question is. If it is whether she is entitled to ask questions about the formula then the answer is yes.

**NO. 148 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GHA – GIBRALTAR HEALTH CARE DEVELOPMENT TEAM**

Subsequent to the published report of the Gibraltar Health Care Development Team, has the Government received any recommendations on action to be taken, and if so, what are the recommendations and in respect of what areas?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

Answered together with Question Nos 149 to 175 of 2004.

ORAL

**NO. 149 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GHA – GIBRALTAR HEALTH CARE DEVELOPMENT TEAM**

Do Government agree with the comments made in the First Phase of the report of September 2003, by the Gibraltar Health Care Development Team that preferential treatment is being given to Private Patients?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

Answered together with Question Nos 148 and 150 to 175 of 2004.

ORAL

**NO. 150 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GHA – GIBRALTAR HEALTH CARE DEVELOPMENT TEAM**

Do Government agree with the comments made in the first phase of the report of September 2003, by the Gibraltar Health Care Development Team that the current Private Practice Agreement is a failure?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

Answered together with Question Nos 148, 149 and 151 to 175 of 2004.

**NO. 151 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GHA – GIBRALTAR HEALTH CARE DEVELOPMENT TEAM**

Do Government agree with the comments made in the First Phase of the report of September 2003, by the Gibraltar Health Care Development Team that the GHA and Consultants pay little regard to Private Practice Arrangements?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

Answered together with Question Nos 148 to 150 and 152 to 175 of 2004.

**NO. 152 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GHA – GIBRALTAR HEALTH CARE DEVELOPMENT TEAM**

Do Government agree with the comments made in the first phase of the report of September 2003, by the Gibraltar Health Care Development Team, that the staff consider there has been a lack of consultation and involvement in the design and development of the working environment of the new hospital?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

Answered together with Question Nos 148 to 151 and 153 to 175 of 2004.

ORAL

**NO. 153 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GHA – GIBRALTAR HEALTH CARE DEVELOPMENT TEAM**

Do Government agree with the comments made in the first phase of the report of September 2003, by the Gibraltar Health Care Development Team that community services are under resourced and therefore are not well provided for?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

Answered together with Question Nos 148 to 152 and 154 to 175 of 2004.



**NO. 154 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GHA – GIBRALTAR HEALTH CARE DEVELOPMENT TEAM**

Do Government agree with the conclusion made in the first phase of the report of September 2003, by the Gibraltar Health Care Development Team that since the year 2000, admissions to St Bernard's Hospital have declined by almost 10%?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

Answered together with Question Nos 148 to 153 and 155 to 175 of 2004.

ORAL

**NO. 155 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GHA – GIBRALTAR DEVELOPMENT TEAM**

Do Government agree with the comments made in the first phase of the report by the Gibraltar Health Care Development Team of September 2003, that Gibraltarians are unhappy about the Primary Care Centre appointments system?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

Answered together with Question Nos 148 to 154 and 156 to 175 of 2004.

**NO. 156 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GHA – GIBRALTAR HEALTH CARE DEVELOPMENT**

Do Government agree with the comments made in the first phase of the report by the Gibraltar Health Care Development Team of September 2003, that the staff expressed dissatisfaction with a number of important aspects of their current jobs and working conditions?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

Answered together with Question Nos 148 to 155 and 157 to 175 of 2004.

ORAL

**NO. 157 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GHA – GIBRALTAR HEALTH CARE DEVELOPMENT TEAM**

Do the Government agree with the comments made in the first phase of the report of September 2003, by the Gibraltar Health Care Development Team that the staff are dissatisfied with their training and development?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

Answered together with Question Nos 148 to 156 and 158 to 175 of 2004.

**NO. 158 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GHA – GIBRALTAR HEALTH CARE DEVELOPMENT TEAM**

Do Government agree with the conclusion made in the first phase of the report of September 2003, by the Gibraltar Health Care Development Team that the growth in the costs of Pharmaceuticals, have resumed at an even faster rate of increase, 18 per cent per year, in the last three years, as compared to 13 per cent from 1990 until 1998?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

Answered together with Question Nos 148 to 157 and 159 to 175 of 2004.

ORAL

**NO. 159 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GHA – GIBRALTAR HEALTH CARE DEVELOPMENT TEAM**

Do Government now agree with the comments made in the first phase of the report of September 2003, by the Gibraltar Health Care Development Team that the Complaints Procedure is ineffective from everybody's point of view?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

Answered together with Question Nos 148 to 158 and 160 to 175 of 2004.

**NO. 160 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GHA – GIBRALTAR HEALTH CARE DEVELOPMENT TEAM**

Do Government now agree with the comments made in the first phase of the report of September 2003, by the Gibraltar Health Care Development Team that there is nearly an hour's wait for patients to be seen at the Accident and Emergency Department?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

Answered together with Question Nos 148 to 159 and 161 to 175 of 2004.

**NO. 161 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GHA – GIBRALTAR HEALTH CARE DEVELOPMENT TEAM**

Do Government agree with the conclusion made in the first phase of the report of September 2003, by the Gibraltar Health Care Development Team that one in ten elective operations are cancelled, that over 60 per cent of these are hospital initiated, and that out of this figure 20 per cent is due to the fact that there are no beds available?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

Answered together with Question Nos 148 to 160 and 162 to 175 of 2004.



ORAL

**NO. 162 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GHA – GIBRALTAR HEALTH CARE DEVELOPMENT TEAM**

Do Government agree with the comments made in the first phase of the report of September 2003, by the Gibraltar Health Care Development Team that there is no training needs analysis for staff?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

Answered together with Question Nos 148 to 161 and 163 to 175 of 2004.

**NO. 163 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GHA – GIBRALTAR HEALTH CARE DEVELOPMENT TEAM**

Do Government agree with the comments made in the first phase of the report of September 2003, by the Gibraltar Health Care Development Team that there is no training for staff when new equipment is introduced?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

Answered together with Question Nos 148 to 162 and 164 to 175 of 2004.

ORAL

**NO. 164 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GHA – GIBRALTAR HEALTH CARE DEVELOPMENT TEAM**

Do Government agree with the comments made in the first phase of the report of September 2003, by the Gibraltar Health Care Development Team that there is little communication between Primary and Secondary Care Services?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

Answered together with question Nos 148 to 163 and 165 to 175 of 2004.

ORAL

**NO. 165 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GHA – GIBRALTAR HEALTH CARE DEVELOPMENT TEAM**

Do Government agree with the comments made in the first phase of the report of September 2003, by the Gibraltar Health Care Development Team that there is lack of communication between Doctors and other Health Professionals?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

Answered together with Question Nos 148 to 164 and 166 to 175 of 2004.

**NO. 166 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GHA – GIBRALTAR HEALTH CARE DEVELOPMENT TEAM**

Do Government agree with the comments made in the first phase of the report of September 2003, by the Gibraltar Health Care Development Team that in some specialities additions to the waiting lists exceed admission rates, thus these waiting lists are increasing?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

Answered together with Question Nos 148 to 165 and 167 to 175 of 2004.

**NO. 167 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GHA – GIBRALTAR HEALTH CARE DEVELOPMENT TEAM**

Do Government agree with the comments made in the first phase of the report of September 2003, by the Gibraltar Health Care Development Team that waiting times for admission range from 12 weeks to 80 weeks in those specialities where it is possible to check?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

Answered together with Question Nos 148 to 166 and 168 to 175 of 2004.

**NO. 168 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GHA – GIBRALTAR HEALTH CARE DEVELOPMENT TEAM**

Do Government agree with the conclusion made in the first phase of the report of September 2003, by the Gibraltar Health Care Development Team that there has been an increase in per capita cost with regard to Sponsored Patients from £3,125 to £5,795?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

Answered together with Question Nos 148 to 167 and 169 to 175 of 2004.

ORAL

**NO. 169 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GHA – GIBRALTAR HEALTH CARE DEVELOPMENT TEAM**

Do Government agree with the comments made in the first phase of the report of September 2003, by the Gibraltar Health Care Development Team that waiting times are excessive for almost all services?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

Answered together with Question Nos 148 to 168 and 170 to 175 of 2004.



**NO. 170 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GHA – GIBRALTAR HEALTH CARE DEVELOPMENT TEAM**

Do Government agree with the comments made in the first phase of the report of September 2003, by the Gibraltar Health Care Development Team that the wait for routine tests in the X-ray Department from 2002, is excessive, running from three to six weeks depending on the type of test?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

Answered together with Question Nos 148 to 169 and 171 to 175 of 2004.

**NO. 171 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GHA – GIBRALTAR HEALTH CARE DEVELOPMENT TEAM**

Do Government agree with the comments made in the first phase of the report of September 2003, by the Gibraltar Health Care Development Team that the Dental Service is understaffed for the demand and both the waiting lists and waiting times for this service are excessive?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

Answered together with Question Nos 148 to 170 and 172 to 175 of 2004.

ORAL

**NO. 172 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GHA – GIBRALTAR HEALTH CARE DEVELOPMENT TEAM**

Do Government agree with the comments made in the first phase of the report of September 2003, by the Gibraltar Health Care Development Team that demand is increasing for most Laboratory Services?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

Answered together with Question Nos 148 to 171 and 173 to 175 of 2004.

ORAL

**NO. 173 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GHA – GIBRALTAR HEALTH CARE DEVELOPMENT TEAM**

Do Government agree with the comments made in the first phase of the report of September 2003, by the Gibraltar Health Care Development Team that Hospital Consultants are perceived as unwilling to refer for second opinions?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

Answered together with Question Nos 148 to 172 and 174 to 175 of 2004.

ORAL

**NO. 174 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GHA – GIBRALTAR HEALTH CARE DEVELOPMENT TEAM**

Do Government agree with the comments made in the first phase of the report of September 2003, by the Gibraltar Health Care Development Team that GP's are unable to refer directly to specialists outside Gibraltar and does the Government consider that they should?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

Answered together with Question Nos 148 to 173 and 175 of 2004.

**NO. 175 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GHA – GIBRALTAR HEALTH CARE DEVELOPMENT TEAM**

Do Government agree with the comments made in the first phase of the report of September 2003, by the Gibraltar Health Care Development Team that there will be an increase in demand for Health Services for the Elderly?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

During last year, the Gibraltar Government commissioned the UK Clinical Governance Support Team to undertake an extensive assessment of healthcare services. The work has been divided into two phases. Phase I the diagnostic stage, was a process of investigation, assessment and identification of deficiencies. This phase was completed and the Diagnostic Phase Report was received by the Government last September and its contents published extensively.

This very much needed external assessment of our Health Service is not based on, or concerned with “*blame*”. It is an objective assessment of Gibraltar’s Health Service, how we should and could improve and develop it on a very broad range of fronts. Indeed, the vast majority of Management, Staff and the general public have welcomed it and have enthusiastically co-operated with it.

Indeed, the Review Team themselves say this in their report. *“This has been a comprehensive review and are thought to cover all aspects of healthcare in Gibraltar. The work acknowledges that improvements have and are still being made and also does not seek to “blame” - but to focus on finding ways to improve.”*

In September last year, the Government agreed to embark on the second phase of the work programme, the detailed recommendations and implementation stage, and asked the Healthcare Development Team to undertake a wide range of work to develop recommendations for improving the Health Service. Since then, work has been on-going in many areas and large numbers of staff are involved in developing the work streams that will produce the final recommendations.

The Clinical Governance Board Team will submit to Government such recommendations individually or in batches as and when they are ready.

Government will consider each of these recommendations reports when submitted and, if accepted, will ensure that the Gibraltar Health Authority implements them. In this way, recommendations will be made, accepted and implemented progressively and continuously over a period of months. The process of consultation with Management and Staff will continue throughout and will form an integral part of the decision-making process in respect of the design and implementation of any changes made necessary by these recommendations.

Government's intense programme for the radical improvement and modernisation of the Health Service will become apparent as and when remedial actions are taken by Government. However, I am entirely confident that, for all that needs to be done, the Consultants have found our Health Service in much better shape than they would have done between 1988 to 1996 when the Hon Miss Montegriffo was responsible for it but she did not have the courage to have it medically and professionally audited.

In the context of the process that I have outlined above, the Government considers that it would be inappropriate at this stage to enter into a detailed public discussion and analysis of the contents of the First Phase Report.

#### **SUPPLEMENTARY TO QUESTION NOS 148 TO 175**

**HON MISS M I MONTEGRIFFO:**

How can the Minister say that he is not prepared to enter into a debate when I have asked him all these questions on a report that has been made public and paid for by the Government? How can he have the cheek, the audacity to say that the problems that are now here today are far less than when I was in Government? That is absolute nonsense that is not correct but if Mr Speaker has given a ruling that I am only allowed to ask two questions.....

**MR SPEAKER:**

You have 78.

**HON MISS M I MONTEGRIFFO:**

Can the Minister say what are the recommendations if any that have been implemented since the report was made public?

**HON CHIEF MINISTER:**

As we embark on our 78 supplementary questions which we much look forward to hearing and answering I think that it is important to bear two things in mind. First of all to understand the nature of the answer that the hon Lady has had which is that the report is divided into two stages diagnostic, which does not include any action recommendations and then implementation recommendations which the Government do not yet have and which as the government receives them will consider them, if accept implement and if it does not accept not implement and therefore those of the diagnostic alleged defects that the Government accepts from the phase I report will

become apparent by whether or not the Government takes remedial action to implement them. That is what the answer says as opposed to now debating the relative merits or demerits of each individual recommendation when the Government's position as to whether they are a recommendation that will be acted upon depends on implementation remedies which the Government have not yet received and therefore cannot decide whether given what it takes to fix it the Government accepts or does not accept the recommendation. It is not a question of unwillingness to debate it is a question of a fact that a debate is entirely premature because there is not yet before the Government any recommendation as to what to do and therefore the Government cannot decide. I just wanted to make sure that the hon Lady had understood the nature of the answer. Secondly, although it in no way affects the hon Lady's rights to ask questions in this House I am glad that the hon Lady has managed to find 28 things of interest to her in a report the very existence of which she disapproves of because she has publicly chastised the Government for wasting money in bringing the Consultants to Gibraltar in the first place to conduct this report at all because she believes that the solution to Gibraltar's problem in health does not require experts, does not require reports, it just requires a competent GSP Health Minister. Nevertheless, notwithstanding all of those things she has found 28 things of sufficient interest to her in the report is something which I warmly welcome and in 15 seconds finally although it is not for me to rule on Standing Orders it is for us all in this House to be aware of Standing Orders and there is a Standing Order 6 (17) (VII) which says, "*..a question shall not ask for an expression of opinion and in asking the Government whether it agrees with this or agrees with that...*," which is how all 28 questions start, the hon Lady is asking the Government to express an opinion on each of those items. The Question is on the Order Paper because it is the Speaker that must make a ruling as to the admissibility of the Questions and as they are on the Order Paper the Hon Mr Speaker at least by implication rendered it admissible and that is fine as far as the Government are concerned but this is not a refusal to debate. This to the extent that it asks for the expression of 28 opinions on 28 different issues is not what Question Time is for. What the hon Lady should do and now I sit is to move a motion on the Question of the Healthcare Report and then we shall see if we can debate it.

#### **HON J J BOSSANO:**

I do not know whether the Standing Orders apply just to the Opposition because it seems that they are all about the constraints of the Opposition without any comparative constraints on the answering party. We have had a lengthy speech which had nothing to do with the supplementary totally irrelevant giving us unsolicited opinions on everything under the sun but it seems we cannot seek opinions but we can receive them. All I have to say to the Chief Minister is, is he telling us that if somebody says in a report, we have looked at the Health Service and we think the building is about to collapse and we say do Government agree with the finding that the building is about to collapse? We cannot ask that because that is an opinion. If I say to the Chief Minister if he thinks that the Input/Output Study is going to be useful that is an opinion so we cannot ask that. By the time the Chief Minister has told us what we can ask and Mr Speaker has told us what we can put in supplementaries we might as well close this place down and go home.

Can the Chief Minister explain to us why it is that they are not able to decide whether they agree with the judgement expressed in the diagnostic phase over a particular issue until the possible correction of that defect has been identified and then decided whether they will apply the cure or they will not apply the cure given that we are talking about medical services I would have thought that if somebody says that



someone is suffering from a certain illness it is perfectly legitimate to ask the Government if they agree that this is the illness affecting the Health Service and the answer we have had is, first of all, we are not entitled to ask whether they agree that that is an illness affecting the Health Service because that is requiring to us to express an opinion and we are not entitled to express an opinion and secondly even if they could express a view on whether they agree with that assessment their position is that until they know what the cure for the illness is and they have decided as a matter of Government policy whether they are going to apply they cannot tell us whether they agree that the illness exists. If the Minister for Medical Services has that approach to diagnosis and cures then I do not think it augurs well for his input into the improvement that the Health Service requires. If they do not want to express a view on whether they agree with the 27 things that have been identified by the Health Care team that they have put, fine, the fact that we have come here to ask them whether they agree does not mean that we support the appointment of the team, the spending of the money, or the alleged things that have been identified but since it is the Government that has taken the policy to go down this route, the Government that have asked the House to vote the money, this is the first fruits of that policy, we are entitled I think to ask the Government what their view is of the results to-date and I would have thought that it was perfectly legitimate for Government to say, “.....we think that there are merits in some of those things that have been identified but we do not agree with others,” because from my reading of the report it seems to me that many if not most of the things there are simply the team saying of what other people have told the team. There is very little there that is a reflection of expertise. They have said people have complained of waiting times and therefore there is a problem of waiting times because people are complaining about it. Do Government agree that there is a problem of waiting times? We know that they agree because they were agreeing with that particular identified problem even before the experts said it. Why is it that it is legitimate for them to tell us that they agree that there is a problem of waiting time, which is expressing an opinion apparently, but not anymore? Not now that an expert has said it. The Chief Minister frankly has said in this House agreeing in opinions about things that need tackling without having any inhibitions about it. He agreed just before I left that priority had to be given to doing something about taxpayers that he had mentioned it in his New Year Message. If that is not an opinion I would like to know what it is.

#### **HON CHIEF MINISTER:**

The first thing that I should say to that is that if the Leader of Opposition first point intended to suggest that the Government are trying to somehow muzzle the Opposition as to the Questions that they can have by suggesting that they should be free to ask whatever they like, what I would say is that in reality that is the de facto rule in the House. I have been in this House since November 1990 and I cannot recall on a single occasion when any Speaker has disallowed any question for any reason whatsoever. So, for all intents and purposes we might as well not have any Standing Orders but the fact of the matter is that it is not I who have decided that the right to ask questions of the Government are curtailed not in the one way that I have said but that in the 15 ways set out in the 15 “*The right to ask questions shall be governed by the following rules.*” And then there are 15 “*do not*”, one may not do this and one may not do that. I am not the author of Standing Orders. I am not particularly familiar with them because we never actually really had to live by them but all I was doing was pointing out to the hon Lady is that in fact there is a Standing Order and in any event since the Speaker is the sole judge as to their interpretation.....

**MR SPEAKER:**

Do not take my name in vain.

**HON CHIEF MINISTER:**

I am not taking your name in vain but it is allowed to refer to the Speaker in this Parliament. I am reading Standing Orders when I say that it says that, “..*the sole interpretation of Standing Orders is the Speaker.*” The mere fact that the Question has got onto the Order Paper for all intents and purposes means that the Speaker has found that they are acceptable, that is indisputable.

**MR SPEAKER:**

The Speaker reads every individual Question before they are sent to Government.

**HON CHIEF MINISTER:**

It still does not detract from the fact that all I have done is read two lines of Standing Orders which are there. The fact that a decision goes one way or the other does not make what I have read not there. The fact that the hon Member is not under Standing Orders entitled to ask me questions which call for an expression of opinion does not mean that I am not allowed to express an opinion. The Member is the one that is not allowed to ask the questions. I am free to express opinions if I want the fact that he is not free to ask them does not mean that Government are not at liberty to answer them. The more serious point is that in the Leader of the Opposition's last point lies the reason why Government are taking this position at this moment in time. In the context of the overall purpose for which Government called for the report the part that has so far been concluded namely the diagnostic phase, as the hon Lady has just said, it is not so much that we needed experts to tell us what was obviously wrong, there are some things which were wrong with our Health Service most of us sitting here let alone local experts could have identified. Many that we could probably agree on immediately the problem comes in firstly, the ones that are not obvious or upon which there is no agreement in Gibraltar as to whether they are wrongly done at the moment, there are some quite a lot that come under that category, and in respect of both categories the ones which are obvious and the ones which are not so much accepted the real issue is in the remedial solution. For example, to identify the problem that there is a problem in Gibraltar of waiting lists leading to abuse of private practice resulting in public patients being encouraged, being led, or resulting in public patients opting to pay fees for receiving the service that they have already paid through their taxes and should be getting for nothing one does not need to be an expert to identify that problem – diagnostic phase – but to design the solution one does need to be an expert and one does have to bring fresh thinking which clearly is not available in Gibraltar because if it were available in Gibraltar it would have happened many years ago even before the Opposition Members were in the House and that is why Government do not want to get drawn in to a debate about what it agrees with and what it does not agree with because that is focusing on the diagnostic phase when what the Government want to do is to concentrate on the implementation phase. The hon Member asked the question, “*Why do the hon Members need to know whether the remedy is available before deciding whether they agree with the original diagnostic assessment?*” A lot of these things are identifying that something should be changed or done differently. If

somebody comes and says that something should be done differently, for example, if I propose to the hon Member that we should change the rules about Question Time. They clearly do not work, too many questions, too many supplementaries, answers are too long, it takes too long, if I were to say, *"We should do Question Time differently,"* the hon Member would say, *"..wait a minute before deciding whether I agree with you that it should be done differently tell me what it is that you think it should be replaced by because the proposed solution maybe such that it alters the decision as to whether what one has got should be changed or not changed."* Government are not willing to commit themselves to changing any particular practice of today until they know what it will require to change and that is the reason. Government do not want to be drawn into a line by line, recommendation by recommendation debate on individual expressions of view by the experts at this stage of the process. When the experts bring the implementation recommendations Government will accept or reject them. If Government accept them it is at that point that the Government that is accountable inside and outside of this House for the remedial action that it takes or if they do not take remedial action in an area in which the experts have made a recommendation in the diagnostic phase the hon Members may wish to hold Government to account for our failure to take remedial action but we think that it is premature because Government are not yet in a position to have fallen foul of either of those criteria and it is clear from the views that the Opposition has expressed that they do not agree that the position that Government are taking is the correct one but it is the position that Government have taken and we think for good and justifiable reason.

**HON J J BOSSANO:**

I do not dispute that there is some logic in what the Chief Minister has said. All I am saying is that would the Chief Minister not agree that that does not apply necessarily to every single one and Government have made a statement of all 27. I might be able to agree with him that in some instances one cannot really say that that needs to be changed without knowing whether that change is going to be for the better or for the worse. I think it is possible to look at those things and say, *"..for a start we do not agree."* If I say to the Chief Minister, *"..if the experts say people have lost all confidence in the Health Service,"* is the Chief Minister telling me that he cannot say whether he agrees that people have lost all confidence in the Health Service until he has been told what he needs to do to restore confidence in the Health Service. Then, if he does not think that what he is told and not in the diagnostic phase but if the experts say to him, *"...you need to do 'A', 'B', and C to restore confidence,"* and the Chief Minister says, *"I do not agree."* Then since the Chief Minister does not agree that this is what will restore confidence the Chief Minister concludes that confidence does not need restoring and therefore that confidence has not been lost.

**HON CHIEF MINISTER:**

Not that it does not need restoring but that we live with a level of confidence that exists at the moment that was the alternative.

**HON J J BOSSANO:**

I can understand the argument that has been put and I think it is possible to take that argument on its merits and treat it seriously and perhaps agree that there may be some things there without knowing but I do not think that it justifies a blanket

statement for all 27 or suggesting that we are asking for 27 opinions. No, there is a report, the report has been commissioned by Government, it has been paid for by this, that report in our judgement seems to primarily consist of a compilation of things that have been gathered by the team that came out by asking people and we are interested in knowing whether the conclusions that have been reached by the team by listening to what other people say are conclusions with which Government agreed with all of them, with none, or with some yes and with some no. I would have thought that the Government was in a position to say, *"Item so and so we think the Governance Team have voted wrong the assessment based on the information that they have gathered have led them up a garden path and we do not think that there is nothing seriously wrong and that it needs tackling."* I would have thought it was possible to do that.

**HON CHIEF MINISTER:**

That last point serves to explain why we have such different views about what should be happening now at this stage of the process because Government have not focused on the diagnostic phase in that sense. To Government the diagnostic phase was just a milestone in a process the real purpose of which came in the next milestone so we have not sat down to make a policy decision upon the diagnostic issues one by one, separately and ahead of the implementation recommendations. I would ask the Opposition not to forget the public commitment that Government have both inside and outside of this House which is that we would either act on all of the recommendations or explain why we are not acting. So, it is not that Government are shying away from expressing whether they agree or whether they do not with those that Government do not agree demonstrated by the fact that Government do not act accordingly, the Government are committed to explaining publicly which can be in this House why Government are not acting and why Government do not agree. So, it is not that Government are not going to give this account it is just that the Government do not think it is still too early at this stage to deliver this sort of detailed view on these points and if the Leader of the Opposition recalls we made that commitment in the last House to deal with this report on that basis and the hon Members were asking us whether we would accept what the experts said and implement it and Government said that they could not be sure that they would accept but that if they did not something they would explain why they were not accepting it. So, we are talking timing here and the significance that each side is applying to the diagnostic phase of the report. The Opposition obviously view it as something upon which a view should have been formed by now of each point and a comprehensive report to us. We will consider when we get the workstream implementation report in relation to each of those points the first batch of which are due to reach us in the last week of January. I cannot tell the hon Members exactly which ones they are although there is a list of them but there are a series of recommendations and implementations which are as good as ready and they are coming out to present them to the Government and then Government have to consider them, either accept the recommendations/implementations or some version of them or explain why they are not proposing to deal with that issue.

**HON J J BOSSANO:**

Did Government not analyse this report before it was made public at the diagnostic phase and then came out with some kind of statement saying that based on the presentation they had had and presumably on the fact that they felt that these people were being successful in identifying what needed to be done they had then

taken a policy decision to commission the second part. The commissioning of the second part was the result of some exercise of judgement having been carried on the results of the first phase?

**HON CHIEF MINISTER:**

The reason why Government did not commission both phases at the front end is that Government wanted to be sure on the diagnostic phase that it was being done in the a thorough and comprehensive fashion. That Government were not committing themselves to quite an expensive process which was not being done with the thought of thorough, scientific approach that the Government would have wanted. It became clear to us from looking at the diagnostic report although I have to say that I agree with the remark that the Leader of the Opposition made some time ago which I made as well that a lot of the report is simply a recital of what witnesses said to the expert which seems to be a characteristic of most consultants as far as I can tell but within all that which is unquestionably true I made the same comment internally in Government but within that there is clear evidence that by speaking to people, by observing things themselves, by analysing the situation from their external perspective, by a combination of all three things they satisfied the Government that they had understood the length, depth, and breadth of the sort of exercise that in Government's judgement, perhaps not in theirs, the Health Service needs. That gave Government the confidence to commit to them in a really quite large sum of money to then go on to say , fine now that you have satisfied us that you have shown that .....now do the much more expensive implementation recommendation and that is where we are as from today and as I said to the Leader of the Opposition a meeting has been sought with us yesterday or today to present us with the first batch of these things so we are now at the start of the executory phase of the implementation stage of this two stage process.

**HON J J BOSSANO:**

That seems to me to suggest that if they came to that conclusion knowing that the origin of the bulk of this list which my hon Colleague has been asking the Minister to comment on were the results of information fed to the team. It is almost saying that they concluded that there was substance in all of them.

**HON CHIEF MINISTER:**

I do not want to be drawn because the problem with this is that once one starts the debate it is very difficult to limit it to this point or that point. I read the report. I could not think of anything that was left out and I could not see anything in it that struck me as odd that it should be in it. I did not read anything saying *goodness why do they think that this is in need of a fix?* That is an overview it is not the result of a detailed consideration with management and policy discussion between Ministers about whether yes or no to this or that recommendation. It is just my layman's reading of the report as a user, as an observer of the health service I said *to me all of this seems to comprehensively encapsulate what if we put everyone's views together are the areas that need looking at in more details more remedial action and I did not see anything in the report that I if I had been the author of the report would not have at least identified as needing looking into.* The Leader of the Opposition can take that if he wants as the government agreeing with everything on the report. I am not saying

that I agree with every detail but I agree that the issues identified are the issues that deserve touching.

**HON J J BOSSANO:**

Was the engagement and the fees then negotiated on the basis that there was a sum of money for phase I and a different sum of money for phase II and that the phase II might not materialise and therefore might not need to be paid, because as I recall it there was one sum of money from the beginning put in the estimates?

**HON CHIEF MINISTER:**

I do not think so. With almost complete certainty I can say no. The sum of money agreed for the implementation workstreams was neither known or agreed or even ball parked at the front end of the process so it was not as if the fees for both phases had been agreed at the front end but they could only access the second amount if it went to the second implementation phase.

**HON J J BOSSANO:**

The amount that shows in appendix 'C' in the estimates where it says, "*Clinical Governance fees and expenses*" which is £400,000 is this the amount for both phases, phase I or phase II?

**HON CHIEF MINISTER:**

It is a provision. How much of that was actually expended in phase I, I do not know offhand the information will become obvious to the Leader of the Opposition when he gets the figures of expenditure to date in the Health Authority budget where he will see how much has been spent up to November. That would all have presumably been under phase I. I do not know how much phase I cost. That would have been a provision not the agreed price of phase I, it would have just been a provision at that stage of the beginning of the financial year.

**HON J J BOSSANO:**

I have just asked because that was the impression that one got from this. It was not even known at the beginning that we were talking about two phases we were just told that this was for .....

**MR SPEAKER:**

I knew.

**HON J J BOSSANO:**

....but I think that in the House when the estimates were presented and the Opposition voted the money in the budget it was not explained, *this money is the*

*provisional figure and it covers two phases and it is not all for phase I or phase II. I have just asked specifically whether there was a sum of money put which included phase I and phase II in respect of which if Government had not been happy with phase I phase II would not have been triggered off and I have been told 'No'. All that I have to say to the Chief Minister is if there is a figure of £400,000 for the Clinical Governance fees and expenses period then that implies a 'yes' not a 'no' answer unless the Chief Minister is telling me, *that was for phase I and phase I turned out to be less but now we have to vote fresh funds for phase II*, is that the position?*

**HON CHIEF MINISTER:**

It is really a combination of both with a third dimension. It is a provision for phase I which was a committed engagement and for phase II if any part of phase II if it took place fell in this financial year. I do not know whether the £400,000 have been used for phase I or whether only £100,000 or £150,000, £200,000 have been used for phase I. How much of that provision has been consumed by phase I, I cannot tell him I have a figure in my mind of how much phase II cost I believe it was published but I can find out as I do not have that information right here and now. If the hon Member wants to know how much did phase I cost and how much has Government agreed for the cost of phase II so that the hon Member can add them both together and know the cost of the entire exercise I am perfectly happy to provide him with that information but I do not have the breakdown available to me right now.

**HON J J BOSSANO:**

I would be grateful of that because what I am telling him is that until today I was under the impression that this was the total cost of the operation.

**HON CHIEF MINISTER:**

I can assure the Leader of the Opposition that it was much more than that.

**HON MISS M I MONTEGRIFFO:**

The hon and Gallant Mr Britto said in a debate on radio during the elections that certain recommendations from the first phase of the report had already been implemented can he say which are those recommendations, he said it in a radio debate with me during the elections?

**HON CHIEF MINISTER:**

The Minister cannot recall saying that and if he did say it he cannot recall what he had in mind as he was saying it. The only two aspects of the subject matters touched upon by the phase I report upon which there had been some movement at that time were the Health Centre Appointment system upon which an interim thing was put in place and the very first item of the waiting lists issue, the hon Lady knows the whole cataract thing. I am not saying that that is what he had in mind I am telling the hon Lady that the only two things that might have happened which might

conceivably fall into that category are those two things. I am not aware of anything else that has been implemented of the things that I have seen in the report.

**HON F R PICARDO:**

The statements made by one of the Ministers for Health the Hon Mr Britto during the month of November, I was on the television debate in relation to Health and during that debate the video which my mother cherishes and I am happy to make available to him if he wishes he also said the same thing that Government had already commenced the process of implementation of all the recommendations in the report. Just on that point that is something which the Government need to look into. Were they misleading the people then or are they misleading the people now, what is the position ?

**HON LT COL E M BRITTO:**

As luck would have it I have with me the notes that I had for the debate we had on television with the hon Member. I have already said that I have no recollection of this but I have come across my notes and what they say is, “...*phase II the development and implementation stage has already started.*” That is what my notes say I am not inventing them. I have no recollection of saying that the recommendations had been implemented because recommendations had not yet been made so there might be a genuine misunderstanding. The other note says, “..*the target completion is towards the end of 2004.*” What I was saying was that phase II the recommendation stage and I quote, “*phase II – development and implementation of reforms – already started.*” It is the work of the team that falls under the heading Governance Support Team and that has already started that is the only answer that I can think of to that question.

**HON F R PICARDO:**

Does the hon and Gallant Gentleman not agree that that is what his notes said but not actually what he himself said during the course of the debate, perhaps by inadvertence?

**HON LT COL E M BRITTO:**

We shall check your mother's video.

**HON C A BRUZON:**

Regardless whether this is or is not a question of implementation of recommendations what we have all got to understand is that the people's needs are priority. Therefore whether the Government have to take any particular action tomorrow, whether it coincides with the implementation of the report or not surely Government have to do something about it.



**HON CHIEF MINISTER:**

Management of the Health Authority carries on on a daily basis. Government having decided to tackle this matter in a holistic comprehensive thorough once and for all way, it is not a question of identifying 20 things and fixing one and leaving the other 19. the Government's preferred way of doing what the hon Member is recommending is to be advised what needs to be done to bring in Gibraltar's health service well and truly into the 21<sup>st</sup> century and then implementing those plans. The hon Member is concerned that this is sort of a long stock gain then that is not what has been announced and it is not what will happen. Government are not waiting for a lengthy report now and implementation that is going to take a year or two and in the meantime nothing is going to happen. No, Government are getting a recommendation on each of the areas that have been identified separately so at the end of this or next week Government may get the recommendations on the appointments system, waiting lists and the complaints procedure from all the many issues that are being investigated. Government will then consider that and implement that at that time Government will not wait for all the recommendations to be in place before implementing so that there will be a progressive, continuous implementation. Starting February the hon Member will get precisely what he is describing and that is that there has to be a continuous process of action and progress and visible signs of improvement it is just that Government have not started because they have not received the first one of these reports but the first one of these reports is about to arrive and once the liquid enters the pipe it continues to flow continuously it is just that the tap has not yet been turned on.

**HON MISS M I MONTEGRIFFO:**

Do Government accept that preferential treatment is being given to private patients over and above public patients?

**HON CHIEF MINISTER:**

Yes, but that regardless of the report. That I knew before the report.

**HON MISS M I MONTEGRIFFO:**

Therefore what the Chief Minister is saying today is in complete contrast to what the previous Ministers for Health have said in this House when, for example, the Hon Dr Linares in answer to Question No 301 of 2003 said, "*I can confirm that having received the report the management has firmly and resolutely tackled the areas that were seen to be of none compliance with the private practice agreement and has received the full co-operation of the consultants in respect. Complying with all the aspects of private practice agreement,*" does the Chief Minister not accept that the Government have erred in their judgement?

**HON CHIEF MINISTER:**

Government do not accept that they have erred in their judgement. Government made a first attempt at dealing with the problem of abuse of private practice by agreeing with the Consultants a new regime that would limit the conduct of private practice to the point where the effect on the availability of public access was for the

first time severely curtailed. Do Government think that that agreement in its implementation had the effect that Government hoped, expected and was seeking at the time that it entered the agreement? I readily accept as I have said publicly on several occasions before today that it did not which is why Government are now approaching the matter from a much more intolerant way. No more self-regulation, no more voluntary agreements and no more *"we will be good boys in future approach to life."* There now has to be a more resilient system in place that is less open to interpretation at the edges and when I said before whether I accepted that there was preferential treatment or not I hope that the hon Lady understood that I meant preferential access to treatment. The actual quality of the medical treatment dispensed is the same to the private as to the public but that the private patient gets access to that treatment sooner because they have paid, because there are public waiting lists which are unnecessary, of that there can be absolutely no doubt whatsoever.

**HON MISS M I MONTEGRIFFO:**

Do Government as well not accept that when we are talking about private practice in relation to waiting lists his previous Ministers have said in this House *"Does the Minister not accept that because of private practice being regulated waiting lists for public patients could rise as a consequence of that?"* and the reply that I got from that was, *"No, I do not accept that they could rise precisely because of that factor."* Are Government still in agreement with what the previous Minister for Health said or do Government now accept in relation to the comments made and our warnings that public waiting lists have shot up precisely because of private practice?

**HON CHIEF MINISTER:**

No, I do not know which of my previous ministerial colleagues made that remark but he is to be congratulated for the precision and accuracy of his words. Yes, waiting lists have not increased precisely because Government attempted to regulate private practice. It would be absurd for the hon Lady to say that the fact that because an attempt was made to regulate private practice lead to a higher waiting list. What leads to a higher waiting list is not the attempt to regulate it but that the attempt to regulate it was not successful, that is what leads to the higher waiting lists but not the attempt. If the attempt to regulate had been more successful the waiting lists would not be as big as they are today so I think that those words that she has quoted in which the hon Lady was saying that she does not accept that the attempt to regulate private practice precisely is the cause of the increased waiting list is 100 per cent correct and a perfect semantic analysis of the issue.

**HON MISS M I MONTEGRIFFO:**

I have just found some information in relation to a statement that the Chief Minister made about private practice and waiting lists. The Chief Minister because of his mannerisms gets upset when we hold him accountable and then we have to put up with everything that he says being repeated all over again. It is the Chief Minister that said that more importantly he was quite satisfied with the new system of the waiting lists as regards private practice and therefore has the Opposition not been correct in our analysis and so Government not accept that even in the report whereby the actual report that they commissioned confirms everything that we have been saying that the public waiting lists have risen because of the private practice

agreement which they have said as we said is a complete failure, does the Chief Minister not accept that, or has the Chief Minister not read the report himself?

**HON CHIEF MINISTER:**

As the hon Lady has declined to identify the report I do not know what report she is talking about but if there is a report [INTERRUPTION] that was long before the private practice agreement came into existence so the report cannot possibly be referring to that. If there is a report in existence it does not matter which, the one the hon Lady has got in her hand, one that she has not yet seen, the one the other gentleman has got, it does not matter which, which says that waiting lists have increased because of the attempt to regulate private practice and to minimise the number of public hours during which consultants could carry out private practice that that is the cause of an increase in waiting lists then I do not accept the report regardless of its author, its date, and whether the hon Lady has got it in front of her or has not got it in front of her. What I accept is what I have already accepted namely that the first attempt that Government made to curtail the effects of private practice on public waiting lists did not enjoy the measure of success that we had hoped at the time that we made the arrangements, that I readily acknowledge and accept.

**HON MISS M I MONTEGRIFFO:**

The report that I am referring to is the recent report because all these questions refer to the recent report of the development healthcare team of September 2003 and what I am quoting is in page eight for the benefit of the Chief Minister page 15 of the summary which says precisely what I am saying that private practice has been a failure.....

**HON CHIEF MINISTER:**

I agree.

**HON MISS M I MONTEGRIFFO:**

You agree. Therefore the logical question for any politician is to ask the Chief Minister is whether all his previous Ministers have been wrong in their analysis and their statements in this House?

**MR SPEAKER:**

That is asking for an opinion I will disallow it.

**HON J J BOSSANO:**

Can I ask the Chief Minister in view of the explanations that we have been given for the original statement not addressed in the questions put by my hon Colleague, and this is not asking for an opinion, do Government accept as a fact, for example, the figures that are quoted in Question No 168 of 2004 whereby my hon Colleague quotes that the initial report, the diagnostic phase of the report as the Chief Minister

chooses to call it, in respect of the cost of sponsored patients claim that there has been an increase from £3,125 per patient to £5,795 either that is a fact or it is not a fact I do not see why Government do not agree that those figures are correct without knowing whether a solution can be found and a way can be found of reducing the costs so it seems to me that the analysis that we were given by way of explanation would not apply to a question of that nature. There are figures quoted in a report. We are asking the Government if they accept that those figures are correct the answer can only be yes or no?

**HON LT COL E M BRITTO:**

Or, I do not know.

**HON J J BOSSANO:**

I accept it is another answer but I would have thought given the length of time that Government have had this if the Clinical Governance Team have got it wrong on the increased costs of sponsored patients does the Minister accept as correct or incorrect or does not know whether the increase in the cost of pharmaceuticals which is quoted by my hon Colleague in Question No 158 of 2004 have increased by 18 per cent per year in the last three years have they or have they not?

**HON CHIEF MINISTER:**

Without confirming the precise accuracy of the figure the cost of pharmaceuticals has increased by a figure of that sort of order. That regardless of the report. There has been a very significant interest in the cost even of the generic medicines that the Opposition disapprove so much of.

**HON MISS M I MONTEGRIFFO:**

Do Government accept that in page 219 where the report says, “*..little regard is paid to private practice agreement,*” and with regard to the comments that I have just made in relation to the inconsistent statements that the previous Ministers for Health have made and the Chief Minister has today made, it appears that the agreement has also been a failure because Government have paid little attention to the agreement otherwise had they been on top and asked for statistics when they should have perhaps the waiting lists and the agreement would not have been a failure?

**HON CHIEF MINISTER:**

Government accept neither the accuracy of the premise of the hon Lady's question nor the conclusion to which that inaccuracy leads her.

**HON MISS M I MONTEGRIFFO:**

In that case why is it that Government have been defending private practice for three years in this House and now suddenly they agree that it has not been working can Government not then accept that they have erred in their judgement?

**HON CHIEF MINISTER:**

Government do not accept the premise of her question. Government have not been defending private practice for three years or any number of years.

**HON MISS M I MONTEGRIFFO:**

Does the Chief Minister then say that he does not accept the factual information that I have quoted from Hansard especially as his previous Minister for Health put his hand up saying yes I am responsible for that statement.

**HON CHIEF MINISTER:**

The Chief Minister accepts the content of Hansard but not the abuse to which she subjects it.

**HON MISS M I MONTEGRIFFO:**

I am not abusing anything I am quoting from Hansard.

**HON CHIEF MINISTER:**

The forensic purpose to which the hon Lady puts the comments that she so obviously takes out of context are not accepted by the Government.

**HON MISS M I MONTEGRIFFO:**

Is it not documented in Hansard by previous Ministers for Health defending the position that consultants were actually co-operating that the agreement that they had put in place was actually working and that they were happy with the arrangements and now we have a completely different scenario, is that not the case?

**HON CHIEF MINISTER:**

It may well have been the case I doubt it very much that the Government's unhappiness with the agreement that it entered into set in on day one. It is not as if Government signed the agreement on a Monday and by Tuesday lunchtime was already convinced that the consultants were already abusing it. There may well have been a period after the signing of the agreement during which it may have been working properly. The fact that that situation stopped being so and then clearly was not working is contradicted by the fact that a Minister may have said during the first period that he was then satisfied with the way the agreement was working. The hon Lady takes remarks out of context and then thinks that they prove things that they do not prove at all.

**HON J J BOSSANO:**

In respect to Question No 154 of 2004 and one which I would have thought was quite important, do Government accept as factually correct the statement that since the year 2000 admissions have declined by almost 10 per cent because I find that quite an extraordinary conclusion, why do we have declining admissions and increasing shortages? One would have thought one was working in the opposite direction to the other. I would have thought that the Government received a report even if they were taking a global view specific things like this I imagine that they would have checked for accuracy or is it that they are unsure that this is right or that they know that this is right or that they think that it is wrong which of the three is it?

**HON CHIEF MINISTER:**

We have not done an assessment to see if this is in arrears an empirical exercise they have compared the annual statistics but I can speculate of a logical explanation for it. If beds are being blocked either for the reasons that we allege or for any other reason if the same bed is being occupied permanently by one patient which only counts as one admission there are fewer beds into which to admit patients and therefore there are less numbers of admissions in the year period because if one has a 160 bed hospital and increasingly every year there are more and more beds which are not open for more admissions then there may well be a case of there being few admissions, people that had at some stage in the past might have been admitted to hospital and out-treated on some other basis. I am not offering it as an explanation it is a reason that I am speculating could explain why in a situation in which there is a shortage of beds apparently fewer people less demand. There has got to be an explanation it may not be the one that I have given him but there has to be an explanation especially given the fact that whatever may be our disagreement about how many beds there were when they were in office or how many beds there are now this is three years in which GSD has been in office and the GSD has certainly not reduced the number of beds in those three years. So, the number of beds is static and it said that there is 10 per cent less demand on the beds so it cannot be demand, admissions is different to demand. If one arrives in a hospital and there are beds available the doctor might say , *"...well stay overnight for observation."* Or *"...you look tired have a few days rest in hospital."* If there are no beds then the doctor is going to say to go and rest at home and that is a reduction in admissions.

**HON J J BOSSANO:**

My supplementary really was whether the Government could confirm the accuracy of the 10 per cent reduction. The answer is that Government have not homed in on this.

**HON CHIEF MINISTER:**

The answer is that whilst we have no known reason to doubt them nor have they been validated, audited by management so we neither endorse them nor disown them. The process of validation simply has not taken place.

**HON J J BOSSANO:**

I know that all the questions are not like that but this is one question were there is a simple straightforward figure being quoted and Government is asked to say whether they agree with the figure being quoted and notice had been given of the question. It would not take a week this is not an exercise that requires major mobilisation of resources it just requires knowing where to look in the system to get the figure that there was in the year 2000 of admission, the figure that there was in the year 2003 and find out if the admission into 2003 were 10 per cent below 2000 or were not.

**HON CHIEF MINISTER:**

That is one approach to life another is that these statistics are all in the public domain. In each of these three years there has been a Gibraltar Health Authority Report published assuming that it has been published already for the last of the years mentioned which contain the admissions figures. We could all do our calculations. I withdraw I do not think that it has been published in respect of September 2003.

**HON J J BOSSANO:**

We would like to know whether the figure is accurate or not and perhaps they could validate it or otherwise let us know and I know that Government have not proffered us the explanation for that apparent on the surface inconsistency the fact that there is bed blocking and therefore less people are being allowed in but all I can say is that in all the time that we have had the concept of bed blocking paraded in the House in answer to questions there have never been any suggestion from the Government of increasing bed blocking. The figure that has been quoted all the time has always been around 30 odd beds. In the year 2000 there were 30 odd beds blocked according to the terminology of the Government and in the year 2003 there are still 30 odd bed blocked. Indeed today in answer to questions I was going to say that the figure was 37. If it has gone from 30 to 37 between 2000 and today that is hardly evidence of producing 10 per cent drop in admissions and the seven that has been used today has not been there all the time. The figures that we have had from Government there has been a very stable figure of around 30 maybe sometimes it has gone a little bit down to 27 or 28 and sometimes it has gone up to 34 or 35 but it has always been around that figure but I accept that in any case that was not being proffered as the definitive explanation but I would think that it would be a worthwhile exercise first of all to see if this figure is accurate and then to try and make sense of it.

**HON S E LINARES**

Without going into figures I would like to know, is it a fact that specialists are unable to refer directly to specialists outside Gibraltar that is another part of the question where the GP's are unable to refer directly to specialists outside Gibraltar, that would be a question that can be answered because it is either yes they can or no they can not, that is a simple answer to a question which has been posed again?

**HON CHIEF MINISTER:**

We accept that question because it is a question about the existing health service the position is what it has always been. Since 1966 and since 1988 it has never been the case that referrals abroad could be made by GP's. Referrals abroad have only ever whether it is in our term of office or in the GSLP's term in office referrals abroad have only been made by Consultants and GP's have never been free to make referrals in fact Government have recently introduced an exception to that in respect of cardiography but certainly it would be a complete and utterly financially uncontrollable and unaffordable expense if every GP in Gibraltar at Government expense could refer patients abroad for medical treatment. We might as well close down our own health service and use the £34 million that we have got to send people to whatever corner of the globe this or that GP is sending his patients. I hope that the Leader of the Opposition accepts not only that it has always been so but that it has always been so for very good and necessary reason.

**HON S E LINARES**

I accept the Chief Minister's argument and I am glad that he has taken the trouble to answer it which is the point that I am trying to make because of course GP's should not be sending patients to Timbuktu or wherever, I agree with his argument but at least he has had the decency to stand up and answer the question which is the point that I am making.

**HON CHIEF MINISTER:**

The Chief Minister has stood up to answer the question because Government have never suggested that if an hon Member stands up and asks the Government a matter of fact about the existing health service as he has done that Government do not consider that to be a legitimate question. The hon Member has asked whether it is true that GP's are not entitled to refer abroad that is not a question about the report that is a question about existing practice in the existing health service and whether they agree with the stance Government have taken on the question of the report or not I do not think that the hon Members can suggest, insinuate, or imply still less declare as the hon Member has just done that Government have somehow refused to answer questions about the health service.

**HON MISS M I MONTEGRIFFO:**

Will Government not accept as a matter of fact that in the last meeting of the House of Assembly which is recorded in Hansard that it was I who actually posed that question to the previous Minister for Health who said that at the moment GP's were able to refer patients to have an echocardiogram and then when I asked the Minister further "*...do government agree that they should look into the possibility of GP's referring patients to other consultants*" the Minister said that he thought there was mileage on that, that he was willing to look at it.



**HON CHIEF MINISTER:**

I do not know whether he said that Government was willing to look at it. If the Minister said that Government were willing to look at it I can tell the hon Lady now what the result of that looking into would be.

**HON J J BOSSANO:**

In relation to one of the questions that there is here which deals with the staff which to me, independent of what we might think in terms of improving the quality of the service to the users which obviously if people are unhappy they are likely to deliver a less good service than if they are happy at work not just in the health service but in any enterprise that deliver services to users which I think is what the Clinical Governance is all about the question of whether the staff are satisfied with their jobs and working conditions I would have thought is a matter for the Human Resources Department and a matter of industrial relations anyway. If the Opposition asks the Government whether they accept that there is this discontent with working conditions which seems a very broad statement to make. Surely the Government are able to express a view as to whether in their judgement there is this discontent which the report reflects.

**HON CHIEF MINISTER:**

I am not prepared to comment on the specific instances of discontent that the report may or may not identify. I do not remember them and I am not willing to comment on the report. What I am willing to do is to express my view on the issue that he has identified. The Leader of the Opposition well knows that it very much depends how one defines discontent. If by discontent one means that people would always like better terms and conditions of employment, more money, less hours, that there is a view amongst some of the nursing staff that the fact that certain members of staff tend to take quite a lot of sick leave, absenteeism increases, the hours that others have got to cover, if the Leader of the Opposition means all of that then yes. There are always claims to the extent that a pay claim or a re-grading claim is manifestation that one is not happy with what one has then there is always that sort of discontent. There will continue to be even after one has fixed that sort of discontent and anything that needs fixing. That is just in the nature of the cut and thrust of industrial relations but without wishing to spoil the relatively civilised atmosphere in which this general debate of the health services is taking place I also have to say to the Leader of the Opposition that one of the things that I think contributes to the state of low morale of staff in the Health Authority is the incessant attacks to which the nature and quality of the service that they deliver are subjected by the hon Lady. Let me explain why I believe that and then let the hon Lady disagree as I am sure she will but let her articulate her disagreement. The hon Lady thinks in her mind that she can say, *"..the health service is in crisis, the health service is a shambles, the health service is chaotic, such and such a patient has died, such and such a patient has had to spend the night in the corridor, such and such an inquest has shown that such and such a night shift failed to pay such and such attention to such and such a patient..."* And then at the end say, *"..and it is all the fault of the Minister for Health."* She might use that device in order not to be seen by the staff to blame them but as most normal intelligent thinking people understand that quality is about the criticism about the delivery of day-to-day healthcare are not really criticisms of the Minister since he is not there by the bedside, are in reality drip, drip, drip, drip, drip, criticisms of the staff delivering that healthcare however much the hon Lady might say it is not intended to

be such this has an enormously demoralising effect on people who have to work there none of which is to suggest that there are not things wrong with the health service that the hon Lady is entirely right and justified in criticising but the style with which she does it, the intensity with which she does it, the terms in which she does it does not enable this sort of clinical separation of criticism of the Minister and criticism of the staff. The hon Lady may think that that division and separation is possible but the result of the style with which she rightly makes the health service an important political issue, the style with which she does it creates the impression in the community that the health service is terrible that it is unsafe, that it does not deliver any kind of good service, that it is completely unreliable and this is inescapably a criticism of the staff and this is how they perceive it. I know that that is not the hon Lady's intention but it is the inescapable consequence of the way she chooses to go around using the health services for political purposes.

**HON MISS M I MONTEGRIFFO:**

Never, ever, have I ever said that it is the fault or implied that anything wrong with the health services is because of the professionals working within it on the contrary I have always commended their professionalism what I have criticised is that Government [INTERRUPTION] have not provided the necessary resources for them to carry out the job properly and not only have I not said this, let me remind the Chief Minister who always tries to confuse the issue that I have not been the only one saying that morale is low. I have said it precisely because of the reasons that I have just given but let me remind the Chief Minister that professionals within the health service have said it in public. The represented of the Users Forum have said it in public, Mr Michael Netto has said it in public and I could go on and on about the different people that have said it in public it has not only been me it has been them it has not been anything that I have said which has made the staff feel that their morale is low on the contrary it has been other members in public that have voiced the same concerns as I have. So, what the Chief Minister is saying is absolute nonsense.

**HON CHIEF MINISTER:**

The hon Lady has made much more articulately than me because I took 15 minutes to say what she has managed to say in a minute and a half but it is exactly the same point. The hon Lady believes, she has just said so now, that in the intense criticism to which she has subjected the health service during the last three years she has neither made not intended to make any single criticism of the healthcare staff that delivers the service the hon Lady has just said so. The problem is not the healthcare staff, the doctors, the nurses, all of whom are magnificent, it is the Minister for Health because she says now that he has failed to provide sufficient resources. Let us just analyse what this failure to provide sufficient resources boils down to. An increase in the health budget from £20 million in 1996 to £36 or £37 million nearly a 100 per cent increase in seven years that is the hon Member's definition of failure by the political Government to provide resources. Many more consultants, senior doctors, GP's, clinics in many more areas, a new ambulance service, spectacular increases in the amount of patients sent under the sponsored patients scheme, increased resources for nurse training, these are the things that the hon Lady believes and asserts with a straight face represent a failure to provide sufficient resources which in her own mind explains the fact that the shambolic state in which she says the health service is , I do not agree, is the fault entirely of the Government that fails to provide sufficient resources and that nobody but nobody in her view of the employees employed to actually deliver the service have any degree of causal responsibility for whatever she

may think are the shortcomings of the health service. Does the hon Lady not realise that not even her staunchest political supporters all of whom have got a brain in their head could possibly accept that ridiculous analysis of the situation.

**HON MISS M I MONTEGRIFFO:**

I am not here to answer the Chief Minister's questions but secondly it appears that the Chief Minister whenever a statement is made by other members of the community he ignores them. It was actually the representative of the nursing staff who said that there was a lack of resources and I even remember what he said, that they were waiting for four weeks for a blood pressure machine in John Ward, four weeks. Another thing that I will tell the Chief Minister which is the actual reason why the morale of the Health Service professionals working within it is low is because of the scandalous threat that the Chief Minister has made to the staff. Implicit in their manifesto and in the Chief Minister's New Year message that is explicit, that is why the morale is low because the Chief Minister is saying either one takes it or one leaves it another threat. Another threat like the Chief Minister does to everybody else the elderly, the patients and the people who work there. The style of this Government, threats after threats that is the reason why there is low morale within the Gibraltar Health Authority.

**HON CHIEF MINISTER:**

Then the hon Lady thinks that the low morale has only been around since the 20<sup>th</sup> November 2003 which is the date that the GSD published its manifesto. So, what the hon Lady is now saying by her latest ridiculous argument is that the morale was low, yes, because if the hon Lady says that the morale was low because of the threats that the hon Lady says that I had made to the health service staff and the hon Lady thinks that the threat was first made in the manifesto then all that the hon Lady has said before about the morale having been so low for so long is by the hon Lady's mouth untrue. The hon Lady does not have to quote me what other people have said to prove that morale is low as if I were resisting the proposition. I do not resist the proposition that morale is low, I know morale is low. What we are debating again is the reason why the morale is low and as in all other things we have a different view. I am very grateful to the hon Lady's last intervention because she has given me a very small example but an example nevertheless of why my view of life is much more likely to be accurate than hers. Having just said that it is all the Minister's fault and that all the people that work in the health service are great the hon Lady then uses as an example of the low morale the fact that they waited four weeks for a blood pressure machine for John Ward. Who buys the blood pressure machine? Does the Minister? Who decides what the enormously increased budget which leaves the budget that the hon Lady used to provide for new equipment in the hospital looking like a petty cash box, who does the hon Lady think if not the people that the hon Lady thinks are perfect decide which equipment to buy? So, the criticism that in John Ward they waited four weeks for a blood pressure machine is a criticism not of the Minister who the hon Lady says is solely responsible but of the very people that she says are blameless [INTERRUPTION] There is no hospital in the world which has on tap every piece of machine that one might need in case that it is needed. There are such things such as procurement periods but it does not matter we are not discussing the reality we are discussing the abuse to which the hon lady submits perfectly normal occurrences. That somebody should want a new piece of medical equipment which is not available in Gibraltar and has to be purchased abroad and has to wait four weeks for it to arrive does not at first sight appear unreasonable. The suggestion

that I have made threats to the staff of St Bernard's Hospital is frankly not sustainable. What I actually said in my New Year address which I repeat here today which is the Government's policy and which will remain the Government's policy is that (1) we recognise contrary to what the hon Lady is constantly trying to insinuate, that Government recognises that there are a massive number "*the vast majority*" I think that was the language I used in my New Year message, of healthcare workers in Gibraltar who are delivering first class healthcare, who are enormously committed and who for that reason enthusiastically support the Government in its attempt to make sure that everybody in the health service works to the same high standards of commitment and dedication that they do. What I have also said is that Government are determined to deliver the remedy to the problems which the hon Lady is constantly telling me exists in the health service and when I have said that anyone who resists those improvements, who resists those changes cannot carry on working in the health service the hon Lady says that it is a threat. Well, what the hon Lady is thereby insinuating is that having said that there are great problems which render the health service a chaotic shambles that anyone who obstructs the elimination of those terrible things should continue to work in the health service that would be the hon Lady's position. Here one sees another example like the business about the bed blockage but please do not throw any elderly person out of hospital. The hon Lady's case is based on an untenable duplicity and double standards. The hon Lady cannot at one and the same time criticise Government for not fixing what she thinks is broke and at the same time criticise Government for not leaving in place those that prevent the brokenness from being fixed. That is the hon Lady's position. Because, if Government say, "*there are going to be remedies implemented in consultation with the staff and the union leadership,*" they are stake-holders with the Government in the design and implementation of the remedial works. If after that even when reforms are implemented with the support of the union, with the support of the BMA, there are still doctors and other employees who for reasons of their own wish to frustrate that improvement that the hon Lady thinks the people of Gibraltar are entitled to and so do I, the proposition that the Government should just leave them in place to continue to deliver the shambolic health service that the hon Lady thinks that they are presently delivering frankly to use the hon Member's phrase "*...gives the lie to the sincerity*" of her political stance in this matter.

**HON J J BOSSANO:**

I will not go into questions of the sincerity of the political stance of Ministers. I do not know whether that is expressing an opinion which is not permissible under Standing Orders but can I remind the Chief Minister that the last half hour or three-quarters of an hour is supposed to have been the answer to a supplementary question, which I asked about dissatisfaction with working conditions. Can the Government summarise then and have I understood the Chief Minister correctly in saying that the reason for the dissatisfaction with working conditions in the hospital is that Marie Montegriffo issues too many press releases?

**HON CHIEF MINISTER:**

What the Leader of the Opposition can interpret as I have said quite clearly is that there are several reasons for the low level of moral. One of them is the incessant manner in which the hon Lady makes people believe in Gibraltar that everything and everyone about the health service is not working in a reliable and safe fashion and I would have thought that it would be possible to target criticism where criticism is undoubtedly due on the occasion where it might undoubtedly be due without creating

the impression that the health service in Gibraltar is not to be touched with a barge pole. As to the point that other people have said so, I remember a time that other people, very authoritative people said that under the hon Lady's care the health service was in danger of falling to third world standards does the hon Lady say that she accepts the truth of that just because other people were saying it? *[INTERRUPTION]*.

**MR SPEAKER:**

Order!

**HON MISS M I MONTEGRIFFO:**

The Chief Minister has said that people and I suspect that the Chief Minister is referring to the BMA, the Chief Minister jumped on the band wagon and I must answer what he has just said because it is wrong. The BMA were saying that it could go down to third world standards, it could, not that it did, it could and it did not, that is what happened. But now they are right now it has definitely gone down to third world standards. Will the Chief Minister not accept and recall as a matter of fact that after the results of the General Election were announced he himself stood up and accepted the reprimand of the people of Gibraltar, not of Marie Montegriffo but the people of Gibraltar, for the state in which the health services were?

**HON CHIEF MINISTER:**

Yes, the hon Lady does not have to remind me of what we did. That they have reprimanded us in my judgement amongst other things for failing to be tough and quick enough in resolving some of the outstanding issues with the health service is unquestionably true but they will not be impressed by the hon Lady's obstruction of that process by suggesting that however much somebody is unreasonably an obstacle in removing those difficulties the hon Lady thinks that they should carry on working and delivering healthcare in Gibraltar.

**MR SPEAKER:**

If there are going to be two or three more questions I will stay here otherwise I will adjourn.

**HON MISS M I MONTEGRIFFO:**

Do Government not accept that the Complaints Procedure has been a total fiasco and that here again we have a similar scenario where Government have been defending for years in this House the effectiveness of it where we have had reports from the Ombudsman coinciding with our analysis and now in the last meeting of the House the previous Minister for Health said that he was going to employ somebody completely divorced from the Gibraltar Health Authority and is that not in effect another contradiction of this Government as regards their many failures in their handling of the health services?

**HON CHIEF MINISTER:**

Government will answer no more supplementary questions in answer to Question No 175 of 2004.

**HON MISS M I MONTEGRIFFO:**

Can the Chief Minister not give a reason why they are not willing to answer is it that he has been very uncomfortable because of the questions that I am asking him? Will the Minister for Health at least answer the questions since the question is being posed to him?

**HON C A BRUZON:**

If this is the attitude of the hon Gentlemen we might as well go home.

**HON CHIEF MINISTER:**

In deference to the hon Member I rise to say that he has not been in this House long enough to compare our attitude with the attitudes that have been seen in this House not so long ago perpetrated by the Opposition. I recall particularly not just the fact that we give informative factual answers to every question in sharp contrast to what the Opposition used to do all of them when they were Ministers but if the hon Member thinks that having answered 34 questions on this supplementary shows an attitude problem on my part the hon Member ought to be aware that the Leader of the Party of which he is now a Member used to refuse for years, months and months on end to answers the questions of an elected Member of the Opposition on the simple ground that he disapproved of his political views.

**HON C A BRUZON:**

My attitude in this House I hope, will always be honourable and I will respect the elected Members opinions and point of view but I think that it is very important in my humble view that we stop referring to the faults of previous Governments and concentrate on solving present problems to the best of our ability because two wrongs do not make a right.

**HON CHIEF MINISTER:**

The problem to agreeing to forget the faults of the previous Government are that Government are constantly being reminded by them of their previous virtues because what the hon Members cannot do is to constantly be telling the people of Gibraltar how much better they used to run the economy than us but then, they want to go back to history for what they think are the good things but Government are not entitled to remind them of the bad things about their history. We either both play by the same rules or neither of us play at all but going back in time cannot be legitimate for them and illegitimate for us simply because they choose the subjects.

**HON J J BOSSANO:**

If the Chief Minister feels that in order to refuse to answer any more supplementaries on a particular question which of course he is permitted to do by Standing Orders because the Government do not have to answer, it is not the first time that Government have refused to answer, the Chief Minister needs to legitimise that because the Government of the GSLP adopted a policy decision when he excluded Mr Cummings from his party because Mr Cummings came out and said publicly that Government wanted to do a deal with Spain but that the Opposition at the time were willing to say so inside the party but did not the electorate to know which was what caused Mr Cummings to leave the party and the GSLP took the view that if Mr Cummings was leaving the party on the grounds that the private sympathies that the hon Member had for a deal with Spain, which I am not in a position to judge whether Mr Cummings was telling the truth or not but that was the explanation that he gave, meant that he was now in this House on that ticket the GSLP took the view that he had no right to continue to exercise a role in the Opposition having been elected on one ticket and then having here adopted a different attitude which made the Chief Minister expel him. To say that he refuses to answer supplementary questions on health because I told Mr Cummings that if he wanted the questions answered he should do the thing that was right which was to fight an election on the ticket of a deal with Spain and if he got elected we would answer his questions shows how far he has got to go in scraping the bottom of the barrel to justify, why does the Chief Minister not have the guts to say that he is not going to answer any more questions because he is fed up of answering and he just does not want to do it. Why does the Chief Minister have to go back to 1995 to say because I said no to Mr Cummings in 1995 he has to do the same thing in 2004 does he have no initiative of his own, he has to justify everything that he does in reference to me? I feel sorry for the man.

**HON CHIEF MINISTER:**

Firstly, I do not think it is a matter of guts. I know that the Leader of the Opposition sees everything in the language of the street fighter, I do not. I do not think it is a matter of guts but if it is a question of guts I said five minutes ago that I was not willing to answer any more questions on supplementary so if it is a matter of guts I am glad that he agrees that I have got guts. Secondly, I did not say that I was not willing to answer any more questions on health because he had not answered Mr Cumming's questions. That was my answer to his party colleague of the same GSLP that did that to Mr Cumming rising to impugn our attitude and suggesting that saying that 35 supplementaries is enough as far as the Government are concerned somehow suggests an attitude of lack of accountability. So, I think in answer to that not in answer to questions on health, it is perfectly legitimate to put in the balance our respective party doctrines in relation to transparency and accountability. As to the rather weak, feeble and unpersuasive explanation that the Leader of the Opposition has tried to give to his undemocratic treatment of my previous party colleague Mr Cumming, his summary of what is alleged to have been said or done inside the GSD is actually not correct but even if it were correct it is not for the Leader of a party in the House in a democratically elected parliament to decide the circumstances in which a Member of the Opposition should or should not be disqualified from the parliamentary privileges and rights which the electorate have bestowed on him. So, regardless of whether it happened the way he claims to have happened it goes not an iota of the way towards justifying what he did at that time. Now, if the Leader of the Opposition thinks that our approach to questions generally and today is comparable to that incident and many others but that one in particular then as is so many other things we shall just have to agree to differ and it is not important to me to

change his mind just as it appears non-important to him to allow me to do so. He has his views, I have my views, we debate them as is our democratic right and duty and then we both go our merry way but frankly I would have thought that the facts speak for themselves. The Government which has chosen to answer all these questions together not to deprive the hon Member of supplementaries or to submit itself to some mathematical calculation of the number of supplementaries that the hon Member is entitled to, our position in answer to all of these questions is that we were not going to answer any of them for reasons that we have debated at length and hopefully we are not going to re-open. So, Government could have said none of those questions that the Opposition is now asking are raised by our answer they are not just supplementaries to our original answer. We have allowed an hour and a half of supplementaries and we think that an hour and a half of supplementaries is enough even on 28 questions even if they had been asked and answered.

**HON J J BOSSANO:**

Would Government not agree that it is not that we have an hour and a half on supplementaries it is that we have 20 minutes of questions and then one hour and ten minutes predominantly of speeches by the Chief Minister very little of which has got to do with the question the bulk of which is that he likes the sound of his voice and he likes the warm support from the rest of the Government who seem to be here predominantly in order to give him that support because he deals with all the supplementaries on all the subjects. It is very commendable because he spans everything from electricity generating sets to training needs in the hospital department. Fine, but if he chooses to answer for all the eight ministries and he does it at great length then an hour and a half is very little time to deal with the questions in which we are seeking factual answers and I would point him to Question No 163 of 2004 given that the Chief Minister says that none of the supplementaries have got to do with the original explanation. Is it the case that there is, forget whether the thing is contained in the first phase of the report or not contained, no training of staff when new equipment is introduced? That is either factually the case or not factually the case. I would have thought that to say to Government in the light of the explanations that they gave originally why they did not want to make statements on the Governance report, the point that I have made and the point which I thought the Chief Minister had accepted was that whilst I accepted the logic of his argument initially I put it to him that that argument was not equally applicable with the same strength to each and every one of the questions. The Government should know. They cannot blame the staff, the professionals et cetera if there is a question on this on the Order Paper which refers to the training of staff when new equipment is introduced the Government can say, "*..as far as we are concerned there is training of staff,*" or "*as far as we are concerned we agree factually there is no training of staff.*" If there is no training of staff then I would have thought, there might not have been training of staff before 1996 for all I know, there might not have been training of staff before 1988 for all I know, but if Government agrees that there is no training of staff now then the Opposition wants to know and if Government thinks that there should be training of staff having established that there is none we would like to know and those are perfectly legitimate supplementaries on questions related with health. But, if the answer is that what did I say when Mr Cummings was here in 1995 to a question of training of staff then it is hardly surprising that we take so long to go through the supplementaries so do Government have anything to say about whether there is training for staff with new equipment or not or is it that they do not want to tell us?



**HON CHIEF MINISTER:**

The Leader of the Opposition might be interested in knowing that that was a nine minute speech and it has not persuaded Government to change the answer that we are not answering any more supplementaries on this question.

**HON J J BOSSANO:**

I am glad I have just made the Chief Minister answer it shows how vulnerable he is.

**HON F R PICARDO:**

We have had in the region of 36 supplementaries in relation to the number of questions but only .....

**MR SPEAKER:**

You have had 42.

**HON F R PICARDO:**

...42 that helps my argument because of those 42 I have only seen the Minister for Health rise to answer three times and I have seen the Minister for Financial Services, Industrial Relations, the Economy and External Relations, Electricity Authority, Matters of the Environment, some matters of culture, certain aspects of Trade and Industry, most aspects of Social Services et cetera and many aspects of Housing answer to answer most of the others. Would government not agree as a matter of fact that that says a lot about the Chief Minister's style of government?

**HON CHIEF MINISTER:**

What I think it says is as the hon Member is not aware this is not a supplementary I am willing to defend my style of Government, what it shows is that as the hon Member presumably does not know is that the Chief Minister is ministerially responsible for the overall supervision of all departments and that is stated in the distribution of my ministerial responsibilities. The overall supervision of all Government departments is one of my ministerial responsibilities. The fact that I choose to take my responsibilities more seriously than my immediate predecessor is a comment on him not on me.

**HON F R PICARDO:**

Going back to the original answer given to the 27 original questions, one of the Ministers for Health read a statement saying that the report does not intent to apportion blame but to diagnose problems and went on to suggest that if the report had been carried out between 1988 and 1996 it would have found a much worse state of affairs. What Government failed to recognise implicit in that statement is that having been in charge of the health services for eight years the criticisms made now are criticisms for which Government must take full political responsibility although

they accept that as a matter of fact they have been in charge of this health service now for eight years.

**HON MISS M I MONTEGRIFFO:**

Does the Chief Minister not consider or accept that he loses credibility when in his New Year Message he says the following, "*There will be a speedy and effective Complaints Procedure with an independent appeals level,*" when there has been a Complaints Procedure in place for the last six years which has been totally a failure and that therefore he loses credibility because nobody believes him anymore? Do Government not accept that for nearly three years the Opposition has been warning them about the problems at the A and E Department where patients have been subjected to waiting for hours before seeing a senior house officer and that therefore the analysis that we have actually made over these problems actually coincide not only with the report which they commission but also with all the complaints that we have received in our offices over the delays they are subjected to in the A and E Department?

**MR SPEAKER:**

Now I have got to intervene. If the position is that there is not going to be any answer I cannot allow any more supplementaries because they are not going to be answered.

**HON J J BOSSANO:**

If we have got the right to ask the question the fact that we do not get an answer does not remove the right to ask the question.

**HON CHIEF MINISTER:**

But it is not a supplementary question.

**HON F R PICARDO:**

It is to the original answer.

**HON J J BOSSANO:**

If it is a particular supplementary then certainly we will make a point of making sure that they are supplementary.

**HON MISS M I MONTEGRIFFO:**

Will Government not accept that it is a fact that because the Complaints Procedure has been a failure this is one of the reasons why so many hundreds of people have come to see us with complaints and will the previous Minister for Health not accept that every time that I have contacted him or sent him a letter with the many

complaints that I have received of the patients that have come to see me they have all been legitimate complaints?

**HON J J BOSSANO:**

Can Government confirm whether it is factually true that demand is increasing for most laboratory services?

**HON F R PICARDO:**

Given that there is a finding in the Healthcare Development's Team Report that individuals have been known to wait at Accident and Emergency for over an hour and that on some occasions in the past, I am sure Government are aware that even individuals arriving with chest pain at Accident and Emergency have had to wait for more than an hour is Government not concerned as a matter of fact that fellow Gibraltarians of ours should have to wait for Accident and Emergency treatment for that long and even that they should continue to wait even if the new hospital is going to resolve all those matters miraculously as the Minister for Health has suggested that even today we should not be doing something urgently to ensure that that is not the case because that raises a serious issue of fact that our fellow Gibraltarians are having to wait as the Government's experts have found for over an hour at Accident and Emergency?

**HON CHIEF MINISTER:**

To which of the original questions is that supplementary to?

**HON F R PICARDO:**

I am quite happy to answer that question of the Chief Minister it is in supplementary to Question No 160 of 2004 which reads as follows, *"Does Government now agree with the comments made in the first phase of the report of September 2003 by the Gibraltar Healthcare Development Team that there is nearly an hour's wait for patients to be seen at the Accident and Emergency Department?"*

**HON MISS M I MONTEGRIFFO:**

Do Government not accept that in most specialities additions to the waiting lists exceed admission rates, that these waiting lists are increasing and that therefore what we have been saying in this House for the past four years is a correct analysis, that waiting lists have increased and continue to increase and that this is totally unacceptable?

**HON F R PICARDO:**

Given the Government's failure to reply to my supplementary question a few moments ago about the wait of at times almost or over an hour by our fellow Gibraltarians at Accident and Emergency for treatment can I ask Government what are they doing to make sure that those waits do not occur because if somebody were

to die as a result of that and the Government had not answered our question I would have to assume that they are doing nothing and that therefore political responsibility for any such demise would be on their hands?

**HON J J BOSSANO:**

Is it correct that the waiting time for routine tests in the x-ray department is running at between three to six weeks depending on the type of tests?

**HON MISS M I MONTEGRIFFO:**

Are Government in a position to accept that waiting times are excessive for almost all services within the GHA?

**HON J J BOSSANO:**

Have Government established that it is factually correct that the dental service is understaffed for the demand and that therefore waiting times are excessive for this particular service and are they in the process of doing anything to correct the understanding?

**HON F R PICARDO:**

What are Government doing to address the problem of there being no training for staff when new equipment is introduced that as a user of the health service myself is something that seriously concerns me and I would ask the Chief Minister to address that question please?

**HON MISS M I MONTEGRIFFO:**

Other comments about the dental service are not a complete contradiction of what the Hon Dr Linares said in relation to the dental department when he denied there were waiting lists in that area?

**HON J J BOSSANO:**

How do Government reconcile the lengthy speech boasting about the level of resources of the health service and the argument that has been used in the House today that it is not a question of lack of resources with the conclusion that Community Services are under resourced, is it that they deny that Community Services are under resourced, are they going to do anything about it if they accept that they are under resourced?

**HON L A RANDALL:**

Have there been any patient referrals to places other than the UK and Spain?

**HON MISS M I MONTEGRIFFO:**

Do Government recognise that waits for routine tests at the x-ray department from 2002 onwards is excessive running from three to six weeks depending on the type of test?

**HON J J BOSSANO:**

Is it true that the staff have not been consulted and involved in the design and development of the new hospital and if so how do they propose to put this right are they going to delay the new hospital so that Government can see whether the staff have got ideas on redesigning it before Government can finalise the work on it?

**HON F R PICARDO:**

Given that an answer was not given to my supplementary a few minutes ago will the Chief Minister accept from me that when I resigned my partnership at Hassans to enter politics it was not in order to ask questions of a brick wall and that certainly it does not behold him now to conduct grudge politics and to rely on what may or may not have happened in this House almost a decade ago to avoid serious questions on an issue as serious as the health service that serves us all?

**HON MISS M I MONTEGRIFFO:**

Do Government not accept that there is no training needs analysis for staff and that therefore this can be one of the contributory factors why their moral is also low?

**HON L A RANDALL:**

Who is responsible for promoting communication within the health service?

**HON F R PICARDO:**

Who is responsible for promoting communication within this House?

**HON MISS M I MONTEGRIFFO:**

Do Government not accept that Gibraltarians are unhappy about the Primary Care Centre appointment system and that the professionals within it are recommending to the Government that they revert back to the same system, a console one which was similar to the old one in the Health Centre which worked very reliably?

**HON L A RANDALL:**

Who is politically responsible for the health service?

**HON MISS M I MONTEGRIFFO:**

Is it not the case that in common parliamentary procedures especially in the United Kingdom which we tend to follow it is the actual Prime Minister and his Minister for Health that answers questions in the House of Commons because they are totally responsible for that department?

**HON F R PICARDO:**

This is my first session of the House. It is only my third day and it feels as if we have been here for a month but can the Chief Minister take it from me that certainly as a citizen and as a tax payer I am not at all impressed by the Government's discharging of it's functions in this House in answering questions in relation to health and that I hope that in the four years of parliament that we have left to work together before the electorate make another decision we will have another opportunity of having much more fruitful debates than the ones that we are unfortunately having at the moment.

**HON C A BRUZON:**

I am standing up hopefully not for the last time in these four years. I believe in God and with the exception of my Colleague I think the rest of us do. So, I refer to the House the prayer we said on Monday where we asked for wisdom to direct and guide us in all our consultations.

**NO. 176 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GHA – NUMBER OF NURSES**

Can Government state what was the number of nurses in post as at the end of December 2003 with a breakdown by grade giving the full-time equivalent of each grade?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

Answered together with Question No 177 and No 178 of 2004.

**NO. 177 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GHA – CONTRACT NURSES**

Can the Government confirm how many contract nurses are employed by the Gibraltar Health Authority, at the end of December 2003, listing the speciality in which they are employed?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

Answered together with Question No 176 and No 178 of 2004.



**NO. 178 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GHA – NUMBER OF NURSES**

Can the Minister for Health confirm how many of our local nurses are presently in the UK for specialist training to enable contract nurses to be replaced?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

There are two local nurses training in the UK developing their careers in mental health nursing and orthopaedic nursing. The GHA through the School of Health Studies is training nursing staff to specialist level in three ways:

1. Delivery of bespoke modules locally;
2. accessing the distance learning courses;
3. sending local nurses to the UK for further training.

This strategy will ensure that the GHA uses all the methods at its disposal in order to train the maximum number of nurses to specialist level. The information requested by the hon Member in answer to Question Nos 176 and 177 of 2004 is contained in the schedule which I now hand to her.

**SUPPLEMENTARY TO QUESTION NOS 176 TO 178 OF 2004**

**HON MISS M I MONTEGRIFFO:**

Does the Minister for Health not agree that two local nurses specialising in the UK is not enough when we consider that in the last meeting of the House I was given a figure of 39 contract nurses, will the Minister also confirm when it was the last time that the Gibraltar Health Authority sent local nurse to specialise as RMNs?

**HON LT COL E M BRITTO:**

No I do not agree.

**HON MISS M I MONTEGRIFFO:**

Can the Minister at least accept to pass over the information as regards when it was the last time that the Gibraltar Health Authority sent local nurses to the UK to train in specialist areas?

**HON LT COL E M BRITTO:**

If the hon Lady would like to write to me and specify what exactly it is she would like to know I will answer her question.

**HON MISS M I MONTEGRIFFO:**

The Minister says that he does not agree but does he not accept that the number of contract nurses is increasing every time I ask this question, 36 in October, 39 in March, and now I see that there are 49 contract nurses?

**HON LT COL E M BRITTO:**

I have explained in my original answer that the GHA carries out the training in three ways, it is not necessary to send people to UK. I have given out the three ways in which it is done and I am satisfied of what I have seen so far in the GHA that this method is adequate.

**HON MISS M I MONTEGRIFFO:**

Can the Minister for Health confirm in relation to the actual complement of nurses that it is nowhere near what the nursing review recommended which they commissioned and which they said they would be accepting and that it was in fact the Hon Mr Keith Azopardi who said when we actually got him to publish the report of the nursing review because they were not in agreement at the beginning that this should be published, did he not say that they expected in the next five years which was in 1997 when he said it, will Government not accept that he did say that Government would adhere to the recommendations of the nursing review that there would be 392 people in post and that he hoped that they would reach that figure within the next five years the five years have now elapsed and they have not reached that figure at all, are Government still committed to the nursing review as Mr Keith Azopardi said?

**HON CHIEF MINISTER:**

Government are committed to providing the Health Service with the number of nurses that it is professionally advised it requires. The hon Lady may be interested to know although I do not agree with it that informally the view has been expressed to the Government that the staff compliment is already enough for the size and number

of beds in the Hospital. So, no, Government are not slavishly committed to a report of six years ago now and as Mr Azopardi has on numerous occasions since explained to the hon Lady in the House that the Government have implemented all those recommendations of that report as it has been accepted for implementation. That there are no accepted recommendations which are not yet implemented.

**HON J J BOSSANO:**

Is it still the policy of the Government to use contract nurses temporarily until they can be replaced by locally recruited trained nurses?

**HON CHIEF MINISTER:**

It is the policy of the Government that the demand for qualified nurses should be satisfied to the greatest possible extent by local resident nursing staff it is cheaper but that requires that there should be sufficiently trained local staff. We have had a debate or discussion recently I cannot remember if it was inside or outside this House about the Government's policy allowing enrolled nurses to qualify and that is in hand and it is a potential source of more qualified nurses.

**HON J J BOSSANO:**

That is not my question. My question is whether the policy still is as we were told it was once that the use of contract nurses was because the qualified nurses could not be produced from local resources overnight and it was to bridge the gap and that the purpose of that exercise was that as new locally entered nurses qualified they would start replacing contract nurses as their contracts came up for renewal is that still the policy or not?

**HON CHIEF MINISTER:**

Yes. In principle it is if the point that he is making is "*.....is the Government using contract nurses as an alternative to permanent and pensionable nurses?*" the answer is no to that extent it is if there were enough nurses available in Gibraltar to recruit on a permanent and pensionable basis of the sort that we would like to recruit permanent and pensionable we would. When we have to import them they are on contract and not permanent and pensionable precisely so that there is more flexibility as to their replacement as and when there are more of the local nurses. The answer is therefore yes that remains the Government's policy on the whole.

**HON J J BOSSANO:**

It is not the case that contract nurses are being converted into permanent and pensionable or that contract nurses are actually being sent on courses to the United Kingdom when they were originally recruited so that somebody else could go on course that is not the case.

**HON CHIEF MINISTER:**

I do not know if there were already instances of it, I suppose that if there are vacancies for permanent and pensionable nurses contract nurses who may have been here for some time might apply, I do not know if there have been any such incidents, they are not precluded from applying for permanent and pensionable posts but the answer to his original is as it is. Contract nurses are not supposed to serve the same long term need as the permanent and pensionable nurses.

**Answer to Question No 176 of 2004**

The following is a breakdown of Whole Time Equivalent in post as at 31<sup>st</sup> December 2003:

|                                                   |        |
|---------------------------------------------------|--------|
| Director of Nursing Services.....                 | Vacant |
| Deputy Clinical Manager of Nursing Services ..... | 1      |
| Clinical Nurse Manager.....                       | 6      |
| Education Development Officer.....                | 1      |
| Senior Nurse Tutor.....                           | 1      |
| Nurse Tutor.....                                  | 1      |
| Charge Nurse .....                                | 30     |
| Staff Nurse.....                                  | 104    |
| Midwives.....                                     | 12     |
| Senior Enrolled Nurse.....                        | 5      |
| Enrolled Nurse .....                              | 85.5   |
| Nursing Auxiliary .....                           | 13.5   |
| Nursing Assistant.....                            | 95.5   |

**Answer to Question No 177 of 2004**

There were 49 contract nurses employed by the Gibraltar Health Authority. The breakdown by specialities is as follows:

|                                     |    |
|-------------------------------------|----|
| Clinical Nurse Managers (Maternity) | 1  |
| Education Development Officer       | 1  |
| Nurse Tutor                         | 1  |
| Nurse Practitioner                  | 2  |
| Registered General Nurse            | 21 |
| Registered Mental Nurse             | 5  |
| Registered Sick Children's Nurse    | 4  |
| Staff Midwife                       | 11 |
| Enrolled Nurse                      | 3  |

**NO. 179 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GHA – ENROLLED NURSE**

Can Government state whether any Enrolled Nurses have now applied to be able to train up to the level of Staff Nurse?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

No.

**SUPPLEMENTARY TO QUESTION NO 179 OF 2004**

**HON MISS M I MONTEGRIFFO:**

Can the Minister give the reasons why they have not applied, I know that the previous Minister said that as an entrance requirement they require not GCSE's but registration with the UKCC, is that correct?

**HON LT COL E M BRITTO:**

The requirement is that they either have to obtain five GCSE's and commence training as a student in order to attain the level of staff nurse or alternatively to be eligible for registration in the UK to undertake the conversion course. The problem was that locally enrolled nurses are not eligible to register in the UK and this meant that they could not take the conversion course unless they had the 5 GCSE's and as we speak Government are working on a solution. The School of Health Studies has made submissions to the Nurses, Midwives and Health Visitors Registration Board and the Board is currently assessing the submission that has been made and I am advised that it is probable that a solution will be found very shortly.

**HON MISS M I MONTEGRIFFO:**

So all the previous information that we have been given in this House is incorrect?

**HON LT COL E M BRITTO:**

No this is a development since the previous information was given.

**HON MISS M I MONTEGRIFFO:**

In March, in answer to Question No 987 of 2003 we were told by the previous Minister for Health, *"..at the moment we are depending on a course which is issued by IMAP College which is a licensee who delivers such courses but they require as an interest requirement not GCSE's but registration with the UKCC."*

**HON LT COL E M BRITTO:**

Yes that is what has been said that IMAP are prepared to offer conditional acceptance to enrolled nurses if Gibraltar finds a way to enrol them locally and this is the process that is being worked out at the moment.

**HON MISS M I MONTEGRIFFO:**

I thought you said that members had to have GCSE's.....

**MR SPEAKER:**

You have already exhausted your .....

**HON MISS M I MONTEGRIFFO:**

But I have heard the hon Member say.....

**MR SPEAKER:**

You have exhausted your supplementaries, do not answer.

**HON J J BOSSANO:**

Are you reinstating your previous ruling?

**MR SPEAKER:**

Yes.

**HON J J BOSSANO:**

I have not finished.

**MR SPEAKER:**

You have asked the question.

**HON J J BOSSANO:**

No, I wanted to know whether you are reinstating it for this particular session or as a permanent fixture?

**MR SPEAKER:**

That I cannot tell you it depends how things go.

**HON J J BOSSANO:**

On what does it depend on how late we are?

**MR SPEAKER:**

No, no. The hon Member was not here I am not going to give any further information it is on now and it will be on tomorrow.

**HON J J BOSSANO:**

And it will be on tomorrow.....

**MR SPEAKER:**

Maybe for the whole of the term.

**HON J J BOSSANO:**

I will have to put Mr Speaker on notice that in the case of that event we will have to give notice tomorrow that we would like to reintroduce the motion that Mr Speaker advised me to introduce before questioning Mr Speaker's ruling.

**MR SPEAKER:**

Yes, perfectly. Once the Leader of the Opposition has introduced the motion I will vacate the Chair.

**HON J J BOSSANO:**

That is your prerogative Mr Speaker we have been elected here to do a job and I am afraid that the Speaker has been approved by us to do a job and we do not think that the job is to stop us asking questions which is what Mr Speaker is doing.

**MR SPEAKER:**

It is on, it is entirely up to you what you wish to do. I now have to ask the Chief Minister whether it is his intention to stay here until.....

**HON CHIEF MINISTER:**

Yes Mr Speaker I was rather meaning to finish these questions today.

**MR SPEAKER:**

The Chief Minister might have to appoint a Speaker before 10 o'clock because I am not going to stay after 11 o'clock I think it is a very unchristian hour. None of the Members have had their dinner neither have I.

**HON CHIEF MINISTER:**

Mr Speaker has the power and authority to adjourn the House whenever he wants he is not surely suggesting that I should move the motion on the basis of what he has just said. If Mr Speaker wants to get up and adjourn the House regardless of the views of all the Members then I certainly will differ to Mr Speaker's decision but it is unprecedented according to the history of this House but Mr Speaker you are the Speaker.

**MR SPEAKER:**

All right. All I Have got to know is at what time does the Chief Minister want to start tomorrow 10 o'clock?

**HON CHIEF MINISTER:**

I will check what is convenient assuming that I want to come tomorrow that that is what I had in mind. I was going to adjourn the House until Friday it is now not possible it now has to be until tomorrow.

**MR SPEAKER:**

Will it be 10 or 3 o'clock?



**HON J J BOSSANO:**

Is there a problem of taking the remaining questions in private with the Government?

**HON CHIEF MINISTER:**

I do not think that the adjournments in the House should be negotiated. Mr Speaker this is not subject for negotiation surely not everything about the tradition and practices of this House is going to be thrown out of the window in one day's session of the Parliament. I am not prepared to play that ball game. If Mr Speaker decides to adjourn the House today notwithstanding that the Leader of the House has not moved a motion Mr Speaker can do it and then I will say when I would like the House to reconvene to.

**MR SPEAKER:**

All right we adjourn until tomorrow.

**HON CHIEF MINISTER:**

No Mr Speaker can adjourn and I will say when the date is.

**MR SPEAKER:**

I adjourn the House.

**HON CHIEF MINISTER:**

Given that Mr Speaker has indicated that he is not willing to sit beyond 11 o'clock tonight and the Attorney General is not here to take over from him which he most certainly would if he were, then I adjourn the House until 9.15 am tomorrow morning.

**MR SPEAKER:**

Alright adjourned to tomorrow at 9.15 am.

**NO. 180 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GHA – DIALYSIS EQUIPMENT**

Can Government state how long the emergency dialysis equipment has been installed at St Bernard's Hospital, what was the cost, and on how many occasions has it been used?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

The emergency dialysis equipment was provided by the dialysis unit in La Linea and is on loan. We have not been invoiced for this equipment. Equipment for water purification at a cost of £5,000 was ordered in November 2000 and arrived in 2001. All the equipment was tested and commissioned later that year. The equipment has not as yet been used.

**SUPPLEMENTARY TO QUESTION NO 180 OF 2004**

**HON MISS M I MONTEGRIFFO:**

Can the Minister say why they have actually gone to the extent of getting this equipment from La Linea and it still has not been used?

**HON LT COL E M BRITTO:**

I would have thought that the hon Lady's own question would have given her her own answer. It is emergency equipment for use in an emergency not for routine treatment.

**HON MISS M I MONTEGRIFFO:**

Can the Minister not confirm that there have been emergency situations when patients have had to be taken straight to La Linea and that this machine could have actually been used to save their lives?

**HON LT COL E M BRITTO:**

No, I cannot confirm that but if that indeed is what has happened then I have full confidence in the professionals who took the decision and more confidence in them than in the implied criticism of the hon Lady.

**HON MISS M I MONTEGRIFFO:**

Why did the Minister actually say in a debate in television to the Hon Member Mr Picardo that there was when he said that there was a lack still of dialysis facilities in Gibraltar and he said, "*oh, but there is in St Bernard's,*" was he not implying that that equipment was there for some purpose?

**HON LT COL E M BRITTO:**

We shall have to rely once more on the Hon Mr Picardo's mother's video. What I do remember saying is that in the new hospital there will be full CT Scans facilities and that all patients needing CT Scans would be catered for in the local hospital. In terms of dialysis if I did not use the word "*emergency*" as the adjective in front of the word dialysis then that was my error but that is what the equipment is. It is an emergency equipment and is there for emergency and not routine use.

**HON DR J J GARCIA:**

Can I just clarify, if nobody else is asking the third question can the hon Lady continue and ask it herself?

**MR SPEAKER:**

She has already asked the third question.

**NO. 181 OF 2004**

**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> March to end of December 2003?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

There were a total of 12 psycho-geriatric admissions into KGV from 1<sup>st</sup> March to the end of December 2003.

**SUPPLEMENTARY TO QUESTION NO 181 OF 2004**

**HON MISS M I MONTEGRIFFO:**

So this is in fact an increase on the figures that I have been given previously is that correct?

**HON LT COL E M BRITTO:**

I do not have in front of me the figures that the hon Lady has been previously given.

**HON MISS M I MONTEGRIFFO:**

If the average has been four to five everytime that I have asked this question can the Minister not confirm that this in fact is an increase and I am quoting from information that I have here with me of previous questions that I have asked in this House?

**HON LT COL E M BRITTO:**

My two year-old grand-daughter who I have just said goodbye to on her way back home could have answered the question obviously 12 is bigger than two.

**HON MISS M I MONTEGRIFFO:**

So why does the Minister not answer it why does he not have the relevant information available at hand when it is related to the original question?

**NO. 182 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GHA – STAFF/ENROLLED NURSES**

Can Government now confirm what is their position in relation to a letter Staff Nurses and Enrolled Nurses received early this year, from the registration board, requiring them to produce a portfolio of learning when they apply for re-registration, something which they are now required to do every three years?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

Answered together with Question Nos 208 and 209 of 2004.

**NO. 183 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GHA – NURSING PRACTICES**

Is it the position of the Government that the nursing practices and procedures in our Health Services, are currently 50 years out of date?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

As in other areas of healthcare, nursing practices and procedures are constantly changing. The Government are pleased that the GHA provides facilities to continue to update its staff as per current best practice in the UK and elsewhere. It also notes the stand adopted by the Nurses Midwives and Health Visitors Registration Board in requiring presentation of portfolios containing professional development as a pre-requisite to re-registration.

**SUPPLEMENTARY TO QUESTION NO 183 OF 2004**

**HON MISS M I MONTEGRIFFO:**

I do not think that I have got an answer to my question. I am asking Government whether they believe, in fact they have said so on a couple of occasions, when they say, “...*Gibraltar has to look objectively and critically at the habits, practices and cultures that have become embedded in our health service over forty years or more,*” is that not what the Government are saying that the practices are outdated?

**HON CHIEF MINISTER:**

No, and I was curious where the hon Lady gets this 50 years out of date and suggesting that we have said that they are 50 years out-of-date. I am grateful in effect for confirming that Government have never said that. Government have never said that nursing practices are either 50 or any shorter or longer number of years out-of-date. What Government have said specifically myself is that whatever are our

medical care services delivery practices whether they be nursing, management, medical, whatever, have developed over 40 years the figure 50 is hers and that it is time to stop to review them to see whether any need to be done differently than what they have been done during the last 40 or 50 years. The process which seems to me to be eminently sensible that something that one has been doing without change for 40 years given that the world changes and moves on around oneself is worth stopping to examine them to see if one is doing them well, in which case one carries on doing them, if one is doing them very badly in which case one changes them all together, or if there are aspects that one is doing well and aspects that one is doing badly in which case one modifies the ones that one is doing badly and carry on doing the aspects that one is doing well that is not either to suggest, still less to state that they are out-of-date by 50 or any other number of years. It simply means that it is sensible and prudent to assess ones practice to see if it is up-to-standard, up-to-date and to see if it requires modifications in the interests of the improvement of the service. That is what Government have said and contrary to the hon Lady's constant public assertions and insinuations falsely to the contrary Government have never suggested that they are out-of-date by 50 or any other specific number of years.

**HON MISS M I MONTEGRIFFO:**

Can the Minister for Health then explain what Government mean when they say that the habits, practices and cultures that have been embedded in our health service over 40 years or more are out-of-date can he explain which practices?

**HON CHIEF MINISTER:**

That is precisely what the Health Reform Development Review is about. Sometimes I wonder whether the hon Lady specifies nurses because she thinks there are 250 of them and there is an army of potential people to get on her side and against the Government. Why is she not concerned that what she thinks we have insinuated that doctor's practices might be 50 years out of date or that management practices may be 50 years out-of-date or the system of funding the Health Authority by the Government may be 50 years out-of-date? We have never mentioned nurses specifically, we say there is a thorough review of every aspect of the Health Authority to see whether the practices of the past can be continued, need to be changed, or can continue subject to improvement and modification. That is what Government have said, that is what the review is about and to ask Government in what areas they think past practices need to be changed is simply to ask Government to state here and now what the results of the review is going to be and the Government will not do that.

**HON MISS M I MONTEGRIFFO:**

Will Government not accept that these reviews over practices in our health services have been an on-going process and may I remind him that we have had visits from the UKCC and we have had visits from people of Sheffield University when they have visited Gibraltar when GSLP was in Government that have said and I quote, *"...although our visit was brief your officials have planned a comprehensive programme which enables to see the delivery of healthcare in Gibraltar in a wide variety of settings we saw many examples of excellent nursing and midwifery care and we were impressed by the increasing commitment to continue education."* Another letter from the University of Sheffield saying, *"At the same time we provided*



*an overall evaluation of nursing and midwifery education and visited all wards and departments. Our findings indicated that the standard of nursing and midwifery care in Gibraltar was equal to that provided within the UK and that the Commitment of the Government to education and training of nurses was such that we were mostly impressed.” Will the Chief Minister not confirm that in last year’s budget speech the previous Minister for Health said that, “.....in recognition of the achievement by all those engaged in the School of Health Studies please allow me to quote from the report by the validation panel of Sheffield University who visited Gibraltar in January to monitor progress in the school. They were extremely impressed by the progress achieved since the initial validation. The panel was particularly impressed to hear the culture shift that has taken place in nurse education.” Are Government then not accepting the fact that our nursing practices are as good as if not better than those in the UK already?*

**HON CHIEF MINISTER:**

I am not familiar with the standards of nursing practice in the UK so I could not possibly make a comparison for the benefit of the hon Lady.

**HON MISS M I MONTEGRIFFO:**

But the UKCC has and they are the highest authority in this area will the Chief Minister not agree with the highest authority in this area?

**HON CHIEF MINISTER:**

The hon Lady can ask the UK authority to express the comparison that the hon Lady has stated, ask them, I am not qualified to make comparisons between nursing standards between one territory and another.

**NO. 184 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GHA - GYNAECOLOGIST CONSULTANT**

Can the Government confirm whether they have now been successful in recruiting the second resident post of Gynaecologist?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

The successful candidate will commence duties on 1<sup>st</sup> February 2004.

**SUPPLEMENTARY TO QUESTION NO 184 OF 2004**

**HON MISS M I MONTEGRIFFO:**

Can Government explain why it has taken them nearly three years in which to recruit the second post of gynaecologist?

**HON LT COL E M BRITTO:**

First of all Government should be congratulated for having created a new post and added to the strength of the GHA by providing a second Gynaecologist rather than criticise Government for taking what in the hon Lady's view seems to be too long. Secondly, I am advised that the process has gone through the normal process of interviews and selection. There have been applications and people have not been found suitable and that it has now culminated in someone being chosen. The hon Lady rather than implying criticism should be pleased that the Government if necessary takes longer than necessary in order to make sure that the best candidate is chosen and not just the first applicant.

**HON MISS M I MONTEGRIFFO:**

How can the Opposition congratulate them when it was a commitment in their manifesto to employ a second gynaecologist and because of the fact that it has taken Government this long there have been patients waiting for more than a year just to have an appointment to see the Gynaecologist, how can one congratulate them?

**HON CHIEF MINISTER:**

If the hon Lady was not so ungenerous in nature she might at least congratulate us for having lived up to our manifesto commitment if for nothing else. Given that the birth rate in Gibraltar is now lower than it was when the hon Lady was in office and therefore there were more pregnancy related demands on the Gynaecologist, I acknowledge that the Gynaecologists do not deal only with pregnancy, if the hon Lady thought for eight years that one Gynaecologist was enough how does the hon Lady now feel justified in criticising Government for taking what the hon Lady thinks is a month or two too long to recruit a second Gynaecologist when the hon Lady was quite content that for eight years the community had to make do with just one and then because she wrongly thinks that a few weeks too many have been taken to employ the second Gynaecologist the hon Lady suddenly becomes the crusader in favour of all those women whom the hon Lady thinks had to wait for the second Gynaecologist to be recruited. Well, it is necessarily the case that all those people that waited three or four extra weeks for our second Gynaecologist waited in vain eight years for the second Gynaecologist whilst the hon Lady was Minister for Health.

**HON MISS M I MONTEGRIFFO:**

I have made the comments that I have because we are not talking like the Chief Minister is saying about a matter of weeks and we are not saying that women have had to wait extra few weeks to see the Gynaecologist. I am telling the Chief Minister that we have had to wait for years for the second Gynaecologist and I made the comments that I did because that situation never existed when Opposition was in Government. Nobody was subjected to have to see a Gynaecologist for more than six months.

**HON CHIEF MINISTER:**

It is disgraceful that people should have to wait six months to see a Gynaecologist. Is that the standards that the hon Lady found acceptable when she was Minister for Health?

**HON MISS M I MONTEGRIFFO:**

I said a maximum and in any case does the Chief Minister not feel that it is disgraceful to have to wait for years with this Government?

**NO. 185 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GHA – DR MENA**

Can the Government state what are the terms and conditions of employment of Dr Mena, a general practitioner in the Primary Care Centre?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

Dr Mena is filling a vacancy at the Primary Care Centre and is currently engaged as a locum General Practitioner.

**SUPPLEMENTARY TO QUESTION NO 185 OF 2004**

**HON MISS M I MONTEGRIFFO:**

Is it not the case that when Dr Mena applied the first time he was told that he could not apply?

**HON CHIEF MINISTER:**

The hon Lady should not waste any of her three supplementaries in just a point of clarification but when Dr Mena first applied for an established post that had become vacant he was told by the Medical Selection Board that there was a certificate of some sort that he did not possess then. I think it was a certificate of vocational training in general practice. It may not be the right name for it but it was something to show that he had been trained up basically in GP work as opposed to just medical qualifications generally. Nevertheless because of Dr Mena's obvious popularity amongst a large number of Health Centre patients Government decided to keep him on in an extended locum capacity this is why I have drawn the distinction between a vacancy for an established post that had become vacant. Dr Mena is in effect on

extended locum terms. He is now the applicant for a vacancy that was advertised some time ago. There is another applicant short-listed too and I understand that he now possess the certificate that he was missing at the first time of asking. A decision as to how the current vacancy that exists is going to be filled and whether it will be given to Dr Mena or to the other applicant who is a Gibraltarian doctor that has applied from the UK that still remains under consideration.

**HON MISS M I MONTEGRIFFO:**

Irrespective of whether Dr Mena is a locum or has a contract with Government are Government saying that they treat locums differently and that they therefore do not require the paper that the Chief Minister says were waiting to see that he had, if he exercises his duties as General Practitioner surely the Government should be as concerned whether he has it or not irrespective of whether he is a locum or a permanent and pensionable or a contract GP.

**HON CHIEF MINISTER:**

Government have none of the concerns that the hon Lady describes. I happen to agree entirely with everything that the hon Lady has just said. These are not the Government, these are internal medical board decisions. I personally agree entirely that there is no logic whatsoever in requiring higher standards of permanent post fillers than of locums because the question is that people are either safe in ones hands or they are not and the idea that they are safe in ones hands for three months but not safe in ones hands for three years is no consolation to the people that one has treated during the three months as opposed to the people that are treated during the subsequent two years and nine months. The explanation proffered to the Government by the Management of the Health Authority which I find personally entirely unpersuasive is that whilst one is a locum one is under the supervision of another doctor in the Health Authority that does have, the hon Lady smirks I did more than smirk or smile when I was told I am not adopting these I am reciting them to the hon Lady with a degree of cynicism because I have never frankly been persuaded by that view and I am not of that view. I do not believe that there is anybody actually supervising Dr Mena on a day-to-day basis as he goes about his business in the Health Centre and that therefore the requirement that had been imposed on Dr Mena before which was a requirement established in the Rule Book it was not something that somebody pulled out .....it was a requirement but it always struck me as illogical for the very reason that the hon Lady had said. Namely if this is a requirement for safe GP practice it should have been imposed both on locums and on contract officers and I expressed no view as to whether it is sensible or not sensible to recruit to make that requirement I am not qualified to judge but as a layman I am allowed to transact in logic and my layman's logic is that if this is something that is necessary to practice medicine safely in our Health Centre it should be required of everybody or of nobody but not of some and not of others depending on whether one is a locum or a contract officer or a permanent and pensionable officer on the basis that one is theoretically supervised and the other is not when the practice is that there is no supervision of that sort. So, at last we have alighted on an issue in relation to the Health Service after four or five or six hours of debates masquerading as questions and answers upon which the hon Lady and I appear to be able to agree.

**HON MISS M I MONTEGRIFFO:**

Will the Government therefore not agree that if Dr Mena has been working as a locum for three years that he has an advantage over other people that have not been there practising?

**HON CHIEF MINISTER:**

I do not know whether agreeing with the hon Lady on matters of health is good or bad for my personal health but I agree with her again. I agree entirely with the remark that I have made. The problem is that Government are humstrung by the fact that government Ministers do not exercise these choices personally. There are Boards, Medical Recruitment Boards, Medical Registration Boards and the Government have to have its say by way of representations. Ministers do not personally hand pick any Crown employee even doctors at the Health Service. So, I am explaining to the hon Lady my personal views and political Government's views. We would very much hope that the excellent common sense which must belong to any view which is shared by all the Members of the House will be taken on board by those that have to make the actual recruitment selection.

**NO. 186 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GHA – COMMUNITY NURSING MANAGER**

Can Government confirm that no applicants from within the Health Service were found suitable for appointment to fill the vacancy for Community Nursing Manager at the Primary Care Centre in November 2002, and if so, how long has the post been vacant for and how were the responsibilities of the post carried out during this time?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

Answered together with Question No 187 of 2004.

**NO. 187 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GHA – DIRECTOR OF NURSING SERVICES**

Can Government confirm why no applicants from within the Health Service were found suitable for appointment to fill the vacancy for Director of Nursing Services last year, and if so, how have the duties of this post been carried out?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

Government can confirm that six applications were received for the post of Clinical Nurse Manager in Primary Care in November 2002 and that the panel did not find the applicants suitable for the post. The vacancy was re-advertised late last year and an appointment was made in November 2003. While the post was vacant the duties were carried out by another Clinical Manager with the assistance and under the supervision of the Director of Nursing Services and more recently the acting Director of Nursing Services. Government can also confirm that two applications were received for the post of Director of Nursing Services and that the panel did not find the applicants suitable for the post. The duties of this post are currently being carried out by the Deputy Director of Nursing Services.

**SUPPLEMENTARY TO QUESTION NOS 186 AND 187 OF 2004**

**HON MISS M I MONTEGRIFFO:**

Can Government confirm that the people that applied for the post of Community Nursing Manager actually did so on the basis that their advert included the qualifications that were required?

**HON CHIEF MINISTER:**

Just before the Minister answers the hon Lady's supplementary could I just be allowed to say something in the interests of fairness. One officer has been identified



by post. The Deputy Director of Nursing is said to be acting it is also being said that none of the applicants were found to be suitable. Some people may choose to assume that the Deputy Director would apply for the Director's post and therefore deduce from that the Deputy Director who can be identified personally has been found to be not suitable that is not correct he did not apply for the post and therefore there is no insinuation or implication in the answer that the Deputy Director was found unsuitable.

**HON LT COL E M BRITTO:**

In answer to the hon Lady's question I did not have responsibility for this in November 2002 but I would assume that if the applications were accepted then the applicants must have had the correct qualifications otherwise the applications would not have been accepted.

**HON MISS M I MONTEGRIFFO:**

Would Government therefore not agree that this is a very peculiar situation where six people apply with the right qualifications and they are not found suitable?

**HON LT COL E M BRITTO:**

These matters are either dealt with by an independent board appointed for the purpose or they are interfered with by the Government. Here we have a case where the board has been appointed, they have examined the people and they have decided that none are suitable. The hon Lady raises the matter two years later. If the Minister at the time, management or somebody else at the time had interfered and had come in and said no, no, one is suitable and had employed someone else presumably the hon Lady would now be standing up and in her inimitable style criticising the Government for having changed the decision of the Board. The hon Lady cannot have it both ways an independent Board makes a decision and either the hon Lady should get up and be honest and clear, is she questioning the members of the Board, is the hon lady insinuating that the members of the Board have not acted properly, what does the hon Lady mean that it is strange that none were found suitable? That is what the Board is there for to interview the applicants and they found no one suitable so what is the hon Lady saying that the Board were not doing their job properly? It certainly was not the Minister who made the decision, certainly not the CEO, so if the hon Lady wants to ask the question and make an insinuation let her say so. If the hon Lady is saying that the Board is not doing the job properly the members of the Board are failing in their duties is that what the hon Lady is saying because if that is what the hon Lady is saying then let the hon Lady phrase her question in that way.

**HON MISS M I MONTEGRIFFO:**

I do not want the Minister to put words in my mouth. I have not said that at all, in the previous question the Chief Minister agreed with me in relation to similar situation regarding Dr Mena's position all I am saying is I am not in any way questioning the Board's decision but what I am saying is it is not so that if anyone puts an advert out for a particular position and the advert actually says these are the qualifications

required that six people apply and none of the six are found suitable. All I am saying is do Government not feel or think or believe that that is a peculiar situation?

**HON CHIEF MINISTER:**

Just to answer her last point first no, because published academic qualifications are just one of the many criteria that apply when determining whether somebody is suitable. A job might require four O'Levels, I might have four O'Levels it does not necessarily mean that I am a suitable candidate for the job. I may have many qualities and characteristics that make me unsuitable for the job and therefore possessing, these are minimum qualifications not that if one has got four O'Levels one can have the job. No, no unless one has got four O'Levels one will not be considered for the job but if one has got five O'Levels and can be considered for the job now let us see whether one is otherwise suitable. That is the main point. The secondary point is that the exchange that one had on the previous question relating to Dr Mena cannot be compared to the exchange that the hon Lady has had with my hon Colleague on the question of a Selection Board judgement as to whether somebody is suitable or not. I have not said that I have agreed or disagreed with the finding of a Board as to whether somebody is suitable by reference to his qualities, what I have said is, given that it is a matter of legislation, that it seems to me illogical that certain minimum requirements of the O'Level sort not of the other type should be required from contract doctors but not from locums that is not an interference with the judgement in a particular case of a Board of Selection it is saying to the Government's recruitment machinery one has to be logical, rational and coherent in the criteria that one applies in the recruitment process. The hon Lady I hope will acknowledge that on this issue of Selection Boards she is in effect asking Ministers to account and to explain and justify or to comment on, or to express opinions about, if she is not doing any of those things then she should not be asking Government questions or rather she is questioning the Government about things that are not the Minister's functions and responsibilities and there is a limit to the extent to which Ministers can be held to account for things that are outside their scope of personal power because at the end of the day even if we were to agree with the judgement in any particular case that a Board has made a peculiar decision. We have discussed one such case in the past but if there were such a case at the end of the day what Government could say is, "*...we are not putting up to the Governor a minute for the employment of that person.*" That is the power that the Government have if we do not like the decision of a Selection Board we can discontinue the recruitment and employ nobody and start again but we cannot impose our own judgements as to suitability on a judgement by the Board that no one is suitable. I do not know if the hon Lady recalls a discussion that we had in the last House about a situation that I personally found peculiar to the point of inexplicability. There was a case of a man whose name I will not mention but who the hon Lady will be able to identify who had been acting Director of Postal Services at SEO level for three and a half years, acting, and when he eventually applied for the post and the grade of SEO some Board decided that he was not suitable and I said to them, "*Wait a minute I do not know whether this man is suitable or not but how can it be said of somebody that has been doing the job for three and a half years and acting in the grade for three and a half years how can it be said of him that he is not suitable?*" That was to me an extraordinary decision it did not mean that I had the power to promote him, I did not have the power to promote him and therefore I could not over-ride the decision of the Board. I am just using it to illustrate the constraints that there are at the political level of Government when Selection Boards make what the hon Lady might regard or in another case not on this one Government might regard as peculiar decisions Government have to live around them. In that case Government allowed him to continue indefinitely as acting

which was the only thing that Government could do to remedy what we regarded as a peculiar decision. I do not think it is fair to hold Ministers to account for things that (a) is not in Government's power but (b) if Government tried to make it our power I am sure that the hon Members would criticise and rightly so because Government would then be in a position where Ministers were personally deciding who should be recruited into the Civil Service and I do not think that that is prudent.

**HON MISS M I MONTEGRIFFO:**

I agree with the Chief Minister I am not in any way suggesting that the should interfere, I was just hoping that they would just express the same opinion that I have, can Government confirm whether if in fact the Deputy Director of Nursing Services has been acting and he has expressed no desire to actually apply for the post and two applications were received and the panel did not find the applicants suitable whether in effect this means that Government will have to recruit somebody from outside?

**HON CHIEF MINISTER:**

What it means is that the post will have to be considered in the context of the reviews that are currently taking place in management posts.

**NO. 188 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GHA – CONTRACT OFFICERS**

Can the Government state whether the Gibraltar Health Authority allows contract officers that have been recruited whilst local employees are sent for training to the UK, to themselves apply to be sent for training to the UK during their contract period?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

No. It is not the policy of the GHA to allow contract officers that been specifically recruited to replace local employees who are sent for training to the UK to themselves apply to be sent for training in the UK during their contract period.

**SUPPLEMENTARY TO QUESTION NO 188 OF 2004**

**HON MISS M I MONTEGRIFFO:**

Does that mean that a contract officer did indeed apply and the GHA have said no?

**HON LT COL E M BRITTO:**

I am not sure that I understand the question but if the hon Lady is referring to a specific case this has only happened once, there is a specific case where a contract officer was sent to UK for training on one occasion for specific reasons.

**HON MISS M I MONTEGRIFFO:**

If the Minister said it is not the policy of the GHA to do it and it has happened on one specific occasion is it not in contradiction to the original answer that I got from the Minister and in view of the fact that I have only got two supplementaries can he confirm why this specific officer was indeed sent when the policy of the GHA as he has just said is in contradiction to the second reply I have got from the Minister?

**HON LT COL E M BRITTO:**

It is not in contradiction it is the policy not to do it but it does not mean that it is forbidden from it being done under special circumstances. These were special circumstances this gentleman was promoted within the GHA during the period that he was holding this contract appointment and one of the conditions of the appointment was that it required a period of training in UK, a qualification in order to be able to carry out the work so on this occasion an exception was made to the policy because one could not discriminate against the application under EU law and he applied for the post and he was successful. Having been successful if Government had applied the policy that says that one cannot go to UK for training then the hon Member would be standing up here now and criticising us for having had someone in post without the proper training. So, the exception was made to the policy on this specific occasion exceptionally to allow the person to go to qualify so that he could do the job that he had been accepted for and be properly qualified to do it.

**HON MISS M I MONTEGRIFFO:**

Does that mean that even if the GHA have a policy they cannot adhere to that policy because under EU law they are unable to and secondly can the Government confirm that if a contract officer applies for further training surely would it not be more logical for Government to offer the training to local nurses rather than have a situation as we seem to be having in answers to questions that I have put in this House whereby we are seeing a trend that more and more contract nurses are being employed by Government and it could end up with a situation that the GHA have more people on contract basis employed than local nurses?

**HON CHIEF MINISTER:**

First of all the hon Lady has lost sight of the answer that she got to the original question. The answer to the original question was and I remind her of it, “...it is not the policy of the GHA to allow contract officers that have been specifically recruited to replace local employees who are sent for training in the UK to themselves apply for training.” In other words, the policy is not that contract officers are not sent for training the policy is which the answer referred that if I have a Member of staff who I sent off for training for a year to the UK and whilst he is away in the UK for a year I bring somebody else on contract for a year to cover for him whilst he is away being trained, I do not send the covering recruit for training as well. That is the policy we referred to in the answer the answer did not say anything about a policy of not sending for training contract officers only those contract officers that had been specifically recruited to cover for local employees who were themselves absent in training. All the supplementaries that the hon Lady has developed since then have failed to take account of that very important nuance in the answer that she received. As to her last supplementary point we can have this exchange on every question to do with recruitment of health service staff, it is the policy of the Government that as much of its staff not just in health but in all areas of public administration should be locally based civilians because it is cheaper. One does not have to provide them with accommodation, travel backwards and forward, one does not have to do a lot of things for locals that one has got to do for contract officers but if there are not enough locally qualified people then one has to recruit them from abroad which is not to say that at the same time Government should not which it does do try to provide as much training opportunities to our local people so that over a period of time there will be

more local people available for the jobs and therefore a reduced need to have recourse abroad. It is not for nothing that the availability of training and training opportunities in the public sector has increased by thousands of percentage points since the GSD Government have been in office since the 16<sup>th</sup> May 1996. the problem is being tackled now when it was not being tackled before, that we have not finished and that there are still a need to recruit people from abroad is absolutely true but Government agree with the hon Lady that the desirable situation is that there should be as many locally qualified people as possible so as to minimise the amount of people that have to be brought in but the gap has not been reduced to zero. In fact, as the hon Lady has correctly pointed out it is still widening, for example, yesterday the hon Lady asked a question about the nursing review I do not remember the date that had recommended many more nurses than we have got today (1996 review) in urging me to employ more nurses yesterday the hon Lady could only have been urging me to bring more from the UK or elsewhere because there certainly are not that number of qualified nurses waiting in a little heap in the unemployment office for us to recruit so yesterday she urged me to employ more nurses which necessarily means importing them, today she criticises the Government for importing the number of nurses that we have imported. The hon Lady has got to be more coherent than that.

**HON MISS M I MONTEGRIFFO:**

Is it not legitimate for the Opposition to hold the Government to commitments that they make in this House about implementing the recommendations of a certain report and may I add is it not illogical for Government to bring over a contract officer that is going to spend time here whilst nurses are training in the UK for himself to be sent for training and that that training should not be offered to local people, in view of the fact more so that this Government have been in power for nearly eight years and they should actually already have information of where those needs lie and if the needs are there why do they have to rely more and more on contract officers and not avail the opportunity to local nurses to go to the UK?

**HON CHIEF MINISTER:**

It is not clear to me whether the hon Lady simply does not understand clear and simple explanations given to her or whether she does understand them but simply wishes to repeat the misconception that she starts with in order to try and mislead listeners on the radio of what the reality of the position is. Has the hon Lady not understood from my pretty clear explanation that the persons that are sent for training are the permanent local employees not the people recruited in order to provide cover for the local people that are being sent to the UK, has the hon Lady not understood that? And if she has understood that why does the hon Lady repeat the premise of the last supplementary which is completely in contrary to the explanation that she has just received. The fact of the matter is that Government have employed an additional 50 nurses over and above the number that Government inherited on 16<sup>th</sup> May 1996 from the hon Lady in Opposition. A total of 50 five zero extra nurses which is a very large percentage as the hon Lady knows of the number of nurses that Government inherited and that is the Government's record and as to the one [INTERRUPTION] well, six a year if the hon Lady thinks that it is intelligent to reduce the proposition by dividing the total number by the number of years .....

**MR SPEAKER:**

Order do not interfere.

**HON CHIEF MINISTER:**

.....so that Government gets a rate per annum, six per year is six more per year than they used to employ extra when they were in Government so it does not matter to me whether the hon Members wish me to present the facts on a per annum basis or on an overall basis, our record I still infinitely superior to them by either measure. One case that there has been of a contract officer being sent was not a case of a contract officer who had been recruited as a temporary in fill for somebody that had gone in turn for training so it is not a breach of the policy described in the original answer that the hon Lady solicited. Yes, the gentleman who was revealed as being the one contract officer that has gone for training was not an exception to the policy because the policy is as answered that the contract officers that we do not send for training are the ones that are recruited specifically for cover for local people who themselves have gone for training and this gentleman does not fall into that category. This gentleman if the hon Lady wants to know is a person who originally applied for a post that was advertised as being open only for permanent and pensionable staff and the Health Authority was advised that this was a flagrant breach of European Community Law in that it discriminated unlawfully as between permanent and pensionable staff and contract staff. He then was a contract employee, when the post more senior than the one that he then held on contract came out vacant it was originally advertised as being only open for people on permanent and pensionable terms to aspire to from below. That was decided I do not know by whom to be contrary to EU Law and therefore this gentleman applied even though he was then only on contract and got the job and he got the job only on condition that he agreed to go to the training that he eventually went to. Those are the facts of this one case but in any case it is not the case of a temporary recruit being sent for training.

ORAL

**NO. 189 OF 2004**

**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 2002?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

Answered together with Question Nos 190 to 195 of 2004.



**NO. 190 OF 2004**

**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, are resident to date in the UK?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

Answered together with Question Nos 189 and 191 to 195 of 2004.

**NO. 191 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GHA – UK SOCIAL SECURITY PENSIONERS**

Can Government state how many UK Social Security Pensioners, who were not also in receipt of a Gibraltar Social Security Pension, are resident to date, and registered with the Group Practice Medical Scheme?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

Answered together with Question Nos 189, 190 and 192 to 195 of 2004.

ORAL

**NO. 192 OF 2004**

**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 2000?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

Answered together with Question Nos 189 to 191 and 193 to 195 of 2004.

ORAL

**NO. 193 OF 2004**

**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 HEALTH**

Answered together with Question Nos 189 to 192, 194 and 195 of 2004.

**NO. 194 OF 2004**

**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 of treating temporary visitors from Gibraltar in respect of 2001/2002, as in answer to Question No 258 of 2003, the previous Minister for Health apologised for not being able to reply due to having misplaced the written schedule he was going to hand over?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

Answered together with Question Nos 189 to 193 and 195 of 2004.

**NO. 195 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GHA – COST OF TREATING TEMPORARY VISITORS IN UK**

Can the Minister for Health now state what was the latest available cost to the UK of treating temporary visitors from Gibraltar in respect of 2003, since in answer to Question No 259 of 2003, the previous Minister for Health, apologised for not having the written schedule with him?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

There were 25 Gibraltar Social Security Pensioners resident in UK without UK pensions in 2002. The data for the Gibraltar Social Security Pensioners, who were not also in receipt of a UK Social Security Pensions, and who are resident in the UK as at the end of 2003 is not yet available. The number of UK Social Security Pensioners who are not also in receipt of a Gibraltar Social Security Pension resident to-date and registered with the GPMS is 462. This figure is subject to validation by the Department of Health UK. The annual average cost of providing healthcare to a pensioner in UK for the year 2000 was £1,867. The UK has not yet presented its 2001 average cost paper in treating a pensioner in the UK to the EU Audit Board. The latest figures provided by the UK Department of Health of treating temporary visitors to the UK from Gibraltar in respect of 2001/2002 is approximately £2,400. (This excludes treatment provided in Accident and Emergency and in a primary care setting for which data is not available). The cost of treating temporary visitors from Gibraltar in respect of 2003/2004 are not available to the UK Department of Health. However, the revised latest available figure for 2002/2003 is around £36,000 (this cost excludes treatment provided in Accident and Emergency and in a primary care for which data is not available).

**SUPPLEMENTARY TO QUESTION NOS 189 TO 195 OF 2004**

**HON MISS M I MONTEGRIFFO:**

Can the Minister confirm when was the last time that the UK had negotiations with the European Union?

**HON LT COL E M BRITTO:**

Negotiations with the European Union on what?

**HON MISS M I MONTEGRIFFO:**

On the actual fees that relate to Gibraltar as well.

**HON LT COL E M BRITTO:**

I am advised that the UK have an on-going obligation to be sent figures through the EU Audit Board and on our enquiries the latest figures they have presented are for the year 2000. The figures for the year 2001 have not yet been presented.

**HON MISS M I MONTEGRIFFO:**

So a settlement for the year 2000 has yet not been forthcoming?

**HON LT COL E M BRITTO:**

This subject is linked to the answer I gave yesterday in respect of quota patients and the on-going negotiations. The answer to the hon Lady's question is yes but it is part of current discussions that are presently on-going and once we move away from numbers to actual amounts of money then this problem will not arise because the figure in money will be able to be negotiated with numbers differently.

**NO. 196 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GHA - ALTERNATIVE MEDICINES**

Can the Minister for Health confirm whether the GHA will fund the provision of alternative medicines for patients who are suffering from illnesses in respect of which there is no recognised cure, but alternative medicines have been shown to provide relief to those affected?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

Complimentary treatments are infinite in scope and variable in quality. Public funding of health services cannot be provided on this basis. Public funds are reserved for those treatments which are proven to work in internationally validated trials that show effectiveness, efficacy, consistency, reproducibility and value for money. Public funding cannot be guided solely by individuals perceptions of success and patient demand, as such demand is unlimited. While we are all sympathetic to the circumstances of people who have illnesses that cannot be treated by conventional means, there is a limit to what the publicly funded health service can do and should do. Complementary (or alternative) therapies are therefore not routinely funded on the GPMS. The Authority's policy is that the public should have access to the best healthcare that the GPMS can provide but it cannot guarantee a cure or undertake to fund experiments to find a cure, particularly where the research evidence is poor. Many health departments in the UK are currently involved in reviews of various complimentary medicines with government support. As and when a product is found to have therapeutic benefit and is safe, it is incorporated in the British National Formulary which is used by doctors in Gibraltar. One recent example was a herbal treatment for depression.

**SUPPLEMENTARY TO QUESTION NO 196 OF 2004**

**HON MISS M I MONTEGRIFFO:**

So, really what the Minister is saying is that as and when the UK decide to use it we will follow suite?



**HON LT COL E M BRITTO:**

Yes.

**HON S E LINARES**

As a matter of interest, are one of the professions like chiropractors one of those that the Gibraltar Health Authority feel that there is not enough research done into Chiropractic practices so as not to consider sponsoring patients to be able to attend chiropractic clinics?

**HON CHIEF MINISTER:**

It is a different issue. We are discussing alternative medicines not all alternative invasive treatment or manipulative treatments. I recently opened a Chiropractic Conference in Gibraltar and although I am not knowledgeable in these matters there seem to be a lot of people who take it very seriously so I suppose that this is something that the management of the Health Authority keep under review. I think it is one of these things that is a considered a professional allied to medicine, LAM. It is not really the same category as alternative medications. It is in the field of therapies.

**HON S E LINARES**

I just thought that I would ask the question since it is alternative medicine it is alternative practices as well that is why I thought it was relevant to this question, it is alternative practice rather than alternative medicine I understand that.

**NO. 197 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GHA – MAINTENANCE PROGRAMME**

Can the Government provide details of the maintenance programme in place for all the equipment in St Bernard's Hospital?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

The GHA's Technical Services staff deal with all aspects of maintenance and repairs of the full range of equipment within the Gibraltar Health Authority. The equipment within the GHA may be divided into two main sections.

- A. The Electro-Biomedical Equipment that directly or indirectly is associated with the diagnostic or treatment to the patient's health.
- B. The Non-Medical equipment that supports staff, patients and visitors to the health service.

Training of GHA technicians is on-going and is constantly being reviewed to cater for new technologies and new equipment acquired.

**SUPPLEMENTARY TO QUESTION NO 197 OF 2004**

**HON MISS M I MONTEGRIFFO:**

Does the Minister accept that in the September 2003 report the opposite is said of what he has just told this House, in fact it goes further by saying that the maintenance programme in place for all the equipment in St Bernard's is inadequate does he agree with the comments made in the report?

**HON CHIEF MINISTER:**

Even if the report says what the hon Lady says and I have not got it in front of me but accepting for the present that it does it is not contradictory of what the Minister has

said in his answer. The hon Lady has asked the Minister to explain what the present system for maintenance of hospital equipment is and the Minister has given the hon lady a recital which explains what the present system of maintenance is. The fact that the report is critical, if it is critical, does not contradict as if it is the opposite. The Minister has not expressed the view about the present system he has just explained what the present system is.

**HON MISS M I MONTEGRIFFO:**

I am asking him whether he will express the view that it is inadequate and whether he will agree with the comments in the report.

**HON CHIEF MINISTER:**

The first time the hon Lady asked the supplementary she prefaced it by saying, *"Does the Minister accept that what he has just said is the opposite of what is said in the report?"* It is not the opposite of what is said in the report because the Minister has limited himself to explaining what the system is to the extent that the report is critical of what the present system is the Minister has not agreed or disagreed with what the report says and therefore cannot have said the opposite.

**HON MISS M I MONTEGRIFFO:**

Fine but I have still not got my answer.

**HON CHIEF MINISTER:**

All right that is a different question.

**HON MISS M I MONTEGRIFFO:**

Will the Minister agree or disagree with the comments that the programme for the maintenance of equipment in the hospital is inadequate?

**HON CHIEF MINISTER:**

No. Mr Speaker, this takes us into the territory of last night. The system is what it is and more or less the same as we inherited with one or two improvements. This is precisely the sort of area that we have called people in to look at to see if the way that we are doing it is good, bad, or indifferent and this is precisely, the hon Lady can pick as many examples as she likes this is an area in which Gibraltar does things in a certain way because it has always done it in a certain way, we have asked people from abroad to come to look to see if the way that we do it is all right or whether we should be doing it differently, the experts according to what the hon Lady has read I am not doubting the accuracy of what the hon Lady is reading out it is just that I do not have it in front of me, the hon Lady reads the report where the experts are critical of what is said and unless the hon Lady thinks that they do not know what they are talking about then the hon Lady ought to welcome the fact that we called these

people out to look at our systems because if we had not, the system which they think is not right would not be changed.

**MR SPEAKER:**

Your questions are exhausted.

**HON MISS M I MONTEGRIFFO:**

Honestly Mr Speaker without being disrespectful I feel I am being gagged. I am here to represent the people of Gibraltar and I am only allowed to make two supplementaries to my questions....

**MR SPEAKER:**

Three supplementaries.

**HON MISS M I MONTEGRIFFO:**

..or three.

**NO. 198 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GENERIC MEDICINES**

Can the Minister for Health confirm whether he intends to change the present appeals procedure for those patients that are unable to take generic medicines?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

No. The vast majority of GPMS patients are served very well by generic medicines and only about 4-5 persons at most appeal each year seeking a proprietary product to replace the dispensed generic product. The following procedure exists (and has been in practice since 1999) to deal with these few clinical appeals objectively.

A clinical appeal is defined as an appeal to replace a generic product with a proprietary product on the grounds that the generic product is causing or is likely to cause harm to the patient. The harm should not be merely speculative but substantial, either as a clinical observation or from peer reviewed reports. Clinical appeals can be raised by any registered doctor who has examined the patient within the context of a GPMS (not private) consultation and are forwarded to the Chairman of the Gibraltar National Formulary Committee. If a generic trial has not yet been undertaken, the chairman advises the Prescriptions Adviser to arrange for this in co-operation with the doctor. Appeals are considered by the Gibraltar Formulary Committee taking into consideration the generic trial results. The appealing doctor may attend if desired. Decisions of the Gibraltar Formulary Committee are forwarded in writing to the referring doctor within two weeks of the meeting. I must emphasise that these procedures are applied in routine circumstances. Obviously we apply a fast track system if the circumstances so warrant.

**SUPPLEMENTARY TO QUESTION NO 198 OF 2004**

**HON MISS M I MONTEGRIFFO:**

The answer that the Minister has given me proves the point that I am trying to make. By the time the patient hears the result of the appeal in the meantime would it not be

more logical for the doctor to continue to prescribe the proprietary product and I am saying this because I have actually brought such cases to the House before and therefore the patient would not have to wait for weeks or months on end until the actual result of the appeal is known?

**HON LT COL E M BRITTO:**

The hon Lady seems to miss the point of the last part of the answer which I emphasised. This is the procedure for routine applications where the medicine is of a nature that there is no effect on the patient if it takes one day more or less. If we are talking about a life threatening situation or an emergency drug then fast track procedure kicks in and cases will not arise where a patient is deprived of a medicine that is essential for his well-being and for life threatening circumstances if the generic discussion arises.

**HON MISS M I MONTEGRIFFO:**

Will Government not agree that there have been cases that have occurred which I have brought to and continue to bring to this House, I must say not very regularly, but if we are talking about a patient whose life or there is a certain discomfort because of allergies that are created as a result of the generic medicine will Government not agree that the doctor should have the authority whilst the appeal is taking place to continue prescribing the branded medicinal product instead of the generic because there have been instances and there continues to be instances when this is not happening?

**HON CHIEF MINISTER:**

Government do not agree. Government note that the hon Lady often or sometimes brings names cases to this House but the fact that the hon Lady names them on the basis of a complaint that the hon Lady receives from the patient affected does not mean that there is merit to the case, does not mean that the system as it exists has not worked properly in relation of the case, probably it simply reflects the fact that the person is dissatisfied because they would have liked a different result and therefore somebody who goes to complain to the hon Lady and the hon Lady raises the case in the House does not alter or give more or less credit to the merits of the case than the system itself is capable of identifying and the hon Lady's political constituency office is not a court of appeal for a system. If the hon Lady on the other hand thinks that the system is defective then it is perfectly legitimate for her to seek to persuade Government that the system should be changed [INTERRUPTION] No there is a difference between a discussion about whether the system is right, wrong should be different or better on the one hand and on the other hand once there is a system in place the hon Lady should not think that it can be overridden simply because somebody that is aggrieved with the result produced by that system simply goes to visit her in her political office. That is not a key or doorway or route to circumscribing the system and that is very different to debating whether the system should be different or needs improving or does not need improving which I accept is an entirely legitimate issue for the hon Lady to raise in this House.

**HON MISS M I MONTEGRIFFO:**

I want to clarify what the Chief Minister has said. It is not that the patients that have come to me are aggrieved because they are not being prescribed the branded medicine it is because they have developed allergies to the generic medicine. In some cases and I have not even told Government that the system they have in place is ineffective or incorrect what I am saying is that I am trying to convince them that in the meantime whilst the appeals are being heard if one is talking about a patient who is taking a medicine which is in relation to their blood pressure or in relation to whatever other condition is it not prudent for the doctor to continue with the branded medicinal product until the appeal is heard that is all I am asking, even if there are one or two patients or three is it not logical to take that path rather than put the patient in distress and rather than have the patient suffering the consequences of either not taking the medicine or developing the allergies to the generic medicine?

**HON LT COL E M BRITTO:**

I have made it my task in preparing the answer to this question to look into it personally and I am satisfied that the system that is in place works. The hon Lady has just mentioned blood pressure, that is what I meant when I said that there was a fast track procedure. The information that I have is that any patient who goes back to his doctor the immediate action that is taken by the GHA is that a generic drug is immediately changed and it is changed more than once if necessary. The hon Member may shake her head but that is what actually happens. What I would advise the hon Lady is if someone comes to her with an allergy or otherwise then she should direct the person to go back to the system and inform those who are responsible for giving her the medicine of the problem but if the hon Lady waits until it is brought up in this House then no doubt there is a delay. The system is one where if a patient as the hon Lady alleges and I have no evidence from the inquiries that I have made that this has happened to anybody for any length of time, if a patient has a problem action is taken immediately without waiting for the complaints procedure to take place and it is taken in consultation with the person's doctor and with the people involved in the GHA. That is what the hon Lady should do she should direct the people to the where the action is being taken.

**HON MISS M I MONTEGRIFFO:**

I have, I have told the patients to go back to their doctor and on many occasions the doctors have said that the matter has to be dealt with by the Controller of Medicines and therefore when the Controller of Medicines looks at the situation it has and it is taking a long time for the patients to get an answer and all I am saying like the Chief Minister has just said, instead of the patient having to wait for Controller of Medicines why does the system not do what the Minister has said that in important cases the doctor continue to prescribe. This is different to what the Chief Minister has just said that doctors do not continue prescribing the medicinal product. The doctors say that it has to go to the Controller of Medicines. At least will Government not review the situation in the light of what I am saying?

**HON CHIEF MINISTER:**

No, Government will not review the situation in the light of what the hon Lady is saying because we think that what she is saying is mistaken. To speak of continuing

with the proprietary medicine ignores the fact that one does not start with the proprietary medicine one starts with the generic medicine because that is what is specified in the formulary and that is what the doctor has to prescribe so any argument based on a mechanical system that allows one to continue with what is happening until there is a decision is in effect to continue with the generic version because that is what is prescribed in the first place. Therefore the factual scenario that the hon Lady is recommending to Government never arises because if somebody is prescribed the proprietary drug which is the only way that the question of continuation with the proprietary drug can arise is because it is permissible under the formulary and there is no issue and no problem so, the scenario upon which the hon Lady bases her recommendations to the Government do not and cannot arise nor is Government willing to allow these decisions to be made even in the hypothetical and impossible situation that the hon Lady has described by the GP's because that would make the system unworkable. There are many reasons why other than the ones that concern the hon Lady why some people may want to prescribe proprietary rather than generic drugs. The system has in-built into it a mechanism to rescue (so to speak) patients that are victims of the generic drug. Government are not aware of any cases in which the system is saying even though there is patient 'a', 'b' and 'c' suffering consequences which she should not suffer never mind carrying on suffering them because we are going to take three weeks to make the decision. That is simply not the case there is a routine procedure when the decision can wait and then there is a fast track procedure to ensure that decisions that need to be made in a timely urgent fashion are made in a timely urgent fashion and the fact that somebody goes to the hon Lady and says, "*Well, I do not think that this drug is working for me,*" is a layman's judgement the people who make these decisions in Government are themselves medical people and pharmacists they are not administrative decisions, these are medical decisions that are being made and therefore the question boils down to, "*Should the decision be made by the formulary people or should it be made by the doctor?*"

**HON MISS M I MONTEGRIFFO:**

That is right.

**HON CHIEF MINISTER:**

That is what it all boils down to. Government's policy as it is in other places is that it should be made by the Formulary Committee because the moment that one gives the decision to the doctors in effect one has no system that one can control and that one can deliver and one is just basically saying to the doctors, "*you prescribe whatever you want to prescribe.*" Which will result in a re-version to the prescription unnecessarily of much more expensive branded products when there is no additional medical value for the much higher cost of the proprietary brand over its generic equivalent. That is why Government do not agree that it should be the GP, Government agree that it should be the GP in consultation and liaison with the Government pharmacists and chemists and between them they should make the decision in the interests of the patient and that is the way it works and it does not leave the patient exposed in the way that the hon Lady says that people have come to tell her and she is reciting it in this House.



**HON MISS M I MONTEGRIFFO:**

I think it is my responsibility.....

**MR SPEAKER:**

Next question, next question.

**HON MISS M I MONTEGRIFFO:**

I think it is my responsibility.....

**MR SPEAKER:**

Next question I am sorry I am sticking to it.

**HON MISS M I MONTEGRIFFO:**

We are talking about patients that .....

**MR SPEAKER:**

There has been a decision that there will be two supplementaries. A supplementary is to the original answer there is no such thing as a supplementary to a supplementary.

**HON MISS M I MONTEGRIFFO:**

So I have only got two?

**MR SPEAKER:**

The hon Lady is already on her fourth.

**HON MISS M I MONTEGRIFFO:**

But Mr Speaker, the substantive answer has only been given now the hon Members have been going round and round in circles and now.....

**MR SPEAKER:**

No I will not allow it.

**HON MISS M I MONTEGRIFFO:**

As I said before Mr Speaker I think if I am here asking questions about genuine concerns about people who are ill and everytime I want to ask a supplementary to what the Minister has said I think I am entitled to continue to represent those people that have elected me.

**MR SPEAKER:**

Next question.

**NO. 199 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GHA – COMPLAINTS PROCEDURE**

Given that in the meeting of the House in March 2003, the Minister for Health, Dr Bernard Linares stated that the post for an officer with full-time responsibility for the Complaints Procedure would be shortly advertised, can the Government confirm if it has been advertised, and if so when, and if not, why it has failed to advertise the post as intended?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

Answered together with Question No 200 of 2004.

**NO. 200 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GHA – ORTHOPAEDICS/OPHTHALMOLOGY OPERATIONS**

Can the Minister for Health state that since the number of people in the area of Orthopaedics waiting for routine operations, is more than double, 740, when compared to Ophthalmology 335, what measures he intends to introduce so as to deal with the backlog?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

These issues are now being dealt with in the context of the current general review.

**SUPPLEMENTARY TO QUESTION NOS 199 AND 200 OF 2004**

**HON MISS M I MONTEGRIFFO:**

If the previous Minister for Health the Hon Dr Linares in March said in answer to Question No 263 of 2003 we will shortly be advertising the post we are now talking about 9 months down the road and the post for the new Complaints Officer has not been advertised?

**HON CHIEF MINISTER:**

Correct. All these matters have now been subsumed into the review to ensure that they all take place in response to a structured cohesive plan for the modernisation reform of the Health Authority.

**HON MISS M I MONTEGRIFFO:**

Do Government not agree that we are talking about a Complaints Procedure that has been a complete failure that people do not know where to go to and that they should now say that they are going to wait for recommendations when the Minister gave details of the actual way that the post was going to deal with complaints, the Hon Dr Linares and the Chief Minister in the last meeting of the House said that they were going to employ an officer full-time and that this was going to be done very quickly so that patients would not be left sort of in cloud 9 without being able to make the necessary complaints?

**HON CHIEF MINISTER:**

Entirely correct that is exactly the position. The assessment of the Complaints Procedure and what it might be replaced with is one of the specific work streams, implementation reports that Government are going to receive in the context of this review and we expect it shortly. I agree with everything that the hon Lady has said except her opening words that the existing Complaints procedure has been a complete failure. I do not think that it has been a complete failure although I would agree with the hon Lady that it has been much, much, much less effective than Government would have wished it to be.

**HON MISS M I MONTEGRIFFO:**

I am afraid that when we are discussing a matter in the House of Assembly and we get Ministers making statements like, for example, *"We will shortly be advertising to contract a dedicated officer with full-time responsibilities for quality assurance generally in the services and specifically the Complaints Procedure and this will be done very shortly,"* what is very shortly for the Government?

**HON CHIEF MINISTER:**

The hon Lady can focus on the word *"shortly"* if she likes but clearly since *"shortly"* is by any definition a less period of time than has actually elapsed perhaps it might have occurred to the hon Lady that Government have changed their mind, altered course and come to the conclusion that the sensible way to do it is not the way then proposed to do it but by asking the visiting experts to make the recommendations rather than try to invent another homemade Complaints Procedure that does not work. Governments are allowed to change their minds and the fact that Governments change their minds does not entitle the hon Lady to critically remind us of what we said in March because if Government said something differently that we were going to do something in one way in March and in November, December, or January Government are doing it in a different way all it means is that Government have changed their minds which is not a mortal sin. Changing ones mind is something that the hon Members might benefit from time to time themselves.

**HON F R PICARDO:**

As did the Chief Minister in relation to his policy on Brussels just before the 1996 election.

**HON MISS M I MONTEGRIFFO:**

In answer to Question No 200 of 2004 have the Government not also changed their mind and that again here we have another example that we cannot even take for a fact what they put in their election manifestos, is it not the case that the Government were saying in the year 2000 that a second Orthopaedic surgeon would be appointed and this has not happened and that is probably why we have come to a stage in the Orthopaedic speciality that the number of patients waiting for an operation now stands at 740 and can he not agree as well that his so called experts have also said that the figure has gone up to 892?

**HON CHIEF MINISTER:**

The hon Lady is entitled to question us on our actions and omissions in Government what she is not entitled to is to examine us as to how we have done in relation to our manifesto. Our manifesto is our offer to the electorate not our contract with the Opposition and in respect to the successes and failures to deliver on our manifesto commitments we account to the electorate at election time not to the hon Members. If we promised in our manifesto or if we committed ourselves in our manifesto in the year 2000 to recruit a surgeon and we have not yet done so then it appears that the electorate have forgiven us for not having done so because since then we have been re-elected on a new manifesto notwithstanding the fact that whatever deficiencies she may now be wishing to identify are omission from our 2000 manifesto. So, I am not going to stand in this House debating with the hon Lady whether we have complied or not complied with a manifesto that has been overtaken by a subsequent manifesto upon which we have been elected. If the hon Lady wants to know whether the Government still intends to recruit a second consultant the answer is that that issue is subsumed into the review and the hon Member might be able to find other examples with which I will also agree with her. It is true, all of the potential issues of this sort that were in the pipeline during the period that we decided to convene the review and the review have been held back where they can be held back to see what the review says because there are issues relating to the Orthopaedic surgery that raise other considerations and not just a simple multiplication of the number of surgeons.

**HON MISS M I MONTEGRIFFO:**

Is it not the case then that this Government whatever they say in their manifesto nobody will ever believe them anymore because we have had more than three and four occasions when we have actually proved to them that what they say in their election manifesto is not adhered to by the Government and is it not a question that in order to be able to reduce the figure of people who are in the waiting list for orthopaedic surgical interventions does not require any expert, does the Government not understand that they can solve that problem like they solved the problem of the Ophthalmology?

**HON CHIEF MINISTER:**

No it cannot be done in the same way. I do not know whether it is true that nobody believes the Government manifesto anymore, what I can say to the hon Lady is that if her statement is true then either given that we have just been re-elected and we have been preferred to them, notwithstanding that according to her nobody believes us,

either it is not true that nobody believes us and therefore that people do believe us or secondly another possibility is that people do not care whether the Government complies with its commitments or not which is obviously not the case, or more seriously for them even though people do not believe us they still prefer us to them which is very bad news for them indeed.

**NO. 201 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GHA – WAITING LISTS**

Can Government provide the latest comparable waiting lists for public and private patients covering all specialities for both out-patients and in-patients, which also includes those who require surgical interventions?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

The Government remains willing to provide to the Opposition detailed information of this sort which is unprecedented in Gibraltar before 1996. however, given the intense administrative burden of preparing this information within five days, I will forward this information in writing to the hon Member within 10 days.

**SUPPLEMENTARY TO QUESTION 201 OF 2004**

**HON MISS M I MONTEGRIFFO:**

Does the Minister not understand that if it is unprecedented it is because I was not asked this question whilst I was in Government it is as simple as that?

**HON LT COL E M BRITTO:**

What is unprecedented is the level of information that this Government have always given as opposed to the level of complete obscurity and lack of information given to us when we were in Opposition, shame on the present Opposition for the lack of information that they gave.



**HON F R PICARDO:**

If the Minister did not have the brains to ask the same questions that my honourable friend has surely it is more of a reflection on their ability to do Opposition than anything else.

**HON CHIEF MINISTER:**

The answer to the supplementary is no it does not reflect that because questions were asked and the lack of transparency came in the unwillingness to approach the answering of the question in the same way as we do. This Government approach answering a question maximising the information that can be given in answer to it. The party of which he is now a Member when it was in Government used to approach it the other way round and give as little information as possible and if the hon Members think that they are presently being gagged in the function of Opposition let me tell them that they get infinitely, infinitely greater margin to ask supplementaries and questions than we ever used to get because when we were in Opposition the position of the Speaker then was, *"Well if Government do not want to answer that is up to them, next question."*

**HON MISS M I MONTEGRIFFO:**

That is a matter of opinion.

**HON CHIEF MINISTER:**

It is a matter of fact it is in Hansard.

**HON MISS M I MONTEGRIFFO:**

Can Government not confirm that I have asked three questions in this House where they have had five days notice and on previous occasions having had the same five days notice they have provided the information?

**HON CHIEF MINISTER:**

Correct and that is not limited just to health. The fact of the matter is that Government are no longer willing to for the machinery of the public administration to be paralysed in an attempt to produce in a five day period information which is statistical in nature, most of which does not result even in the asking of supplementary questions and where the Members waiting a few more days causes them no inconvenience but enables the Government to function whilst the information is put together. The hon Lady is correct there has been a policy decision by Government to change its position and it is for that reasons that I am just explaining. The answer is five days is no longer enough in accordance with the new policy to provide the information and they will get it within 10 days. This is information of the sort that in most parliaments are not given either in answer to questions or in debates or anything what we are just saying is that before we used to bust the guts to give it in five days, we are longer willing to bust the gut it simply places the administrative machinery under too much strain in too short a period of time so we have extended

the period to 10 days. She is absolutely right, that is a change of policy and I have risen to answer the question because it is not limited to health. Some of the other hon Members will have noticed that they have got similar answers in relation to their other areas of responsibility which are not health.

**HON MISS M I MONTEGRIFFO:**

So now we have a new policy whereby even if we put the question we will not get the answer in the House and then we had a situation yesterday where there were 27 questions on health which Government refused to reply at all and there is a ruling now that we only have two supplementaries to each question that is totally unacceptable to the Opposition.

**HON CHIEF MINISTER:**

In her incorrigible and inimitable style the hon Lady seems to be intent on distorting and misrepresenting and simply basing her case on what she has not just been told. It is not the policy of the Government only to give information after 10 days. The vast bulk of the statistical information that they have asked for have been given within the five days some of it, a small amount of it, a minority of it has been extended to 10 days so what I have explained to her I would have thought in language sufficiently clear for the hon Lady to have understood is that some of the information is going to be given in 10 days but she has been sitting in this House and she has seen how many times the poor Gentleman Usher has had to go out of this door and in through that one clutching a piece of paper to hand. All those examples which are 90 odd per cent of the statistical information that the Opposition has asked for has been delivered in the five days so why the hon Lady feels justified in saying , *“Ah, now the new policy is that we do not get information within five days,”* she could if she was interested in being accurate and precise which I have no doubt she has no such interest, but if she were interested in being accurate and precise she might have said we no longer get all of the information within five days we now get most of it within five days and some of it a small part of it within 10 days that would be an accurate representation of what I told the hon Lady.

**HON MISS M I MONTEGRIFFO:**

The Chief Minister says things and then qualifies what he has said by saying something totally different, did the Chief Minister not say that this was now new Government policy, will he now say that what he has said is that in his new policy he will decide which statistical information will be provided and which will not is that correct?

**HON CHIEF MINISTER:**

It is quite clear that the Minister has not changed anything of what he has said. The policy is that not all the information can be provided in five days anymore because if the policy were that none of the information would be provided within five days how would the hon Lady explain the fact that they have had 95 per cent of it within five days. The hon Lady does not think that Government made a policy the day before yesterday and have not bothered to carry it out. It is clear both from what I have said and from what she has experienced here in the last three days that the policy relates

to not all the information but as much of it as can reasonably be given within the five days relieving the administration of this wholly excessive administrative burden. Let me say to the Opposition that the normal parliamentary tradition and convention which they in Government used to have recourse to frequently and which we never have recourse to is to say *“that information called by that question requires an undue amount of administrative effort to collate and the hon Members therefore cannot have it”* that is the traditional acceptable parliamentary device. We do not do that as they used to do when they were in Government. We do not say the Opposition cannot have it because it requires too much effort. The Government says it requires too much effort therefore we are going to take 10 instead of five days to give it to the hon Lady. That is the policy it is an infinitely more transparent policy than the Opposition used to deploy and that is what the position is and it is not Ministers who decide it is what the administrative machinery can reasonably produce in those five days and that is the policy and we are sorry that we got the hon Members used over the last eight years to a system which we are now changing and which we should never have allowed them to get used to in the first place.

**NO. 202 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GHA – RECIPROCAL AGREEMENT**

Can the Minister for Health provide the actual figure his predecessor promised to pass on to me, when I reminded him in the last meeting of the House that he had previously given a statement to the effect that in relation to the Reciprocal Agreement with the UK, the Government had received a settlement in 1996?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

The amount paid to Government in 1996 in respect of EU Commitments was £101,336 and related to the years 1988 to 1992.

**SUPPLEMENTARY TO QUESTION NO 202 OF 2004**

**HON MISS M I MONTEGRIFFO:**

Since 1992 have there been any more sums that the Government have received?

**HON LT COL E M BRITTO:**

No.

**HON MISS M I MONTEGRIFFO:**

So we are talking about a situation that there is about a 14 year delay?

**HON MISS M I MONTEGRIFFO:**

Will these figures in any way be altered by the new system where quota patients will be taken over by the actual sum of money for the quota patients instead of the number?

**HON LT COL E M BRITTO:**

I am told that both matters are completely unrelated. This is in connection with EU commitments and the other matter is in connection with the reciprocal arrangement with the UK or vice versa.

ORAL

**NO. 203 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GHA – NEW HOSPITAL**

On what date does the Government now expect the hospital at Europort to be fully functional and operational?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

Answered together with Question Nos 204, 205 and 206 of 2004.

ORAL

**NO. 204 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GHA – DIALYSIS**

Can the Government now finally confirm what dialysis facilities will be made available in the Europort Building?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

Answered together with Question Nos 203, 205 and 206 of 2004.

**NO. 205 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GHA – PRIVATE PATIENTS**

Can the Government confirm if there will be any beds earmarked for private patients within the Europort Building?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

Answered together with Question Nos 203, 204 and 206 of 2004.



**NO. 206 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GHA – NEW HOSPITAL**

Can the Government give an up-date as to their negotiations with the developers of Euorplaza for acquiring more parking spaces from them which are required for the new hospital?

**ANSWER**

The exact date for the new hospital to be fully functional and operational is not yet known. The manner in which Dialysis will, for the first time ever, be provided locally is still under consideration with interested parties. It is not appropriate to comment on commercial negotiations about parking until they are complete. The new hospital has been designed with a provision of about 10 beds in a private corridor.

**SUPPLEMENTARY TO QUESTION NOS 203 TO 206 OF 2004**

**HON MISS M I MONTEGRIFFO:**

Is it not a fact that the kitchen will not be housed within the hospital and is it not a fact that there will be no geriatric wards in the hospital?

**HON CHIEF MINISTER:**

It is a fact that there are food preparation areas in every floor in the new hospital. It is also true that the food that is prepared in those kitchens in the new hospital has been prepared up to a cook and chill standard in a central kitchen located elsewhere. Those are the facts. If the hon Lady wishes to get technical and facetious there are many more kitchens in the new hospital than there are in the existing hospital. If the hon Lady is simply trying to highlight the fact that the system of providing catering in the hospital is being changed then absolutely correct that is a matter of policy decision by the Government and if the hon Lady wants to highlight the fact that those arrangements mean that the first stage of food preparation takes place in a kitchen which is not located in the same building as the new hospital the answer to that is correct. The hon Lady should also be aware that as a result of this new system the

quality of food and patient choice, and dietary choice will be elevated almost to restaurant standards. As a result of this system that the hon Lady appears neither to understand nor indeed supports because the hon Lady appears to be concerned only about whether the room is physically located in this building or in a different building but she should understand that the result of this policy is that the quality of catering the hospital, the quality of the food, will be not just enormously improved in quality and variety but indeed there will be menu choices for patients on a very wide range much more than the couple of things that they can now choose from when the trolley comes round. Government think that that is a vast improvement and the question of whether the kitchen is or is not in the same building in our view is a complete red herring but completely monumental of the hon Lady's obsession with trying to find mindless criticisms of the new hospital in order to tarnish the entire project without even understanding or asking the Government why there is not a full kitchen in the hospital. If at least the hon Lady bothered to find out the reason and then criticised the reason then at least, but to simply ask is it true that there is no kitchen in the hospital what does the hon Lady think that these architects that have come from the United Kingdom who are specialist hospital architects does she think that they have forgotten to put a kitchen in the hospital, is that what the hon Lady thinks, that we have forgotten that patients need to eat in a hospital? Is that what she thinks? No, well, as it is clearly not what the hon Lady thinks let the hon Lady criticise the difference system of catering rather than simply ask whether there is a kitchen in the new hospital or not. As to the geriatric ward yes it is true that the new hospital contains no wards exclusively for the use of old people who are ill. That is not because the Government or the Government's specialist hospital architects and consultants have suddenly come to the conclusion that either old people will stop getting ill or that if they do get ill they should not be admitted into hospital. I suppose that the hon Lady understands that that is not the reason and therefore that there must be a good reason or at least a reason which the hon Lady at least should enquire what it is before submitting to criticism and the reason is that nowhere in the civilised western world are modern new hospitals designed on the basis of segregating people on an ageism basis. The concept which I accept used to be established practice everywhere that one used to put people that were old and ill in a different ward to people who are young and ill is antiquated, discredited practice when one gets the opportunity to design a brand new hospital and as that is the advice that we have from our hospital design consultants we do not see why the people of Gibraltar should be deprived when they are spending £40 million on a new hospital why they should be stuck in the times of the Victorian principles because the hon Lady thinks that change is bad. Change is good when it results in Gibraltar staying up-to-date with modern western European standards and modern western European standards we are authoritatively and expertly advised are that new hospitals now integrate the elderly infirm in the same wards as the none elderly infirm as opposed to shoving them in a room as if to tell them, "*..there you are this is a special room for people that are ill and who we do not expect to get better very soon.*" That is the modern principle to which the Government fully subscribes, to which Government enthusiastically embraces but which we note and record the hon Lady is opposed.

#### **HON MISS M I MONTEGRIFFO:**

So, now I am mindless and now I think that the Government have forgotten that they have to have a kitchen, is it not the case that the Government have had to do away with certain facilities that were there before because what the Government have done is try to squeeze a hospital in a building which was not specifically designed for a hospital?

**HON CHIEF MINISTER:**

The hon Lady does not even bother to establish the facts before launching political assault on invented facts. Far from there being a problem of having to squeeze facilities into the new hospital it has rather been a case of the existing and new facilities having so much space that *[INTERRUPTION]* why does the hon Lady giggle, does the hon Lady know, has the hon Lady been to the hospital, has the hon Lady seen the space that is now available for things that are squeezed in a little room in St Bernard's Hospital and that now have an entire floor in the new hospital, why does the hon Lady giggle if she does not know the fact is this a nervous tick or is the hon Lady saying that without knowing the facts the hon Lady is able to discredit what I am saying about the facts? The reality of the matter is that so excessive in size *[INTERRUPTION]* I understand that the Opposition does not enjoy listening to the real answers to their completely *[INTERRUPTION]* I am on my feet. Mr Speaker we cannot completely abandon all semblance of parliamentary discipline the rule is that if I am on my feet and the hon Member wants to say something he either asks me to give way or the hon Member invokes the Speaker on a point of order. No I am not giving way.

**HON F R PICARDO:**

Point of order.

**MR SPEAKER:**

No, there is no point of order.

**HON CHIEF MINISTER:**

So much is the case the opposite of what the hon Lady has said about squeezing that we actually contemplated not using one of the four buildings that we purchased. We purchased buildings 1, 2, 3 and 4 in Europort and frankly we said let us not use building 4 because already we have provided for all the existing St Bernard's facilities in three or four times. The new Intensive Care Unit has got 13 beds compared to the five beds in the present one. It is six or seven times the size of the one in the present hospital and when the hon Lady talks about squeezing things out does the hon Lady not know that the useable space in St Bernard's Hospital is 9,000 m<sup>2</sup> and that the area of the new hospital is 23,000 m<sup>2</sup> how can Government possibly have difficulty in squeezing what is presently a 9,000 m<sup>2</sup> in an area more than twice the size of the existing area. If the hon Lady bothered or was interested in the facts of the matter rather than invent the facts simply to justify a political attack on the Government the hon Lady would not be doing and saying 95 per cent of the things the hon Lady is doing and saying but Government accept that the hon Lady is motivated by a desperate, desperate obsession with tarnishing the new hospital by whatever means the Opposition can just as the Opposition has tried to tarnish the new bus service by pointing out that they are two inches bigger than the regulations permit, by the way forgetting that all the present buses are bigger than the regulations permit even the little Toyotas that were last seen in New Delhi, so, the point is not to make constructive criticism of the Government the point is to find some meaningless way of tarnishing what are otherwise major, qualitative developments in the facilities of Gibraltar. We accept that, we understand that that is the cut and thrust of politics, we understand why the hon Lady does so but the fact that we understand that the hon

Lady is just playing the political game does not prevent us from pointing out to the hon Lady that she is factually wrong. Having done we have no doubt that the hon Lady will continue playing the political game.

**HON MISS M I MONTEGRIFFO:**

As far as the Opposition is concerned politics is not a game, politics is about making the lives of people in Gibraltar better and what the Chief Minister does is try to ridicule everything that we say in this House. The Chief Minister knows better, everything that the Opposition says in this House the Chief Minister rubbishes with what I would say is language that can only be described as gutter politics, is it not the case that the new hospital will only have nine more beds than St Bernard's had originally which is 192 beds and that it does not even have a kitchen in it? Is that not the case?

**HON CHIEF MINISTER:**

The case is that the hon Lady can do her own mathematics. The case is that the new hospital has 211 beds. That St Bernard's Hospital presently has 167 beds, that is the reality. Actually if the hon Lady is interested the Government have actually been criticised by the consultants because they think that a 211 bed hospital for a community of 28,000 is in their opinion excessive by any standard applicable in the UK to which our reply has been, "*..we try to improve on the standards in the UK and not mimic them where possible.*" Those are the facts the hon Lady can make whatever deductions and calculations of a mathematical and of a non-mathematical nature for herself whichever she pleases.

**HON MISS M I MONTEGRIFFO:**

I think it is a waste of time trying to convince the Chief Minister about factual information as regards the number of beds here and the number of beds there. The Chief Minister simply twists the whole thing around and I honestly believe that this Government will make a complete fiasco of what they are trying to do with the new hospital. Turning now to another supplementary on another question can the Government confirm why they are still unable to give information over dialysis facilities which they promised six years ago in their election manifesto?

**HON CHIEF MINISTER:**

The hon Lady has just said that in my last intervention I had twisted the facts. I only gave her two facts in the last supplementary and I would like her to consider which are the ones that the hon Lady thinks that I have twisted. I have said, "*..there are currently 167 beds in St Bernard's Hospital*" and I have said "*.. that the new hospital has 211 beds*" I have made no judgement, I have invited the hon Lady to draw whatever deductions mathematical or non-mathematical she wishes to draw for herself. In that statement of fact there is currently 167 beds and the new hospital has 211 which of those two facts does the hon Lady think is twisted?

**HON MISS M I MONTEGRIFFO:**

The first one because St Bernard's originally had 192 beds and what the Chief Minister is saying now is that it only has 167. If one takes away the old Lewis Stagnetto Ward what the Chief Minister is doing is that he is not including the number of beds which are today in the new Lewis Stagnetto Ward which used to be the private corridor. If the Chief Minister wishes to go back to one of the reviews he will see that there is definitely a mention of 192 beds and if the Chief Minister cares to look at the Nursing Review they come up with 167 beds and say that they are not counting private corridor because that is presently being housed by Lewis Stagnetto Ward that is why I was telling the Chief Minister that he had got his facts wrong. Secondly, the Chief Minister has not answered the next supplementary that I have made in relation to dialysis facilities. Here we have another typical example of this Government making promises which they then do not fulfil which they then are unable to come with a solution and what do they do? They bring in more experts. Can the Chief Minister confirm why the Government have still not come to a decision when again in this election they have they same commitment that there will be dialysis facilities within the hospital and seeing that Mr Speaker has ruled that I only have two supplementaries will the Chief Minister not agree with me that if the facilities in the hospital that are going to be provided for the general public in Gibraltar, whether these should not be facilities that would not require patients to go for dialysis to Spain?

**HON CHIEF MINISTER:**

The hon Lady has then clarified that it is not I who got facts wrong or twisted them but rather that the hon Lady does not listen to the facts and the words that I give her. If I say that there are currently 167 beds and that the new hospital has 211 beds why does the hon Lady think that that is getting my facts wrong or twisting the facts on the basis that in 1995 there were 193.....I am not referring to the number of beds in 1995, 1996 or when the Lewis Stagnetto Ward existed or when the kitchen existed or did not exist. I am saying there are currently in the hospital 167 beds.

**HON MISS M I MONTEGRIFFO:**

That cannot be.

**HON CHIEF MINISTER:**

According to the Chief Executive Officer who is sitting behind me and has just confirmed it to me even though I knew it before, 167 beds, in fact in an attempt to bed manage seven or eight new beds were added yesterday.

**HON MISS M I MONTEGRIFFO:**

A point of order.

**MR SPEAKER:**

What is the point of order?

**HON MISS M I MONTEGRIFFO:**

The point of order is that the Chief Minister is quoting the wrong figure because yesterday the Chief Minister said that there were 175 beds in St Bernard's.

**MR SPEAKER:**

That is not a point of order.

**HON CHIEF MINISTER:**

I did not say that there were 175 beds. I said that there are currently 167 beds in St Bernard's Hospital and that the new hospital has 211 to which the hon Lady leapt to her feet to say that I was twisting the facts, why was I twisting the facts? Because it is ignoring the fact that in 1995 there were 193 beds but I did not say anything about the number of beds that there were in 1993 so how could I have been twisting the facts? There are currently I said 167 beds and the new hospital contains 211 beds and those are facts and the only thing that is being twisted here is the use and distortion and misrepresentation to which the hon Lady submits the perfectly clear and untwisted facts which I give her because they do not suit her purpose and because it does not suit her purpose the hon Lady moves the goal post, twists what I am saying in order to make a completely different point. On dialysis I understand that after eight years the Opposition are entitled to demand from us higher standards than they presided over when they were in Government and I do not say to them that because they now ask us to do things that they did not think it was necessary to do when they were in Government that this somehow disqualifies them from pressing the Government on the matter, it does not, but it does require I would have thought the hon Lady to at least be careful in the language that she uses to do so because there was a border between Gibraltar and Spain between 1988 and 1996 when the Opposition were in office. Those were the years of the Braña triple filters when it was even more likely than it is today that there will be delay in getting across the border. In all those years they were perfectly content for Gibraltar's dialysis patients to go to have their dialysis in La Linea and apparently this did not amount to insensitivity to the dialysis patients to have to go abroad. It appears that the hon Lady since she has gone from Government to Opposition has become a convert to the view that dialysis should be done in Gibraltar. The hon Lady is converting to our view and abandoning the contrary view which is the one that the hon Lady had and practiced in Government [INTERRUPTION] no, no, there is as the Opposition call it, people's views are tested by what they do and do not do when they are in a position to do it or not do it, not by what they preach when they are not in a position to do something about it. It is a case of "do as I now say and not do as I did when I was in a position to do it." The substantive answer to the hon Lady is that she knows jolly well that there is very close liaison on this issue between the Government and the Dialysis Association but the Government have now announced that the new hospital, so it cannot be available until the new hospital is ready, will contain machines so that the Gibraltar resident patients that require dialysis treatment can have their dialysis in machines located in the new Gibraltar hospital in Gibraltar. Unless the hon Lady wants the Government to install the new machines in non-existent space in St

Bernard's hospital or plug the machines into the building site which the present St Bernard Hospital is the hon Lady will understand the sense of waiting for this brand new first time ever radical break from established practice until the new hospital is open so that it can be provided in the new hospital. Our patients will not have to go to Spain and the arrangements that are under discussion are for the Spanish doctors, technicians and qualified nurses to come to Gibraltar to monitor and supervise the dialysis process rather than our patients going on their machines. So, Gibraltar has the premises, the patients and the machines so that the patients do not have to cross the border. People cross the border for many reasons in Gibraltar including medical reasons not that crossing the border is such an enormous hardship but Government understand and sympathise with the fact which the GSLP apparently did not when they were in Government that one thing is to go for the occasional medical treatment and another is to have to go three times a week as a matter of a systematic part of ones life for two or three hours a day and that there are qualitative differences between that. That is the position it is not going to actually be on-stream until the new hospital opens some time later this year in the meantime between now and then the hon Lady might ask me the same question another 13 times and we can have the same debate between now and then the answer will be that it will happen when the new hospital is ready , not before and not after, when the new hospital is ready.

**HON MISS M I MONTEGRIFFO:**

I must say that the Chief Minister is using the language of Louis XIV the Sun King but definitely he is not a bright shining star, am I not entitled to ask Government that if eight years ago they put in their manifesto that they would be providing dialysis facilities in Gibraltar and then the Chief Minister says that I did not provide it, I did not put it in my manifesto but the Chief Minister did and has not provided it within the eight years that he has been in Government and the Chief Minister keeps on and on talking in a language that appears as if he seems to want to treat us as if we were kids in a nursery school. *[INTERRUPTION]* Why does the Chief Minister not grow up himself and act as a responsible politician in this House, what about the dialysis facilities, when are those dialysis facilities going to be installed? We have heard that they are going to be in the new hospital, the Government during the eight years have brought over another expert Dr Terry Feast have his recommendations been accepted and are Government going to take into account that if they are going to spent money in a dialysis machine is it not logical and prudent for those facilities to be such that our patients will no longer have to go to Spain otherwise why have the dialysis facilities in the first place?

**HON CHIEF MINISTER:**

I have already confirmed to the hon Lady everything that she appears not to have heard and just repeated.

**HON MISS M I MONTEGRIFFO:**

I have not heard whether the Government are going to install facilities that will mean that the patients will no longer have to go to Spain I have not heard that.

**HON CHIEF MINISTER:**

The reason why the hon Lady does not hear it is not because I did not say it but because the hon Lady was too busy being instructed by the Hon Mr Picardo about Louis XIV that is why the hon Lady did not hear it because everybody else in this House heard me say clearly that the Government will have dialysis machines in the new hospital when the new hospital is ready, not before and not after but when it is ready so that our people do not have to cross the border. Gibraltar has much to be grateful to Louis XIV because it was Louis XIV who after the war of the Spanish succession and in the context of the negotiation of the Treaty of Utrecht refused to allow his grandson the new Bourbon King of Spain to cross French territory to get to the town of Utrecht to participate in the negotiations of the Treaty and it was by that way that the British were able to obtain by negotiations the permanent cession of British sovereignty of Gibraltar. So, three cheers for Louis XIV.

**HON F R PICARDO:**

At least now we know why it is that the Chief Minister models himself on Louis XIV because in the whole of this morning I have had to endure, my fellow parliamentary colleagues have had to endure, his fellow parliamentary colleagues have had to endure, and listeners on radio have had to endure what amounts to answers to questions couched in diatribe and personal insult directed at the Members of the Opposition which does not assist in clarifying what the issues are and it is that which hides what the Chief Minister may or may not be saying about an important policy issue like dialysis which is what the people who are listening, who are interested in issues of that sort want to be able to take out and distil from what amounts to a long lists of insults directed at all of us. Heaven forbid that the Opposition should direct a quip let alone an insult at the Chief Minister because otherwise we get even much more than we give back but that is his parliamentary style. Will the Chief Minister confirm to us that for the next four years we are going to have to put up at every meeting with a raft of insults one after the other even accusing Opposition Members of having ticks and other physical traits?

**HON CHIEF MINISTER:**

The only people who could possibly believe a word of what the hon Member has just said namely that I have given any let alone many insults, personal insults to the hon members, the only people of which there is the slightest risk might believe that nonsense are the people who have just turned on the radio 30 seconds ago who have only heard him but have not heard the last three days of questions unless, because I do not believe that I have given a single personal insult to any hon Member, unless the problem is that the hon Members do not distinguish between dealing with the inaccuracies in their statements and insulting them personally. If the hon Members think that it is an insult not to be allowed to get away with the factual distortions, inaccuracies and incorrect statements and analysis that the hon Members persistently make both inside and outside this House in their public statements if that is their definition of personal insults then I regret that the hon Member can certainly look forward to a full four years worth of that. But, if the hon Member means by personal insults what most ordinary people mean by personal insult namely playing the man and not the ball, insulting the person as opposed to dealing with his arguments then I have not made any personal insults. It is not my personal or parliamentary style to do so and therefore he can be certain that he who has only been in this House two days will not get any such insults just as nobody has had any



in the past from me. The masters of personal insults such as they exist in this House are sitting in the Opposition indeed the main master is not here. So, that is the fullest answer that I can give to the hon Member and I know that he thinks that I am an *"ignoramus"* he has reported it on the front page of the newspaper. The hon Member does not believe in personal insults but to suggest that I am an *"ignoramus"* as opposed to saying, *"Chief Minister you are wrong on a particular argument or case,"* that is a personal insult as opposed to dealing with an argument. I do not know how many people the hon Member thinks he can persuade in Gibraltar that I am an *"ignoramus"*. He might be able to persuade people that I make mistakes or that I am wrong on this or that issue but if he has set himself the mission on day two of his two day old parliamentary career that someone that has been in this House and therefore has accrued 12 years of knowledge and information and that has served the people of Gibraltar as Chief Minister for two full terms, and whom the people of Gibraltar think is competent enough to be elected for a third term I do not know [INTERRUPTION] not says he says the electorate, then I do not know how many people he tries to persuade by the personal insult that I am an *"ignoramus"*. What the hon Member will find with me is that I deal with the facts, the arguments and with the issues and I have not said to the hon Lady, because this is what the Opposition does, they invent personal accusations that where never made, for example, in answer to a question a few moments ago the hon Lady started by saying, *"Ah, so the Chief Minister is now saying that I am mindless,"* No, the Chief Minister did not say that she was mindless, the Chief Minister said that it was a mindless policy. It is a very important distinction. I can describe a policy as mindless that is not to say that the person is mindless. I am sure that the hon Members think that lots of our policies are mindless I do not interpret that as the hon Member thinking that I have not got a mind in my head. They get statements that I make, they repackage them, they reformulate them and then misrepresent them as if I had made a personal insult and they do this systematically and I regret that the hon Member does the same and he has only been here two days and has been contaminated already.

**HON F R PICARDO:**

If that is the answer to my question let me assure him that we are going to meet fire with fire for the next four years but if the argument were whether the Chief Minister plays the ball or the man and if this were a playing field he would already have had more than one red card I assure him. As to the front page of the Chronicle I called the Chief Minister an *"ignoramus"* only after he had call me *"ignorant"*. We can have the same debate that we have had already in the past four not two but four days that we have been in this House about who has the shorter or the longer memory but Hansard will show who was first to deploy the gun of insult in this House.

**HON CHIEF MINISTER:**

This is yet another example of the same thing as I have said to the hon Member. I did not say that the hon Member was *"ignorant"* I said that on the subject matter under discussion the hon Member was ignorant of the facts and I added *"and perfectly understandable so given that he has only been in the House for two days."* To say that somebody is ignorant of the facts on a particular issue and then to add that it is perfectly explicable and understandable that he should be unaware of the facts because he was not around when it was last debated in this House is not to say of somebody that they are an ignorant person but they keep on themselves providing examples of the very thing of which I am complaining.

**HON MISS M I MONTEGRIFFO:**

It is not correct for the Chief Minister to have said that Mr Picardo was giving me instructions about Louis XIV. That is not correct at all is it not even a worse situation that we have from Government when the Chief Minister is answering all the questions in relation to health, what is he going to make his second Minister for Health redundant?

**HON CHIEF MINISTER:**

The Chief Minister is not going to do that but I am sure that the hon Lady understands that there is a new Government, that there are new Ministers in portfolio, that there are Ministers in portfolio that have only been in their posts for a few weeks and that it is therefore that their knowledge and understanding and familiarity with facts and issues which have been debated and discussed in this House and of which I have been briefed in the past because of my status as Chief Minister and which they are not aware because they were not involved that that requires for a transitional period until Ministers can get intimately familiar with their new briefs, that requires me to provide a degree of transitional cover. Even if that perfectly good and valid reason did not exist the fact of the matter is I am as the hon Lady knows responsible overall for the affairs of the Government and therefore when the hon members rise and say things which to my certain knowledge are not true I am duty bound to defend the honour and the record and the performance of the Government. Unless the hon Members think that I should just sit down and let them get away with what they are obviously trying to get away. I know that they go round restaurants at weekends bragging that they are going to give the Government hell and land running on our feet and they are going to seize the initiative and they are going to be so aggressive, yes, they have been heard saying all these things in restaurants. They are going to be so aggressive with them that half-way through this term they are going to be dead and buried politically and that the Opposition is going to start from day one and really mix it in with them.....well, it is not a bad idea that is what Oppositions should do. If they had asked me for advice obviously I am the last person whose advice they would value, except that I have managed to win three elections in a row so perhaps they ought to take my advice a bit more often but if they had taken my advice I would have said to them, *"It is a jolly good thing that the Opposition should be a little bit more active than what they were last time but please do not start until February or March give the poor old electorate that have just been through a general election a month or two of respite before bashing them again. The Opposition will not loose very much it is a four year marathon not a sprint, you loose nothing by giving poor old GBC viewer and Chronicle reader three weeks to get over the election campaign,"* that would be my only criticism of the Opposition re- invigoration that appears to be under way and which frankly I very much welcome.

**HON C A BRUZON:**

Going back to the dialysis, I have understood everything that the Chief Minister has said recognising that they have been in power for eight years and that they realise that it is a commitment. But in answer to the question as to when the machinery will be operational in Gibraltar. If my understanding is correct what the Chief Minister has said is that it will be operational when the new hospital is functioning, for which there is no date yet mentioned. Is that correct?

**HON LT COL E M BRITTO:**

Yes.

**HON C A BRUZON:**

The Government do not know really, that is the answer.

**HON CHIEF MINISTER:**

It is sometime before, during or after the summer. We do not know the exact date but it is going to be either May, June, July or August or September. For the hon Member's own information he keeps on saying the machine, this is not a machine it is a bank of machines in the plural.

**HON MISS M I MONTEGRIFFO:**

Going back on the question of dialysis will the Minister for Health state whether the people running the dialysis unit will be local or people brought from abroad until the local can be trained to run the unit?

**HON LT COL E M BRITTO:**

We are back to Louis XIV this is another bit of information that has already been given and the hon Lady has not heard. I suggest they consult for a change the hon Member on the hon Lady's right side who seems to be making copious notes and no doubt will have written down what my learned Colleague said.

**HON MISS M I MONTEGRIFFO:**

It could be that I do not hear him because the Chief Minister gets up talks for 20 minutes and then I forget what the original answer was that is the problem that we have in this House. If the Chief Minister was constructive in the manner in which he answers supplementaries and he would not go on for hours on end then the Opposition would be able to digest what the answer was to the original question.

**HON CHIEF MINISTER:**

Government cannot be more constructive than what we are being. In answer to the hon Members questions they are receiving an exhaustive, extensive, full explanation and analysis of the issue. If she prefers that in the interest of brevity we give her a less full explanation, a less complete explanation and therefore a lesser degree of transparency that can be arranged but if what we are interested is in brevity and not quantity of information then the hon Lady should not complain if she does not get as much information as the hon Lady might otherwise get.

**NO. 207 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GHA – NEW HOSPITAL**

Can the Government confirm which employees will be re-generating the meals on each of the floors at Europort Building, once they are transported from the old wine factory area?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

It is not appropriate to comment on this issue at this stage.

**SUPPLEMENTARY TO QUESTION NO 207 OF 2004**

**HON MISS M I MONTEGRIFFO:**

Did Government not say in the last meeting of the House that the meals would be prepared by the cooks and that the transportation would be done by other persons?

**HON LT COL E M BRITTO:**

The answer to that is yes but that is not what this question asks.

**HON MISS M I MONTEGRIFFO:**

Are Government intending or have they already sent out included in a Gazette a contract for anybody interested in transporting the meals to the hospital?

**HON CHIEF MINISTER:**

No. The Government have advertised what is called the facilities management tender which relates to services which include the catering facility and which the Government are still considering, has not awarded, and that is the position but there has not been any tender for the transportation this is all part of the catering element of the facilities management tender. The hon Lady should understand that her questions asked for who will do the regenerating of the meals. Once the cooked and chilled food is already in the preparation kitchen on each floor of the hospital.

**HON MISS M I MONTEGRIFFO:**

So, I did not really get an answer to my original question.

**HON CHIEF MINISTER:**

The hon Lady did get an answer to her original question I was just trying to be helpful perhaps I should not because then they say that I spent too long on my feet. When the hon Lady was talking about preparing meals the word '*preparing*' gives two different parts of an operation because '*preparing*' could mean cooking the meal and it could also mean regenerating the meal. The hon Lady used in her supplementaries the phrase '*preparing*' even though the question relates to regeneration that was all I was trying to say to her. The hon Lady did get an answer to her question about who would regenerate the answer is that it is not appropriate to comment on this issue at this stage.

**HON MISS M I MONTEGRIFFO:**

Does it mean that the Government are still not sure how the system is going to work?

**HON CHIEF MINISTER:**

What it means is that it is not appropriate to comment on this issue at this stage.

**HON MISS M I MONTEGRIFFO:**

Could we end up in a situation where we have the cooks preparing the meals and other people transporting them and other people regenerating them in the hospital?

**HON CHIEF MINISTER:**

It is not appropriate to comment on this issue at this stage.

**NO. 208 OF 2004**

**THE HON J J BOSSANO**

**GHA – ENROLLED NURSES**

Can Government state whether the 89 Enrolled Nurses who were required to renew their registration in the year 2003 have all done so?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

Answered together with Question Nos 182 and 209 of 2004.

**NO. 209 OF 2004**

**THE HON J J BOSSANO**

**GHA – STAFF NURSES**

Can Government state whether the 84 Staff Nurses who were required to renew their registration in the year 2003 have all done so?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

Government acknowledges that the Nurses, Midwives and Health Visitors Registration Board will require first and second level registered nurses to produce a portfolio of continuing professional development. This is a professional matter and is a requirement introduced by the Board under the provisions of Part III of the Medical and Health Ordinance. The requirements mirror those of the Nursing and Midwifery Council in the United Kingdom. Not all of the Enrolled Nurses and Staff Nurses have applied for re-registration. The process is currently being reviewed by the Nurses, Midwives and Health Visitors Registration Board in the light of representations made to it by the Government on the question of re-registrations fees and the prescription of requirements to be followed by Enrolled Nurses. With regard to these professional requirements, the School of Health Studies has prepared a document for consideration by the Board and the Board will be contacting the persons on the Register in due course.

**SUPPLEMENTARY TO QUESTION NOS 182, 208 AND 209 OF 2004**

**HON MISS M I MONTEGRIFFO:**

Will Government not accept that this is a matter that we have raised here in the House and in press releases on four occasions, the last time of which was in April 2003, and that the Opposition has heard nothing from Government and that the Opposition have asked Government whether there appears to be a direct contradiction with this new legal requirement and with the contracts of employment which makes these nurses permanent and pensionable. This position as we see it appears to be in breach of their terms of employment as from now on nurses would therefore have their jobs guaranteed only for a period of three years, is that correct?

**HON CHIEF MINISTER:**

It is not for Government to accept or reject whether the Opposition have issued three or four press statements. Those are matter of facts which remain facts regardless whether or not Government accepts them. As to the substance of the supplementary the hon Lady appears to have prepared supplementaries written out in front of her which she is determined to read notwithstanding the answer that she has given. In the answer that the hon Lady has given there is every acknowledgement of the debate that we have had across the floor of the House on this issue before. The Leader of the Opposition in one of our exchanges on this issue I do not know how many months ago raised with me his interpretation that there seems to be a legal anomaly in the chronology of legal requirements. In the question of whether there had to be a prescription before the obligation arose and following that debate I looked into the matter myself, I concluded that I am not sure whether this was the legal or the precise point that the hon Member he had identified but in any case I formed the view that there was a doubt about whether something which had not been prescribed could be a requirement given that the requirement was termed in context of something having been prescribed and that is what the hon Lady has been told in the answer that the Nurses, Midwives and Health Visitors Registration Board in the light of representations made to it by the Government on the question of re-registration fees and the prescription of requirements to be followed by the enrolled nurses. So, that matter which results from a prompting by the hon Members of Opposition is indeed being looked at and I am not sure where the matter stands but it is certainly something that is on the table as requiring remedy, action or modification of some sort. Similarly, the hon Gentleman brought to my attention a letter that had been received by nurses requiring them to pay I do not remember the exact sum was for re-registration. Something that had been done not by Government but by the Registration Board. Again I asked Health Authority Management and the Minister to look at it and it was something that seemed to me to be worthy of reconsideration. One thing is to ask one's staff to keep up with standards of nursing practice, another is to require to make a payment without which they cannot continue in ones employment. This raises issues as between employer and employee rather than as between nurses and Registration Board. If there is a fee to be paid without which our employees cannot continue to be our employees if anybody should pay it it should be the employer and not the employee and that is my personal view. That is a view being considered at ministerial suggestion by the Nurses and Registration Board but Government are not in a position unless this House were to repeal the Nurses Registration Board Ordinance or the sections relating to that Board. Neither of these issues are matters that Government itself, Government can say "*We will pay for them*" we will pay for them but the Government itself can eliminate the requirement to pay the fee because these are matters which are vested in the authority of the Board and are not matters which lie in the hands of the Government. So, depending on what the Board decides upon its consideration of Government policy or representations, Government will decide whether there is a need or not to amend the legislation. Far from having ignored the points made by the hon Members both have been followed up in a very real way.

**HON J J BOSSANO:**

That covers much of what we have raised but I do not think that it covers everything because additional points that the Chief Minister has not mentioned Government may have done something about that as well in terms of analysing the problem that this creates. First of all the Chief Minister is right, we said that how could Government introduce conditions affecting people's continued employment which they were not



told about at the time they applied for the job and that is one of the issues. The Board was saying, "...in order to continue to be registered and in order to continue to practice one has to re-register every three years." As we saw it the conflict arises in that nurses have a contract of employment with Government that does not say, "you are permanent and pensionable for as long as you remain registered and as long as you are able to practice." Therefore, Government would be required by the terms of employment to continue to employ somebody who according to the Board would not be able to do the job for which they are required. If they wanted to make that a condition of employment in the Opposition's judgement they would only be able to make it for people from a current date when the advert came out people would be told there is a vacancy for registered nurse in the hospital and one will only be able to continue in employment if one is successful in re-registering every three years so applicants would then entering a lottery because presumably they would not be able to guarantee. The other thing that arises is that if that is the system that is going to operate and it will operate on one basis for existing and another one for new staff we put it to the Government that one certainly cannot require people to demonstrate to the satisfaction of the Board that they have been successful in attaining certain levels when nothing has been done to provide.....

**HON CHIEF MINISTER:**

To prescribe.....yes the Board has to prescribe what needs to be done and then the facilities to be able to do it have to be provided neither of which has happened. The third thing is that if one is going to have out of 84 staff nurses and 89 enrolled nurses and presumably even more in the future a requirement that they are going to have to spend 'x' weeks in the year on courses in order to be able to satisfy the Board at the end of the three years then presumably the manning levels for the hospital would have to factor in something that was not there before just like if tomorrow there is an increase in sick leave entitlement or an increase in holiday entitlement the manning levels are then looked at on the basis that the available working hours have been reduced. Those elements concern Government as an employer independent of what the Board does and that is that there is an inevitable manning level effect and cost to the Government and the Health Service if this is proceeded with. If it is something that is desirable or necessary or good I suppose it will have to be done but I was pointing out to Government that there were all these repercussive effects which did not seem to have been considered and I hope that that further element is looked at as well. If I could make just two points. First of all there is a disagreement of analysis before we get on to the substance and reality on the ground. Government are both the employer and also somebody who has to comply with the law. The Leader of the Opposition spoke about conditions introduced after people were first employed and that how these should only apply to new employees and how this is not a condition of employment of existing nursing staff but these are not things that Government are doing as employer this is the law of the land which applies as much to nurses employed by Government as to nurses employed by private clinics. The law of the land establishes in order to ensure a minimum standard of nursing and patient care throughout Gibraltar the law establishes certain statutory requirements that have to be complied by all nurses not just Government nurses, nurses in the Westminster Clinic and the nurses in this or that private clinic too. That being the law Government are the biggest employer of nurses in Gibraltar and as an employer now has to set about complying with the law in relation to nurse registration and re-registration and the Leader of the Opposition knows that the law often changes the conditions of employment of people both to the benefit and prejudice of the employee and to the benefit and prejudice of the employer. All the employment legislation that we pass in this House, EU directives

and things like that, that is the law being superimposed on private arrangements namely contracts of employment. So, the idea that regulatory standards if one could very loosely call them that imposed by legislation cannot apply to anybody that is already employed in that occupation I do not think is a sustainable analysis. What the Leader of the Opposition says might be true if Government as an employer was in respect of its employee trying to change established rights in the conditions of employment so, for example, if Government were to say, *"we now require that unless all our nurses have 26 'O' Levels they are immediately sacked,"* that is a change of established acquired rights in an employer/employee relationship. In that context the Leader of the Opposition's analysis I believe will be correct but when it is the law of the land that imposes both on the Government and on any other nurse employer this idea of this sort of cut off date would not apply. Secondly, I think that the Leader of the Opposition is misinformed about the nature of this portfolio obligation and the business of re-registration. From listening to the hon Member both today and on previous days in this House I detect that the Leader of the Opposition has formed the view of this that somehow it is some form of examination. The portfolios is little more than presenting a package of a presentational submission that in the ordinary course of their normal duties they have kept up with certain standards of practice and there are facilities available to assist nurses to comply with this. They may want to suggest that there are not enough but that is another issue. There are resources, courses and time-off given for study and or preparation and or access to the nursing school to assist them in getting all this. I am not in possession of detailed information as to what that boils down to in terms of hours and help so there might be a debate about whether or not it might be enough I have no information that it is not enough or that anybody has complained that it is not enough but it would not be true to suggest that this is a matter that has not been thought about, that has not been prepared about and that there are no resources or scheme in place to assist nurses and that is something that Government do as the employer. As employer of nurses that have this legal obligation Government provides time and resources and assistance to its nursing employees to assist them in their compliance with what is a legal requirement and not an employer's requirement.

#### **HON J J BOSSANO:**

Is it not a legal requirement that they have to re-register and the fact that they letter was sent out by the Board saying for the registration to be successful one has to produce evidence that one has met and successfully completed certain prescribed training modules and nothing had been prescribed so nothing could have been met. So, that is the first issue that has been looked at because it is so obvious but in addition to that it appears that the Board has a free hand on what to prescribe, the law does not say that things have got to be prescribed and therefore the need to re-register which is one thing which is what the law requires is not a handicap. It is quite reasonable quite apart from anything else if somebody comes from outside forget the Government as the Chief Minister has said, in the private sector, if somebody comes along from outside as they do and they register initially in order to be employed in a private clinic I think it is a good thing that they should be required to re-register three years later and that they should not, for example, simply disappear and turn up 20 years later and the registration should be there. The Opposition is not against the re-registration, the Opposition supported that when it was done what is being questioned is whether the additional conditions being attached to re-registration now create a new situation which the House never perceived or intended which is that the failure to register means that one cannot be employed and they are now putting conditions on the registration which were not there before and are now being put by the Board because independent about what

the Chief Minister has said that it is a different issue if one does it as an employer from doing it because it is the law of the land, I accept it is a different situation, I would have thought that as an employer which happens to be the employer that based the laws Government are creating a situation [INTERRUPTION] the laws are made by all of us that is why I am able to make a contribution in helping in this matter. If a law is made and the result of that law which is brought to the House and supported by the Government and the Opposition support it because it seems a good idea and then we find that the operation of that law in the way that it is going to be operated means that one could have people then suing the Government for unfair dismissal because they have been in the Health Service for 20 years and suddenly they find themselves that they are not able to continue in employment because they are not able to carry on doing what they have been doing for 20 years because they have not passed some prescribed thing, quite apart from anything else it is one thing to do these things when people have come straight out of training and another thing is to do them for people who have been all their lives and near retirement. Those are important considerations. On the job training is one thing and another thing is a prescribed portfolio of things that must have been done, the wording of that gave the impression that people would have to do extra courses which the Health Service does make available but they do not make it available on the basis that it affects ones ability to continue the job one is doing. Whenever those course have been made available and I have asked questions in this House about them the answer has been that the reason that the courses are there is to create an incentive because the more courses one does the better the chances are when one goes to a Promotion Board because one has shown (a) an interest and (b) ones breadth of knowledge. It is a very good thing that as an employer Government should give people the opportunity to improve their skills and their prospects of promotion and another thing is to say and if one does not one cannot carry on doing what one was doing before one did the courses and that is a very significant difference. All the courses that are there now, to my knowledge, are not courses which if one is not successful negatively affect the job one is doing now. All the courses that are there now do not have that effect and to my knowledge that has always been the case and has continued to be the case when the Opposition have asked about people being sent for training and I know people who have done it and have come back and expect that when there is a vacancy in a particular area, in fact, people look for the area where vacancies are likely to occur and then apply specifically for the courses that are likely to be useful for that. So, I believe that notwithstanding the argument of the Government which I can understand in distinguishing between the law and the role as an employer it would be a very unusual situation if the state decided that a qualification that was not needed by people who have been years in employment is going to be needed now for them to continue doing the job that they have been doing all the time.

**HON CHIEF MINISTER:**

First of all we have to be clear that there is a difference between training courses made available through the School of Nurses for enrolled nurses to be able to get to staff nurses or for enrolled nurses to increase their levels of expertise and therefore promotion prospects. There is a difference between that on the one hand and processes designed to ensure that even within ones existing position one is keeping up with modern practices and that one is keeping up with the standards required. I honestly do not think that the Leader of the Opposition's analysis that he has presented is correct about whether changes which are designed either to improve or maintain standards should not be imposed in areas such as healthcare and others in respect of existing staff, for example, and as to one can or should be affected, if the

Bar Council were suddenly to introduce a new requirement without which lawyers could not continue to practice that would affect the lawyers in the Attorney General's Chambers and they have got permanent and pensionable posts and Government could not continue to use them as lawyers because they would no longer have the rights of audience in the court because the law of the land says that to be a lawyer one now needs to have blue eyes and all the ones that do not have blue eyes therefore can no longer practice and Government would be affected just like anybody else. This does not apply just to nurses it applies to other people like pharmacists and doctors in the Health Authority. When the Leader of the Opposition suggests that this is somehow an unusual or difficult to justify regime. In the United Kingdom they have exactly the same process where nurses who are employees of the Health Authority are required to re-register every three years, they are required to submit portfolios of work, it is exactly the same system no one says there that this raises the sort of structural issues in terms of employment relationships that the Leader of the Opposition has just described, I think that there is an acceptance in certain lines of business, in certain activities in life healthcare being one of them where it is thought legitimate that the authority in this case the Medical Registration Board should have a mechanism whereby they are able to ensure not that one is fit and proper and up to standards on the day that one is employed but that indeed those are maintained. Government cannot exempt itself from that process what I would say and where I would agree with the Leader of the Opposition to this extent and this is something that perhaps ought to have been debated at the time that if the Health Authority is a good employer with proper management and disciplinary control over its staff and able to develop its staff and obtain its staff development, theoretically it ought not to be necessary, for Government to subject to a law before ensuring that all its staff were up to standard. Usually regulatory things are to regulate people that might otherwise try to get away with behaving at a lower standard. It is to be assumed that Governments and Health Authorities do not fall into that category but at the end of the day this is something that regulates a profession without making a distinction whether it is practice in the private sector or published in the public sector but the system almost in the same way exists in the United Kingdom. I suspect that that is exactly where the Medical Registration Board and the proposal to bring standards into line where taken from I do not suppose Gibraltar designed or invented this mechanism. As the hon Lady has said these requirements mirror those of the Nursing and Midwifery Council in the United Kingdom so by all means we can discuss this but this is what the UK thinks is necessary in the interests of nurses and patients. We can debate whether it is necessary here but it is not an extraordinary or unusual or peculiar structure.

**HON J J BOSSANO:**

Is this available and could it be made available to us what is being mirrored from UK so that we know what we are talking about. In the original answer if I heard the Chief Minister rightly he said that not all the 89 enrolled nurses and not all the 84 staff nurses had actually re-registered?

**HON CHIEF MINISTER:**

Yes.

**HON J J BOSSANO:**

Independent of the question of the proficiency how can they continue, we are talking about having to re-register without having to meet any specific thin, how can they continue to be practising if they have not re-registered?

**HON LT COL E M BRITTO:**

What I said was that not all have applied for re-registration. The process is on-going. The Leader of the Opposition in his previous contribution finished off by talking about achieving a qualification and if that qualification was not achieved was Government going to sack the nurses. That is not the scenario, the scenario we are in and the on-going process is that the Board having said this is what we want, and it is an independent statutory board, the School of Health Studies are now liaising with the Board to see how the on-going work that the School of Health Studies does and the work that it does and the courses that it provides for nurses how that can tailor and fit in to the requirements of the portfolio so that when that portfolio shows the work that is being done through the School of Studies that portfolio will at the end meet the requirements of the Board. So, the work that is being done far from being done from a philosophy of finding ways of avoiding people being able to register the philosophy is exactly the opposite it is one of co-operation between the Board, the school and the GHA in finding ways to help the nurses to be in a position to apply for re-registration. The implications in the Leader of the Opposition's questions of nurses not yet having re-registered is that the process is still on-going until we solve it we will not be able to finish it.

**HON CHIEF MINISTER:**

Can I just add to that as that answer is not complete to the hon Member's questions which I thought was intended to imply – *are the nurses therefore breaking the law or is Government breaking the law by reason of not having been registered.* No, this raises the question that I put to him in answer to the first supplementary by the hon Lady. It is this problem as to whether there is a doubt which I think is a very real doubt I would personally although it is not my job to advise Government in legal matters that there is much more than just a real doubt as to whether or not there is a legal requirement to submit a portfolio because it has not been prescribed and therefore there is no requirement for portfolios for registration that is presently being considered by the Board so failure to have delivered a portfolio would not be an obstacle legally at the moment because nothing has been prescribed and therefore at the moment it is an empty obligation. When something is put in to that obligation by way of prescription then I suppose that could be used. There are now proposals being considered by the Board to prescribe those requirements but they have not yet emerged and have not yet been prescribed.

**HON J J BOSSANO:**

I understand all that but the point that I am making is being entirely missed. The original letter that was sent which I brought to the attention of the House said that on this occasion the portfolio would not be demanded so everything that we are being told about the portfolio is totally irrelevant. The original letter from the Board to the nurses said, "...because on this occasion we have not put in place the necessary machinery for the portfolio on this occasion you will not be required to submit a

*portfolio.*” That is what the original letter said so everything we have been told in the last 10 minutes is neither here nor there because I am talking about re-registration in the year 2003 which is what the original question is and for the re-registration of 2003 what the letter from the Board that I brought to the House on the last occasion we debated this said was, “...we are putting you on notice that this time round we will re-register you without the portfolio.” So, everything we are being told about the portfolio is for the next time round not for this time round I am asking this time round when the portfolio is not being demanded, was never going to be demanded even before we debated it because the people were put on notice that this was a legal requirement and my question to that was, “How can one send someone a letter saying there is a legal requirement to do this and we are waiving it, is the Board in a position to waive legal requirements?” But independent of that point all the explanations that are being given now are about the portfolio, what the school of nursing is going to be doing with the portfolio, the intention is not to make life difficult but to make it easier and that is not my question. My question is without the portfolio which is not being required one still has the requirement for re-registration and that is a legal requirement as I understand it not a requirement that the Board may waive . If everybody has not applied for re-registration how is it that the people whose registration was due, forget the portfolio, are still there? That was my supplementary.

**HON CHIEF MINISTER:**

The whole issue of re-registration is being kept in limbo I am just being reminded that one of the legal niceties that I thought arose when I considered this on prompting from the Leader of the Opposition was a doubt in mind as to whether the registration and re-registration process applied to enrolled nurses at all in the language that the legislation used, not just whether one could demand re-registration but actually whether they were required to have been registered in the first place. So, that is the issue that is being looked at in respect of the enrolled nurse. I apologise to the Leader of the Opposition I forgot to make that point which had been one of the two potential legal objections that I had identified in the middle of last year when I looked at this. As to what the point is, and I understand the hon Members, have they re-registered or not and if they have not is the Health authority in breach of the law? The answer is that that is the answer in respect of enrolled nurses that the question of whether they are required to re-register or to participate in any register is under careful legal scrutiny. As to what the answer to his question is in relation to staff nurses I would have to take advice, my understanding is the same as his that this is a legal requirement. I am not aware that the Board has any powers to waive. The view has been taken in respect of staff nurses too that the obligation to re-register is inextricably linked to the prescription of things that would need to be done before anybody could do that and as they had not been prescribed the view is being taken whether rightly or wrongly by the Board that until the question of the prescription of these requirements are prescribed the process of re-registration is on hold. Whether or not that amounts to the exercise of a discretion that the law does not give the Board or whether it amounts to an exercise of a discretion that the Board in law has I would need notice either to research the point in law myself or to get legal advice on the point. I do not know from my off-hand knowledge of the requirements of those sections whether they have or have not got that discretion.

**HON J J BOSSANO:**

That last answer means that some people have applied and some have not but no one has been re-registered yet is that correct?

**HON CHIEF MINISTER:**

Certainly the process of re-registration of people that applied for it stopped after Government raised these issues and placed it on hold. It may be that some people that have applied for re-registration before it was placed on hold may have been re-registered before it was placed on hold but once it was placed on hold re-registration application, I am advised, have been held and not taken forward to the register.

**HON J J BOSSANO:**

It is not that Government have asked the Board to put it on hold am I right? This is something that they have done on their initiative and I take that that is the case because something that the Chief Minister has not referred to but I have mentioned in earlier supplementaries that my recollection of the text of the letter was that the registration in the year 2003 would not be affected by the absence of this portfolio. If one sends people a letter saying, *"We are reminding you that you are required by law to apply for re-registration otherwise you are not capable of continuing practising nursing from the first of January. We also need to remind you that there is also going to be a requirement to meet a prescribed portfolio of studies or courses but since we have not produced the prescribed list on this occasion we are not asking you to do it but we are putting you on notice that the next time round in three in years you are going to be able to do it"* which is fine because one is giving people plenty of notice that they cannot argue that it has caught them by surprise but to go on from that and say *"We are now putting the whole process on hold and we are not re-registering anybody,"* certainly it cannot be following UK practice for a start and I would say that as a matter of urgency it needs to be looked into because if there is a law that says that people cannot practice nursing without being registered just imagine that something happens to somebody in the hospital and the patient was dealt with by one of these nurses whose registration has not been done. The original letter in my judgement covered without complications the registration of this year as it was drafted and I remember it and it seems that we are now in a slightly worse situation that we were if they had done what they said they were going to do which was to automatically re-register everybody and then over the next three years put in play something for the next time round.

**HON CHIEF MINISTER:**

In answer to the first point, this is not a Government initiative in the sense that Government do not issue instructions or directives in fact it is unable to do so to the Board. The Government makes representations to the Board which the Board choose to take into account or chooses not to take into account that is a matter for the Board, as is the administration of this requirement. The Leader of the Opposition says that the matter appears to have become much more different and complicated than the one that he initially raised that is true but that is because once one starts pulling a thread from a piece of string other threads are pulled out with it, for example, the point about whether this applies to enrolled nurses at all this was an issue that arose. In a sense what has happened? The administration, implementation and operation of this system that did not exist before 1997 is suspended whilst its efficacy, validity and correct application is under review. I accept the Leader of the Opposition's implicit observations that it is not a satisfactory state of affairs that that situation should persist for any longer than strictly necessary and that the process of review should be such that the system is restored to proper

operation as soon as possible. If that is the point I entirely agree with it and I will certainly take it up to ensure that that occurs.



**NO. 210 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GHA – FORECAST OUT-TURN**

Can Government confirm what is the latest forecast out-turn for the revenue and expenditure of the Gibraltar Health Authority for the current financial year?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

Answered together with Question Nos 211 to 218 of 2004.

**NO. 211 OF 2004**

**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 March, April, May, June, July, August, September, October, November and December 2003?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

Answered together with Question Nos 210 and 212 to 218 of 2004.

ORAL

**NO. 212 OF 2004**

**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> March 2003 to the end of December 2003, specifying each month?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

Answered together with Question Nos 210, 211 and 213 to 218 of 2004.

**NO. 213 OF 2004**

**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 1<sup>st</sup> March 2003 to the end of December 2003, specifying each month?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

Answered together with Question No 210 to 212 and 214 to 218 of 2004.

**NO. 214 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GHA – OUT-PATIENT ATTENDANCES**

Can Government state what was the total number of out-patient attendances at the Primary Care Centre from 1<sup>st</sup> March 2003 to the end of December 2003, specifying each month?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

Answered together with Question Nos 210 to 213 and 215 to 218 of 2004.

**NO. 215 OF 2004**

**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 12, 13, 1,2,3,4,5,6,7 and 8 of 2002/2003, 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 HEALTH**

Answered together with Question Nos 210 to 214 and 216 to 218 of 2004.

ORAL

**NO. 216 OF 2004**

**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 12, 13, 1, 2, 3, 4, 5, 6, 7 and 8 of 2003?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

Answered together with Question Nos 210 to 215 and 217 to 218 of 2004.

ORAL

**NO. 217 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GHA- NUMBER OF ITEMS**

Can Government state the number of items that have been issued, that exceed the three items which pay a total of £7.50 for the accounting periods 12, 13, 1, 2, 3, 4, 5, 6, 7 and 8 of 2003?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

Answered together with Question Nos 210 to 216 and 218 of 2004.



**NO. 218 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**GHA – AMOUNTS PAID TO PHARMACISTS**

Can Government say what was the amount paid to pharmacists for the months of March, April, May, June, July, August, September, October, November, and December of 2003, and the comparable figure for the same months in the previous year in respect of £1.80 per item prescription in respect of the medicines to which the sum applied?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH**

The Government remain willing to provide to the Opposition detailed information of this sort which is unprecedented in Gibraltar before 1996. However given the intense administrative burden of preparing this information within five days I will forward this information in writing to the hon Member within ten days.

**NO. 219 OF 2004**

**THE HON C A BRUZON**

**EMPLOYMENT – DISABLED PERSONS**

Is it Government policy to ensure that disabled persons are not discriminated against at work or in their ability to access the labour market?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT AND TRAINING**

The policies of successive Gibraltar Governments are reflected in the provisions of the laws of Gibraltar in this respect mainly in the Disabled Persons Ordinance 1992.

**SUPPLEMENTARY TO QUESTION NO 219 OF 2004**

**HON MISS M I MONTEGRIFFO:**

Do Government keep a record of the number of disabled people that are in employment?

**HON DR B A LINARES:**

Disability is a very varied concept and there are records in the Employment Service of the number of disabled people at different stages of disability who have employment. In fact, there are some who have been placed, not employed, as trainees with different employers. The records are there but I could not give them to the hon Lady across the floor.

**HON F R PICARDO:**

In relation to the answer given a moment ago is the Minister's position then that the provisions of the Equal Opportunities Directive, is he aware that we have the Bill in the House, which will apply also to elderly people and disabled people as from 2006.

In relation to disabled people have already been dealt with in Gibraltar under the Disability Ordinance or that we will have to make specific provisions in the future?

**HON DR B A LINARES:**

The Equal Opportunities Ordinance which will be introduced at this meeting of the House reflects the Directive of the European Union 2000/78 EC which covers areas of discrimination against aged and disabled persons but nevertheless the European Union has actually made allowances to Member States to delay the actual practical implementation of those requirements because of the wide-ranging complexities that it involves affecting employers having to make adjustments to the new requirements in 2006. Nevertheless, the Government are committed to introduce these areas of equal opportunities and anti-discrimination in due course. But we do have time even in England the Disability Discrimination Act will not come into practical implementation until August this year so we do have a time lapse in which we can actually process this legislation.

**HON F R PICARDO:**

So in effect the Minister is telling me that we will have to go further in transposition?

**HON DR B A LINARES:**

Yes, indeed the 1992 Disability Persons Ordinance is very inadequate as it stands and nevertheless we would welcome very much a much more precise and specific elements of a new legislation in the Equal Opportunities Ordinance.

**HON C A BRUZON:**

I was hoping to mention this in the discussion that we will be having when we talk about the Equal Opportunities, the Ordinance, but I can assure the Minister that there is no mention to the disabled or the elderly in the green papers that I have received from the Clerk of the House.

**HON DR B A LINARES:**

I will just explain why. The European Union has allowed a time lapse to 2006.

**HON C A BRUZON:**

Is it possible for the Minister to give us some statistics regarding the present figure of employment of disabled in Gibraltar, how many disabled people are employed?

**HON DR B A LINARES:**

I have answered that before and I have said that I cannot here and now give details because I have not got the.....

**HON S E LINARES:**

I think that the hon Member would like those figures if he can to be passed to him.

**HON DR B A LINARES:**

Indeed, I did mention that we have records and they will be passed on.

**NO. 220 OF 2004**

**THE HON S E LINARES**

**EDUCATION – INCLUSION PROGRAMME**

Can Government state how many children are currently in the inclusion programme in mainstream schools?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT AND TRAINING**

There are currently 90 children in the inclusion programme in mainstream schools.

**NO. 221 OF 2004**

**THE HON S E LINARES**

**EDUCATION – CLASSROOM AIDES**

Can the Minister state how many classroom aides are assigned to pupils who are in the inclusion programme?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT AND TRAINING**

There are 34 classroom aides assigned to pupils who are in the inclusion programme.

**NO. 222 OF 2004**

**THE HON S E LINARES**

**EDUCATION – INCLUSION PROGRAMME**

Can the Minister of Education state what is the ratio of children in the inclusion programme to teachers giving a breakdown by school?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT AND TRAINING**

The ratio of children in the inclusion process to teachers is 1:3. The breakdown is in the schedule that I now hand over to the hon Member.

| School                                                 | No of Children   | No of Teachers                      |
|--------------------------------------------------------|------------------|-------------------------------------|
| <b><u>First Schools</u></b>                            |                  |                                     |
| Governor's Meadow                                      | 1                | C Teacher SENCo                     |
| Notre Dame & N                                         | 15               | SU Teacher SENCo & C Teacher        |
| St Bernard's F S                                       | 1                | C Teacher SENCo                     |
| St Joseph's & N                                        | 4                | C Teacher SENCo                     |
| St Mary's F S                                          | 1                | C Teacher SENCo                     |
| St Paul's F S & N                                      | 6                | C Teacher SENCo                     |
| Hebrew F S                                             | 1                | C Teacher & SENCo                   |
| <b><u>Middle Schools</u></b>                           |                  |                                     |
| Bishop Fitzgerald                                      | 16               | 2 SU Teachers SENCo C Teacher       |
| Sacred Heart                                           | 1                | C Teacher SENCo                     |
| St Anne's                                              | 6                | C Teacher SENCo                     |
| St Joseph's                                            | 0                |                                     |
| Hebrew                                                 | 0                |                                     |
| <b><u>Secondary Schools</u></b>                        |                  |                                     |
| Bayside                                                | 19               | 1 SU Teacher SENCo C Teacher 1T 1:1 |
| Westside                                               | 5                | 1 SU Teacher SENCo C Teacher        |
| <b><u>Special Schools</u></b>                          |                  |                                     |
| St Martin's                                            | 13 Outreach + CA | C Teacher SENCo                     |
| <b><u>GCFE</u></b>                                     |                  |                                     |
|                                                        | 1                | C Teacher SENCo                     |
| <b>Total No of Children = 90</b><br><b>Ratio = 1:3</b> |                  |                                     |



**NO. 223 OF 2004**

**THE HON S E LINARES**

**EDUCATION – PRIVATE NURSERIES**

Can Government state how many times school nurses have visited private nurseries in the years 2000, 2001, 2002, 2003?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT AND TRAINING**

All entitled children are assessed at the age of three by the Health Visitor. The assessments are carried out at the Government nurseries or at the Primary Care Centre if the child is not attending Government nursery. No visits are made by the Health Visitor to Private Nurseries.

**SUPPLEMENTARY TO QUESTION NO 223 OF 2004**

**HON S E LINARES:**

Is it all private nurseries. 100 per cent of the private nurseries?

**HON DR B A LINARES:**

I do not understand the question.

**HON S E LINARES:**

Is there not one nursery who does have school nurses visiting them?

**HON DR B A LINARES:**

Not to my knowledge.

**NO. 224 OF 2004**

**THE HON S E LINARES**

**EDUCATION – PRIVATE NURSERIES**

Can Government state how many times Education Advisers have visited private nurseries in the years 2000, 2001, 2002, 2003?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT AND TRAINING**

The Advisory Service conducted a full inspection of all private nurseries in 1997 where the following information was collated:

- ? ? Number of children on roll;
- ? ? How many children are organised;
- ? ? Resources available;
- ? ? Activities planned for a “typical day”;
- ? ? Details of records kept;
- ? ? Fees charged.

In subsequent years, the advisers have held informal regular contacts with nursery owners and staff and they have been available to advise on how these criteria can be implemented effectively. They have also involved themselves in investigating individual parental complaints when such complaints have arisen, which I must say very rarely.

**SUPPLEMENTARY TO QUESTION NO 224 OF 2004**

**HON S E LINARES:**

The Minister has not answered my question because the question is how many times have educational advisers visited private nurseries. I am aware of the inspection that was done in 1997. Since 1997 to date we are six years on nearly seven and therefore it does not relate to my question. My question is how many times have

Educational Advisers visited private nurseries in 2000, 2001, 2002, 2003? If they have not visited the answer is none.

**HON DR B A LINARES:**

I do not have a statistical answer to the question as put to me but what I have tried to do is actually reassure the hon Member that there is no problem that there is constant attention in informal, in a whole variety of ways by the Educational Advisory Service to the private nurseries and we go beyond the statistical mechanistic answer to his question to reassure him that there is and I have no problem whatsoever that the department is very much monitoring and advising and supporting the private nurseries.

**HON S E LINARES:**

What is the statistical mechanistic answer then?

**HON DR B A LINARES:**

I do not have any, that is the point that I am making. I think it is much more important to tell the hon Member how the department operates educationally than telling him just a shopping list of .....

**HON CHIEF MINISTER:**

*(Inaudible)*

**HON S E LINARES:**

Thank you very much.

**HON DR B A LINARES:**

I do not know I do not have a record but I was pretty serious that there is constant attention, monitoring, advising, helping, encouraging the department, the teachers and the owners of the nurseries who ensure that academic standards, health standards are maintained. I was pretty serious about that and that I think was more important to put before the House than just that shopping list of visits.

**HON S E LINARES:**

Is the Minister aware that there is a new way in which to deal with nurseries which is the foundation year which has been implemented recently? I am asking the question because I think that it is the responsibility of the department of Education to visit regularly private nurseries to make sure that the foundation year which is now becoming, might well be incorporated as part of the National Curriculum, which is the foundation year .....

**HON DR B A LINARES:**

Reception Year.

**HON S E LINARES:**

No foundation year which is pre-school it is no longer the reception years 1 and 2 it is the foundation year which is the pre-school year which might well become in the future part of the National Curriculum and therefore I am asking because these new innovations should be implemented or at least starting to be implemented in private nurseries because this is what is happening in Government nurseries.

**HON J J BOSSANO:**

In relation to the statement that the Minister made that he said the information that been obtained in 1997 and then he went on to say that the department is engaged constantly in making sure that the criteria are implemented effectively. I could not follow that because he was talking about the criteria being implemented effectively and he did not say anything about any criteria in 1997, he was talking about the number of children, their ages, their sex, the facilities, how much they pay, what is this criteria that he has told us they are ensuring is implemented effectively?

**HON DR B A LINARES:**

I did not mention the word criteria.

**HON J J BOSSANO:**

Yes, I wrote it down.

**HON DR B A LINARES:**

The Advisory Service conducted a full inspection of all private nurseries in 1997 where the following information was collated and then I listed the information.

**HON J J BOSSANO:**

Yes but at the end.

**HON DR B A LINARES:**

Perhaps I used the wrong word. I meant all this information, all this data that was collated they now monitor that it is being implemented and that the situation is continuing to be up to scratch.

**HON J J BOSSANO:**

I really do not understand the nature of the answer we have received to the original question because if he says, for example, in 1997 they found they had so many children of so many ages what is it that is subsequently being implemented, if he has got factual information which gave the Education Department a picture of what was happening in 1997 I would understand it if he were to tell us that at subsequent intervals they have updated that information to find out what has happened since but what I do not understand is what in that information has now become something that the department is monitoring to assure that is implemented effectively?

**HON DR B A LINARES:**

The Advisors were satisfied with the information roughly and globally. Satisfied with the information that they gathered in 1997 about the number of children enrolled the resources available, the activities planned for a typical fruitful day for the children, details of records kept, that was established in a bank of data which satisfied the Advisors that there was no crisis and no serious problems involved in the private nurseries. That is the situation generally which informally without this sort of formal meetings perhaps is being monitored and kept as you mentioned up-dated if necessary by the Advisors through these regular contacts with the owners and with the staff.

**NO. 225 OF 2004**

**THE HON S E LINARES**

**EDUCATION – CHANGE OF SCHOOL HOURS**

Can the Minister of Education state at what stage his department is in relation to the Review of the Change of School Hours?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT AND TRAINING**

No such review is taking place. The Government are content with the present school hours.

**SUPPLEMENTARY TO QUESTION NO 225 OF 2004**

**HON S E LINARES:**

I state the review because it was himself who stated he would be reviewing on an annual basis or at least regularly which can be either an annual , six monthly or ten yearly, that he would be reviewing the whole of the situation in respect of the change of school hours. That is why I put the question and therefore it seems as if there has been no review, is that the case that there has been no review whatsoever?

**HON DR B A LINARES:**

There is no review here and now, the hon Member asked me whether there is a review currently taking place and I say no review is currently taking place. That does not mean that we do not keep in mind the fact that we also have to in general terms monitor developments in the school. At this stage there is no swell of discontent or of problems coming to us from the implementation of the school hours?

**HON S E LINARES:**

I have not suggested that there is anything negative about the change of school hours at this stage what I am saying is that he was the one that stated about the review and therefore I am just asking at what stage it is. It is obvious that there is no review whatsoever.

**HON DR B A LINARES:**

Not at this stage.

**NO. 226 OF 2004**

**THE HON S E LINARES**

**EDUCATION – SCHOOL LUNCHES**

Can Government state whether they are conducting a feasibility study into the possibility of providing food in schools for the lunch break?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT AND TRAINING**

The Government are not at presently conducting any such study.

**SUPPLEMENTARY TO QUESTION NO 226 OF 2004**

**HON S E LINARES:**

Is it Government policy to look into the feeding of children in school via an outside agency?

**HON CHIEF MINISTER:**

As the hon Member knows the Government have a manifesto commitment to consider the feasibility of providing meals at school and to conduct enquiries. The question asked whether they are conducting a feasibility study meaning is any such feasibility study under way. It is not presently under way hence my Colleague's answer but at some stage in honour of its manifesto commitment the Government have got to address this possibility and enter into a consultation process about it.



**NO. 227 OF 2004**

**THE HON S E LINARES**

**PRE-SCHOOL NURSERIES**

Can Government state how many children attend full-time pre-school nursery education this academic year?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT AND TRAINING**

A total of 256 children attend pre-school nursery education this academic year.

**SUPPLEMENTARY TO QUESTION NO 227 OF 2004**

**HON S E LINARES:**

I insist on the word full-time pre-school nursery education, is it 256 that are in full-time nursery education?

**HON DR B A LINARES:**

If the hon Member means by full-time all day, this is not on, it has never been so. We have morning sessions and afternoon sessions.

**HON S E LINARES:**

So there are no children in full-time pre-school nursery education?

**HON DR B A LINARES:**

To say that there is no worthy full-time nursery education is really a bit of a myth is it not? There are 256 children receiving nursery education in the traditional and normal acceptable way which actually goes that well it seems with parents morning sessions and afternoon sessions.

**NO. 228 OF 2004**

**THE HON S E LINARES**

**EDUCATION – PUPIL REFERRAL UNIT**

Can Government state whether it is reviewing its policy in relation to children with challenging behaviour with a view to setting up a Pupil Referral Unit?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT AND TRAINING**

The Government are not reviewing their policy in relation to children with challenging behaviour with a view to setting up a Pupil Referral Unit since they are satisfied that the Pupil Referral Unit, as currently set up is perfectly adequate

**SUPPLEMENTARY TO QUESTION NO 228 OF 2004**

**HON S E LINARES:**

Can the minister state when this Pupil Referral Unit was set up?

**HON DR B A LINARES:**

The Pupil Referral Unit was set up a few years ago and I have given details of this in the past to the hon Member. It is a question of what is his concept of a Pupil Referral Unit. If he means a physical location, a place where one actually segregates, a sin bin, type of place which I suspect is what he has in mind that is not so. We have a Pupil Referral Unit made of the Peripatetic Team of highly experienced teachers, three ex-headteachers, one deputy headteacher, who actually attend to pupils with challenging behaviour within the parameters, within the social environment of the school as far as possible. It does not exclude offside attention to these children when necessary, fortunately at this very moment of time there is no pupil who has required that type of exclusion and that is the, the hon Member is asking me for a date I cannot remember the date because it is a number of years ago that we have often debated this matter here and I can give him the date when this was established but it has been there now well established over a number of years.

**HON S E LINARES:**

It is incredible that the definition of the Pupil Referral Unit is now being changed. I have been asking this question since I entered this House about the Pupil Referral Unit always to be told that a Pupil Referral Unit will never be set up by this Government because they do not believe in it. Now, the Minister is trying to give me a definition of a Pupil Referral Unit. I never, ever intended it to be one sin bin and we have gone through this debate before. I have never said that a Pupil Referral Unity is a sin bin institution. It is not a sin bin institution, I think the Minister and I understand or should understand what a Pupil Referral Unit means and therefore to say now that a Pupil Referral Unit has been set up a number of years is beyond comprehension.

**HON DR B A LINARES:**

The type of Pupil Referral Service that I have described and which no doubt from what he has just said he attends to agree with because if he does not believe in the physical sin bin type of thing then he agrees with this type of .....yes there is a certain type of fundamental contradiction in the mind of the hon Member because on the one hand he is pressing for inclusion and on this case he is pressing for segregation.

**HON S E LINARES:**

I said I did not believe in the institution of the Pupil Referral Unit. I do not have to justify the Government, the Government are accountable to the people of Gibraltar not myself.

**HON J J BOSSANO:**

We can pass a motion of censure and prove it.

**NO. 229 OF 2004**

**THE HON S E LINARES**

**EDUCATION – ST PAUL’S SCHOOL**

Can Government state when the dining hall at St Paul’s School will be completed?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT AND TRAINING**

The extension currently being constructed at St Paul’s School consists of a hall, four classrooms, a nursery, stores and toilet facilities. The expected date of completion is September 2004.

**NO. 230 OF 2004**

**THE HON S E LINARES**

**EDUCATION – BISHOP FITZGERALD SCHOOL**

Can Government state whether a dining hall will also be provided for Bishop Fitzgerald School?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT AND TRAINING**

There are no concrete plans to build a dining hall at Bishop Fitzgerald School.

**SUPPLEMENTARY TO QUESTION NO 230 OF 2004**

**HON S E LINARES:**

Does the Minister not believe that there is a need for a dining hall in Bishop Fitzgerald?

**HON DR B A LINARES:**

There are many things which are desirable and which can be understood as needed but the Government have to set priorities, there are also logistical problems in the question of building extensions in the context in the geography of Bishop Fitzgerald and I have been honest enough to say that at this stage, it does not mean that we do not recognise that there are problems in Bishop Fitzgerald School with regard to dining, the main problem is that the hall has to be doubled up as a gym and for assemblies and that means tables and chairs have to be moved in and out for dinner but that is not the end of the world although we understand the difficulty and realise that perhaps they are not as fortunate in the provisions as other schools and definitely we will have in mind to see how improvements can be made within a total context of priorities.

**NO. 231 OF 2004**

**THE HON S E LINARES**

**EDUCATION – ST PAUL’S SCHOOL**

Can the Minister of Education state whether Governor’s Meadow School will be having a dinning hall like that of St Paul’s School?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT AND TRAINING**

There are no plans to build a dining hall at Governor’s Meadow School.

**SUPPLEMENTARY TO QUESTION NO 231 OF 2004**

**HON S E LINARES:**

Is the Minister aware that St Paul’s has exactly the same dining hall as Governor’s Meadow and that it was decided that St Paul’s needed another dining hall. Why has it not been decided that St Paul’s needed another dining hall if they are the same?

**HON DR B A LINARES:**

The hon Member may have missed the point I made when speaking about St Paul’s. I did not say a dining hall, the headteacher there is perfectly happy to continue the use of the present building for lunches and she is perfectly happy to continue using that. The works being carried out in St Paul’s I said was an extension of a hall, a nursery, classrooms, in terms of lunches the present construction will continue to be used because the headteacher is perfectly happy with it.

**HON F R PICARDO:**

Generally in relation to dining halls can the Minister state whether in fact this question of having to prioritise and not be able to provide one in particular in relation to Bishop Fitzgerald School, for example, relates to having to prioritise financially in what other aspects the department spends money on.

**HON DR B A LINARES:**

In what the actual department not the Government but the department?

**HON F R PICARDO:**

Yes. The Minister said that one of the reasons for not providing a dining hall at Bishop Fitzgerald School was because the department had to prioritise does that mean that for financial reasons the department cannot provide a dining hall at Bishop Fitzgerald?

**HON CHIEF MINISTER:**

What it means is that there is a finite pot of money and that not everything that might be a good idea can all be done at the same time. As the Government do not want to just build school dining halls in one year it has to share out the monies available to housing, sports, leisure, so that we can get on with building the leisure centre that he is always criticising us for having had in the manifesto since 1996. There are all manner of areas where there is demand on Government finances in public expenditure and the idea that in any area of Government, Government can just do the whole of their wish list is financially unrealistic. There is not just sort of unlimited resources available.

**HON F R PICARDO:**

It is a financial prioritisation?

**HON CHIEF MINISTER:**

Yes, one of the factors is financial prioritisation. If money were no object and space were no object and need were no object I suppose we could build buildings around every corner.

**HON DR B A LINARES:**

Space is a problem as the Chief Minister has mentioned. I did mention it myself when answering that question that the logistics, what I call the geography of the place, presents difficulties. At present we had to build further classrooms and facilities in the school and then in the playground and then we had to move the open playground area to the tennis courts. That would be an open area that could be built upon in order to provide a new hall so that it would not have to double up with the present hall for gymnastics, assemblies et cetera but that encroaches on the



playground area so there are logistical problems. Nevertheless I am open to solutions.

**HON S E LINARES:**

I beg to differ with the Chief Minister and the Minister that it was a financial problem, it was not a financial problem, the Minister knows that it was not a financial problem the fact that Bishop Fitzgerald has not got a dining hall now. The fact is that there was no requisition at the time for a dining hall, is that the case? There was no requisition at the time for a dining hall and therefore Government did not budget for a dining hall at Bishop Fitzgerald's?

**HON DR B A LINARES:**

I do not know anything about that. It certainly comes to me as new requisitions came from all schools. All the schools had their advises made and assessment of the needs to provide for school lunches and there were no formal requisitions as such it was an inspection of the schools to see how best we could provide facilities for school lunches.

**NO. 232 OF 2004**

**THE HON S E LINARES**

**EDUCATION – NEW SCHOOL IN WESTSIDE AREA**

Can Government state whether a new middle school will be constructed in the Westside area?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT AND TRAINING**

The Government do have such plans for a first/middle school, although no decision has been made about when it may be implemented.

**SUPPLEMENTARY TO QUESTION NO 232 OF 2004**

**HON S E LINARES:**

I am sure that the Minister is aware that Bishop Fitzgerald School is bursting at the seams. Would Government not think that it is a priority to start thinking seriously about building a school down in the Westside area?

**HON DR B A LINARES:**

We are thinking about building a school in the West side area.

**HON S E LINARES:**

In 2001 I asked the same question and they were thinking of seriously building a school down in the westside area yet nothing has materialised. The answer to the question then was that they were trying to identify sites around the area to where the school will be. Three years on and still we are at a, "...we would like to do it stage."

**HON CHIEF MINISTER:**

The problem here is in bad urban planning. The problem here is in desirably concentrating or building a large number of houses in a new area of Gibraltar and not making sufficient plans for parking, schools, that is the problem and when one tries to resolve these things after the event it is much more difficult but a properly thought out urban plan of the west side area when it started would have made provisions for the schools that were bound to be necessary by moving thousands of families down there and would have made proper provision for parking for the thousands of people that were going to be down there. Now, a subsequent Government have got to provide where there are no longer any sites available and therefore the question of the timing of demands for schools as I am sure he knows is very much a question of the demographics of generations and these things can be followed from the birth rates and things like that as to how many children of certain school ages we are going to have in Gibraltar in any year in the future because barring people that come into Gibraltar from abroad assuming that the bulk of our school children are the children that are born in Gibraltar one knows from the date of their birth when they are going to need a place in a First and Middle school because of the age bracket and this is something which is kept under review. There was a problem was it Bishop Fitzgerald or was it Governor's Meadow with an excessive number of children wanting to transfer to that school from other catchment areas which was increasing the overcrowding so to speak of the school. That has now been in a sense stopped so to relieve the places available to people on that catchment area. There is going to be a need for a school, there is a plan, we are down to choosing between one site or another site it is now down to two sites on one side of Queensway or another depending on how certain negotiations with other entities goes ahead. The exact timing of the need to make the investment is being kept under careful observation and it is a balance of prioritisation with when will the need really arise in terms of Bishop Fitzgerald and Governor's Meadow really will not be able to cope even without transfers from other areas. It is not just Governor's Meadow and Bishop Fitzgerald the spill over effect is into places like St Anne's and many of these schools, St Paul's, a lot of these schools are bursting at seam point so there is unquestionably a need but it was not that the need existed in 2001 or 2002. The need is there, the timing of the satisfaction of that need is under careful consideration.

**HON S E LINARES:**

I accept his arguments but what I do not accept is that seven years on the demographic move that happened to the Westside is still a problem, not only that, this Government must also bear the responsibility of having all the Edinburgh House being given out therefore it is not a problem that was created before it is a problem that has been created through time so it is therefore not a thing that its demographic move because of all the houses that have been built down there. We are still even developing down there, there is Europlaza, Westview Park, all these developments have been done by this Government. I accept the Chief Minister's argument that there is a need for a school down there all I am asking is to make it more urgent than it is now at present.

**HON CHIEF MINISTER:**

It is the urgency that the demand requires.

**HON F R PICARDO:**

In that event will the Chief Minister agree with me that if his argument is that the urgency of the demand is not great then what the planning officer did or did not do 12 or 16 years ago cannot have been so bad after all?

**HON CHIEF MINISTER:**

No because the demand is there, for example, we had to move Bishop Fitzgerald down to that area where it was not previously located to immediately meet the demand and literally over a summer the school had to be moved down there to meet the demand. That was the immediate response to the unprovided for demand and now we are in the position of having to prepare for the next wave of demand as young couples have more and more children of their homeownership and that is the reality of the situation. I am afraid that we have all got to learn in Gibraltar that the days when we could take the view where one could build 2,000 flats there and not provide schools because anywhere in Gibraltar is close enough and therefore one does not have to think in terms of the local provision of schools that does not apply and proper planning of new zones, proper zoning of new residential housing has to take and I think should have taken account of future schooling needs and I do not think there is any getting away from that. The hon Members generated the construction of over eight years 2,000 odd more flats. To have done that without making any accommodation for schooling in the area seems to me like an oversight of planning. I regret that the hon Member should not regard the point as so obvious that he wishes to contest it. It seems perfectly obvious to me.

**HON F R PICARDO:**

What I am asking the Chief Minister is whether he does not accept that in fact by saying as he has at the moment that there is not at the moment an urgent need to reprovide the school is in fact denying the basis of his own argument that the whole area was so badly planned that there needs to be a school there now even though the Minister for Education moved Bishop Fitzgerald school down there, although we are now three administrations away from the last administration responsible for that.

**HON CHIEF MINISTER:**

We can repeat the question and the answer as many times as he likes. If he wants the last word I am quite happy to give it to him I have never been of the view that whoever has the last word persuades anybody new, so if he wants to repeat this two or three times let us just agree that the next time he repeats it I will not stand up to answer this question he can have the last word in the hope that everybody will then accept his version of the story. The fact of the matter is :-

- (1) That thousands of families of childbearing age were relocated to a new area of town with no provision made for the education of their children.

- (2) That that situation had to be immediately dealt with by us when we arrived in office.
- (3) That there is now a need to make still further provision in the form of new schools.

The suggestion that because the matter has been managed on an interim basis through the rapid relocation of two schools in Gibraltar and through having to withdraw the freedom of parents from other districts to transfer to that school which always used to be possible, the fact that by extraordinary means we have been able to immediately put out the first fire, does not entitle the hon Member to deduce that there was never a problem to solve, on the contrary the fact that it had to be dealt with in such extraordinary ways is precisely evidence of the lack of urban planning that I have specified. If he wants to get up and argue to the contrary I promise not to contradict him.

**HON F R PICARDO:**

I will not take the Chief Minister up on his magnanimous offer but I hope from here on that we discuss his administration rather than everybody else's.

**NO. 233 OF 2004**

**THE HON S E LINARES**

**EDUCATION – HEALTH AND SAFETY**

Can Government state what procedures are taken to make risk assessments in relation to Health and Safety in schools?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT AND TRAINING**

Risk assessments are carried out on an on-going basis by teachers and Headteachers whenever the lessons and other school activities involve an element of risk, for example, laboratory experiments, PE activities, external visits et cetera.

**NO. 234 OF 2004**

**THE HON S E LINARES**

**EDUCATION – REGISTER OF ASBESTOS**

Can Government state whether all schools have been inspected in order to draw up a register of asbestos in these buildings?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT AND TRAINING**

A register of asbestos has been drawn up for Governor's Meadow and Bishop Fitzgerald Schools, where asbestos was detected last year. The other schools have not yet been inspected.

**SUPPLEMENTARY TO QUESTION NO 234 OF 2004**

**HON S E LINARES:**

Is the Minister aware that there is a need to have a register of asbestos specially in schools?

**HON CHIEF MINISTER:**

The hon Member is wrong and because he is wrong he is constantly giving, by the questions that he asks, the impression that somehow it is essential to find out immediately where there is asbestos. The law of Gibraltar in transposition of a European Union directive which is perfectly well implemented and respected says that wherever asbestos is detected its location has to be recorded so that one has a register. But asbestos as the hon Member must by now surely know given the number of times that we have debated this in relation to Mount Alvernia and schools, asbestos is not per se unsafe. Asbestos is not per se something that has got to be tracked down, located and marked. Asbestos is only unsafe if it is disturbed. The Directives which have been implemented in Gibraltar then require you to do certain things when asbestos is disturbed and when asbestos is located but it does not require one to go hunting for it as if its mere presence was a problem. There is

bound to be asbestos in every building, in every town in western Europe built between roughly 1950 and 1975. It is almost inconceivable that there should be any building built between these two periods or refurbished during these two periods which does not contain asbestos and therefore the idea that it has got to be identified and subjected to a register is not what we are advised is required for health and safety purposes but I can assure the hon Member that when asbestos is stumbled across in some repair as he has seen for himself the matter is taken very seriously. The Directive is immediately implemented, specialist contractors in asbestos handling are brought in and immediate resources are diverted to that to make sure that the school is able to operate safely and I hope that I have drawn a reasonable distinction for the hon Member between what is required of Government namely dealing with asbestos when it is come across on the one hand and hunting down asbestos in the ordinary course of business which is not required and frankly it would be terribly impractical to try and do.

**HON S E LINARES:**

I do not usually give credit to Government but in this case I must give credit to Government and all the workers that dealt with Governor's Meadow and Bishop Fitzgerald's asbestos. The only thing that worried me most was the lack of information at the time and the way they handled things but quite frankly they did a good job in covering up the asbestos and dealing with the *[Interruption]* covering up yes, it was covered up.

**HON CHIEF MINISTER:**

It was encapsulated.

**HON S E LINARES:**

Encapsulated fine which is covered up the same thing. Covering up the asbestos was done properly it was the cover up of having identified the asbestos that was not done properly?

**HON CHIEF MINISTER:**

I am grateful to the hon Member for the complimentary part of his words but he has this idea that somehow there was lack of information. There was not, the Committee of the Parents Association I am sure was completely in the know and consulted. If the hon Member means that the Government did not immediately put out a press statement saying, "*Asbestos has been found everybody put masks on your children and do not send them to school,*" the answer is that such alarmist reactions are neither desirable nor necessary so there may be a difference in perception between the hon Members and those who advise ministers on these issues, the technicians, about what degree of publicity is necessary for these purposes and I can assure the hon Member that when publicity is necessary in order to safely deal with the problem, for example, in Mount Alvernia then the necessary publicity is given. When we are advised that the situation does not require that degree of publicity to simply start saying things in public is simply to worry people unnecessarily and all I am saying to the hon Member is please accept if he can that the level of publicity is not determined by any desire on Government to shelter or hide or conceal but rather that the matter



should receive a proper safe and balanced treatment and neither be exaggerated nor underestimated as to the danger or the seriousness of the situation involved. Grateful as we are for his comments about how that particular incident was otherwise dealt with, I do not think that his criticism of the publicity aspect is justified either.

**HON S E LINARES:**

It is not a question of putting a press release out or publishing all this to alarm the people it is just to inform. It was just a question of informing the parents at the time and saying that the Parents Association was informed is not good enough because the Parents Association is a committee who probably comprises five or six parents of which one was informed at the time and therefore all Government are doing is informing one parent, two or even at the most three from the association and that justifies informing all parents. I can tell the Chief Minister that nearly 90 per cent of those parents were not aware that asbestos had been identified. There was a lack of communication with parents, with staff who were not aware at the time that asbestos had been identified. It is not only a question of putting a press release out it is a question of informing first the staff that work there and two the parents and that is where they went wrong

**HON CHIEF MINISTER:**

No I do not agree the hon Member's statement are based on the premise which we consider to be erroneous that there is a need to inform all and sundry about the mere fact that asbestos has been detected and frankly I think that that is completely misconceived. There is a need to advise everybody if they face any degree of danger or risk, of course there is a need of that, but when the situation does not involve any danger or risk there is frankly no need as he appears to be presupposing, there is no need to advise them of it and what I am saying to the hon Member is because the hon Member attaches an inherent danger to asbestos he believes that whenever asbestos is found there has to be information. Whereas the Government says that information and communication is related to whether or not a danger or a risk to health exists and if no risk to health exists the fact that there is asbestos detected does not ring any alarm bell of a need to communicate information. Why would information need to be communicated to 90 per cent of parents or the percentage that he believes were not informed, of something that represented absolutely no risk to the health of their children, what would be the point of communicating this information to them? I just do not understand why the hon Member links the need for communication with the mere facts of asbestos having been detected regardless of whether it represents a risk to public health or not.

**HON S E LINARES:**

I am glad that the Chief Minister thinks that the members of staff are, "*all and sundry*".

**HON F R PICARDO:**

The first answer that the Chief Minister gave he drew the useful distinction between what is needed and what is required under the legislation in relation to asbestos but the original question which talks about the register of asbestos in schools and

because we are dealing with a school environment even though it is not needed under the legislation would either the Chief Minister or the Minister for Education agree with me that it might be prudent if at all possible perhaps during a school holiday to try and undertake an exercise such as that in relation to the school establishment and the Chief Minister has already indicated that we only have to do it in relation to buildings fitted out between a particular date just because a child might pull a panel or something and there might be asbestos behind?

**HON CHIEF MINISTER:**

No. It is completely impractical without dismantling all the schools, completely unnecessary. To detect whether there is asbestos in pipe lagging, roof lagging, most floor tiling contains asbestos, asbestos is not dangerous unless the solid matter contains asbestos fibres and it is grated or sanded. The need to create a register relates to asbestos which is identified, for example, if the Government are undergoing routine maintenance or building works in a school and comes across materials that it considers to be asbestos then it is required to keep a record of that as opposed to going to every single floor tile, every brick, every panel, every roof tile and trying to find out whether it has got asbestos in it or not.

**HON F R PICARDO:**

I am sorry if I did not express my question appropriately at least in relation to areas which are easily accessible to the children, where the children could interfere with a tile or something which could then release the asbestos.

**HON CHIEF MINISTER:**

We are advised that there are no things that children could do that could immediately expose to them to asbestos and the advice that we have is that the search for asbestos is likely to create more danger than leaving it intact. Bear in mind that depending on the kind of asbestos that it is, one incident is unlikely itself to generate any great threat to public health. I hope that the hon Member can understand and accept that these are not things which ministers at political level make judgements these are things upon which ministers make decisions on the basis of technical advice by people who specialise in these areas.

**HON J J BOSSANO:**

The planning of schools and every other decision.

**HON CHIEF MINISTER:**

Yes.

**NO. 235 of 2004**

**THE HON S E LINARES**

**EDUCATION – MANDATORY GRANTS**

Can the Minister for Education state how many mandatory grants have been awarded this academic year?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT AND TRAINING**

A total of 171 mandatory scholarships have been awarded for studies commencing in or around September 2003.

**NO. 236 OF 2004**

**THE HON S E LINARES**

**EDUCATION – DISCRETIONARY GRANTS**

Can the Minister for Education state how many discretionary grants have been awarded this academic year?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT AND TRAINING**

A total of 64 discretionary scholarships have been awarded for studies commencing in or around September 2003. These include distance learning support subsidies.

**NO. 237 OF 2004**

**THE HON S E LINARES**

**EDUCATION – DISCRETIONARY POST-GRADUATE GRANTS**

Can the Minister for Education state what were the number of applicants for discretionary post-graduate grants and the number granted and the number rejected in the current financial year?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT AND TRAINING**

A total of 35 persons applied for discretionary post-graduate grants for courses commencing on or around September 2003. Thirty-three of these applications were successful and two were unsuccessful.

**NO. 238 OF 2004**

**THE HON S E LINARES**

**EDUCATION – DISCRETIONARY GRANTS**

Do Government expect the expenditure on discretionary grants to be the £120,000 provided for in this year's budget?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT AND TRAINING**

The quoted figure of £120,000 relates to the expected expenditure for students starting a discretionary scholarship in the 2003/2004 academic year. The actual expenditure is now expected to be £143,960.

**NO. 239 OF 2004**

**THE HON S E LINARES**

**EDUCATION – MAINTENANCE GRANTS**

Can the Minister for Education state what are the number of students on full grants and those on less than the full grant in the current financial year?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT AND TRAINING**

There are currently 559 scholarship holders studying abroad. Of these, 170 are receiving a maximum grant. The remaining 389 students have an element of parental contribution to the maintenance element of their scholarships.

**SUPPLEMENTARY TO QUESTION NO 239 OF 2004**

**HON S E LINARES:**

Is the Minister thinking of abolishing the parental contribution in the next academic year?

**HON DR B A LINARES:**

Yes. This is a manifesto commitment.

**NO. 240 OF 2004**

**THE HON S E LINARES**

**SCHOOL OF TOURISM**

Can Government state how many students are currently in the School of Tourism giving a breakdown by year of intake?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT AND TRAINING**

Intake 11 of the School of Tourism commenced in June 2003 with six trainees. However four of them dropped out early on in the scheme so the decision was taken to merge this group with the next intake which is due to commence in the spring of 2004. In the meantime the two remaining trainees continue to gain work experience, which is part of their training course, with training providers within the Tourism Industry.

**SUPPLEMENTARY TO QUESTION NO 240 OF 2004**

**HON S E LINARES:**

Has the Minister got any indication of how many will take the offer of going into the School of Tourism for this year so that they can join in with the rest of the seven that are left?

**HON DR B A LINARES:**

No I have no indication whatsoever because the recruitment process has still not been advertised and processed.



**HON S E LINARES:**

Is this the first time that the Minister has had to join in two intakes because of low number of roles?

**HON DR B A LINARES:**

Yes it is the first time.

**NO. 241 OF 2004**

**THE HON S E LINARES**

**CONSTRUCTION AND TRAINING CENTRE**

Can Government state how many Trainees are currently in the Construction and Training Centre giving a breakdown by year?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT AND TRAINING**

As at December 2003 there were 47 trainees at the Gibraltar Training Centre, eight were enrolled in September 2001, 15 in September 2002 and 24 in September 2003.

**SUPPLEMENTARY TO QUESTION NO 241 OF 2004**

**HON S E LINARES:**

Out of the eight in 2001 can the Minister state how many completed the course?

**HON DR B A LINARES:**

They have not completed the course they are still there in training. They are part of the 47 trainees which I have stated are presently in training at the Gibraltar Training Centre.

**HON S E LINARES:**

Can the Government state what qualifications they will end up after they complete their course?

**HON DR B A LINARES:**

They will end up with NVQ qualifications Level 2 and some go on to Level 3.

**HON S E LINARES:**

Out of the 47 there are none at present doing a Level 3, obviously, because if one has .....

**HON DR B A LINARES:**

NVQ level.

**HON S E LINARES:**

NVQ Level how many of the 47 students are currently doing the Level 3?

**HON DR B A LINARES:**

I am sure there are some but I do not have the information with me.

**HON S E LINARES:**

Could the Minister pass it on?

**HON DR B A LINARES:**

Certainly.

**HON J J BOSSANO:**

Are the eight who entered in 2001 due to finish their training in the summer of this year would they be in a position to take up employment?

**HON DR B A LINARES:**

Yes it is a three year span so if they came into training in September 2001 they should be finishing towards the end of this academic year which is in June.

**HON J J BOSSANO:**

At that level they would be what at NVQ2?

**HON DR B A LINARES:**

Not necessarily, most of them will be in Level 2 but some do Advance, remember that the NVQ is a very much on-hand type of training with work experience and I think some of them may be actually going into Level 3 progress, I am not too sure of that.

**HON J J BOSSANO:**

But it would not be that they could have done Level 3 within the three years it would be that they had already commenced a Level 3 before the end of the three years is that right?

**HON DR B A LINARES:**

They can do Level 3 in the three years.

**HON S E LINARES:**

Is the Minister satisfied that Level 2 is being accepted by most employers as a good qualification for them to obtain employment?

**HON DR B A LINARES:**

There has been considerable negotiations and discussions with employers at the private sector certainly in the public sector and Level 2 is now considered as a craftsman qualification.

**HON S E LINARES:**

Is this the case with the Government owned companies as well because I have had representations from certain students or trainees that have come to me saying that after doing their Level 2 they have tried to seek employment say in GJBS or other Government entities and they are Government companies and they have not been accepted, could the Minister investigate and try to find out whether these companies do accept Level 2 as an adequate qualification for them to obtain employment?

**HON CHIEF MINISTER:**

There is an issue here, NVQ Level 2 is predominantly theory based and the tuition is delivered mainly in the centre whereas NVQ Level 3 which is what I think these training centres should be increasingly gearing up to has a much higher element of in the field placement work experience input. There are issues there, there are many who speculate that the Construction Training Centre should gear much more to NVQ Level 3 than 2. I am not aware that there is any Government company that is taking the view that he has just described I am not saying that there is not, I am not aware of any Government company, but certainly these trainees would be much more useful immediately to employers if they had studied to Level 3 than to Level 2. So, there is an element in effect with an NVQ2 of a prospective employer in effect having to continue the training curve into the first period of employment whereas somebody trained up to NVQ Level 3 would be much more immediately and comprehensively useful to his employer and in the private sector they are much less willing to continue that training than in the quasi public sector so I am surprised to hear.

**NO. 242 OF 2004**

**THE HON S E LINARES**

**CAMMELL LAIRD TRAINING CENTRE**

Can Government state how many Trainees are currently in the Cammell Laird Training Centre giving a breakdown by year?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT AND TRAINING**

|                       |   |   |
|-----------------------|---|---|
| Intake Year 2000/2001 | - | 9 |
| Intake year 2001/2002 | - | 7 |
| Intake year 2002/2003 | - | 8 |

A total of 24 trainees who are currently in the Cammell Laird Training Centre.

**NO. 243 OF 2004**

**THE HON S E LINARES**

**CAMMELL LAIRD TRAINING CENTRE**

Can Government state what percentage of Trainees who complete Training courses in the Cammell Laird Training Centre are in employment with the said company?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT AND TRAINING**

1<sup>st</sup> Intake (1998) - 50 per cent

2<sup>nd</sup> Intake (1999) - 80 per cent

Intakes 3, 4 and 5 are still in training and are due to complete their apprenticeships in October 2004, 2005, and 2006 respectively.

**NO. 244 OF 2004**

**THE HON S E LINARES**

**EDUCATION - EDUCATIONAL MANAGEMENT**

Can Government state whether one of the criteria for applying of Headteacher or Deputy Head is that candidates obtain qualifications on the Management of Education courses offered by the Department of Education?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT AND TRAINING**

The Public Service Commission circular advertising posts at Headteacher and Deputy Headteacher level states that “relevant qualifications/experience in educational administration and management would be advantageous, for example, the Sheffield Hallam Educational Management Course”.

**SUPPLEMENTARY TO QUESTION NO 244 OF 2004**

**HON S E LINARES:**

Is the Minister satisfied that there are candidates that obtain these qualifications and are successful as Headteachers and Deputy Heads following on from what the Minister has just said about its advantageous, is the Minister satisfied that this is happening across the board because there are certain managerial posts which have been lately given which are high managerial posts in education of candidates who have not even gone through the first year of the Management of Education Course which seems to be advantageous is the Minister satisfied with this?

**HON DR B A LINARES:**

The management course is one of the elements involved in selection there are many aspects and criteria like track record, report references from superiors, experience, performance at interview in presenting for themselves a verified competence, there are a whole variety of factors that have to be taken into account by the Public Service Commission when making the best assessment and selection that they can make but certainly it is established in principal that pursuing a course in educational

management is a very important factor that will be taken into account by the Public Service Commission.



**NO. 245 OF 2004**

**THE HON S E LINARES**

**EDUCATION – PROMOTION CRITERIA**

Can Government state whether the candidates within the teaching profession are now given feedback as to why they have not obtained a promotion post?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT AND TRAINING**

Candidates within the teaching profession who are unsuccessful in obtaining promotion can seek an appointment with their respective Headteachers and/or the Director to obtain feedback, always within the parameters and the constraints of the Public Service Commission Regulations.

**NO. 246 OF 2004**

**THE HON S E LINARES**

**EDUCATION – SUPPLY TEACHERS**

Can the Minister for Education state how many teachers are on permanent supply at present?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT AND TRAINING**

There are currently 25 teachers on full-time supply in our schools.

**SUPPLEMENTARY TO QUESTION NO 246 OF 2004**

**HON S E LINARES:**

Is the Minister satisfied that these 25 full-time supply teachers are on a full-time basis which is a contradiction in terms when it is a supply teacher and should not the Government not be looking at actually giving them a contract rather than on a supply basis. The supply basis brings with it conditions on the person who is on a full-time supply that it is not normal when one is either on a contract or on a permanent basis.

**HON DR B A LINARES:**

It is a bit confusing the way the hon Member has put the question, I can tell him that all these teachers are filling vacancies which are temporary, for instance the hon Member's unpaid leave precisely in his position has to be filled in by someone on a temporary basis not on a permanent and pensionable basis there are the five peripatetic experienced teachers that we mentioned before in the pupil referral service they are over 50 precisely because they are retired and experienced and therefore they cannot obtain a permanent and pensionable. There are some covering for teachers in maternity leave. It is not a question of having them on

casual supply it is that they cannot come in to the permanent and pensionable cadre precisely because of the circumstances.

**HON S E LINARES:**

I have not said that they should be put into the permanent and pensionable role or list what I am saying is that if a teacher on a supply basis is going to cover for me, for example, which the Minister has mentioned, the department knows full well that I could well go back in 2007 when there might be another election and then I do not stand and I go back but then there is a three year period in which somebody is covering for me and therefore it is a contradiction in terms to have somebody to be stated on the supply list going to cover for me when that person should be on a contract to cover for me for three years.

**HON CHIEF MINISTER:**

There are terms to this supply work. It is a sort of employment not a contract of employment but the terms upon which the supply is engaged. There are now laws and European Union Directives about the consequences of continuously renewed contracts of employment and as an employer the Government do no longer have the amount of flexibility that the hon Member thinks the Government might have to employ people on contracts in the way that he is describing and then discontinue their employment when the vacancy no longer exists. I accept that there are some situations that lend themselves more than others to the likelihood that for one reason or another a particular post has in effect become permanent and should be supplied on that basis but it is actually very difficult to identify what these posts are and the difference between supply and contract is not as inconsequential in terms of ability to terminate as it was just a few years ago. The hon Member will recall a Bill that we recently considered in this House on that subject so, what we are actually focusing on is on other sorts of supply workers rather than teachers who genuinely are on the sort of permanent conditions that the hon Member is describing. There have been quite a few that have been made permanent and pensionable not just going on contracts. When we are satisfied that somebody is in so-called supply but are in effect filling a post which has de facto become a permanent requirement of the establishment then we make them permanent and pensionable. It is not right that the Government should use supply terms to avoid employing permanent and pensionable staff to posts that have in effect become permanent and pensionable. At the other extreme there are genuine supply situations and then inbetween there are shades of grey and it is not always easy to draw scientifically a line as to where areas people fall clearly into one side or another but it is an area of the public employment policy and it is constantly under review and whole groups of workers are concerned particularly in the classroom aide area of line and that sort of area of line and quite a few officers have been made permanent and pensionable. The choice as far as we are concerned is permanent and pensionable supply as opposed to the option that the hon Member is suggesting as a half-way house which is supply and contract which I am advised is fraught with difficulty.

**HON S E LINARES:**

I agree with the Chief Minister on that point but we do not have to have a half-way house what we can have is the three, the permanent and pensionable, contract teachers and supply teachers and what I am stating is ,for example, the Chief

Minister has just stated the fact that when they identify posts to be permanent that they are made permanent well, the Minister seems to be quite satisfied that the peripatetic teachers who are dealing with challenging behaviour are very successful they are doing so well. Why are then these teachers not given a full-time job permanent and pensionable job? Or if the Minister is not satisfied because I understand again that there might be one year when one needs five peripatetic teachers because there are more children with challenging behaviour and therefore one increases the numbers but surely there must be within that department one or two who should be made permanent and pensionable and that is only giving an example.

**HON DR B A LINARES:**

I have given an answer to the peripatetic teachers, I have told the hon Member that all of them are over 50 and I believe that under General Orders or whatever they are not eligible for a permanent and pensionable employment.

**NO. 247 OF 2004**

**THE HON S E LINARES**

**EDUCATION – POST 16 ADVISORY COMMITTEE**

Can Government state how many times the Post 16 Advisory Committee has met in 2001, 2002, 2003?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT AND TRAINING**

The Post-16 Advisory Committee has met on six occasions, three times during 2001 and three times during 2002. In 2003, interim recommendations were made to the Minister by the Advisory Committee and I decided that this should be expanded into a consultation process with the NAS/UWT who were invited to contribute their views on Post-16 issues. The Department is awaiting an input and a response from the NAS/UWT, but I do not blame them for not being too prompt about this because as we all know the situation in UK over the 14-19 green paper is fraught with controversy, it is a very fluid situation and therefore both the union and the department feel that things should be monitored more carefully before jumping to problems that may arise in UK and we can avoid at this stage

**SUPPLEMENTARY TO QUESTION NO 247 OF 2004**

**HON S E LINARES:**

I agree we should not refer to Post-16 but to Post –14 actually but nonetheless should Government or the department not be looking at places like Scotland which have a different approach to Post-16 Education and other jurisdictions which have a Post-16 Education policy which I have been looking through and are quite interesting. We should not always follow England and Wales policy because of what the Minister had just said that because of political interference in the UK in the Education system they tend to fail in their presentation. That happened with the National Curriculum as the Minister well knows.

**HON DR B A LINARES:**

There is a point in that, that we should look further afield and not just within the confines of England and Wales but nevertheless there are other factors involved because of our close link to the examination boards in UK.....

**HON S E LINARES:**

.....and so have these jurisdictions.

**HON DR B A LINARES:**

Yes. What I mean by tradition, we have actually fitted within the framework of reference of England and Wales in many respects to breakaway from that would be a bit dicey.

**NO. 248 OF 2004**

**THE HON F R PICARDO**

**EMPLOYMENT – NUMBER OF UNEMPLOYED**

Can Government state why it has not published the unemployment figures for the months of June, July and September (that is the third quarter of 2003) in October 2003 or subsequently in 2003?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT AND TRAINING**

This has been due to an administrative oversight. The figures will be published in the next day or two with the December 2003 figures for the last quarter.

**SUPPLEMENTARY TO QUESTION NO 248 OF 2004**

**HON F R PICARDO:**

Will the Minister agree with me that an administrative oversight is something that might have been relevant before the Opposition called for the publication of the figures in the first week of December 2003 but surely the Minister and the administrators will have noted that the figures were not published then and if there was only an administrative oversight then they would have been published immediately thereafter.

**HON CHIEF MINISTER:**

No. The Government do not accept that, in fact, the administrative oversight was in No 6 Convent Place. Having had the oversight pointed out to us given that there was only a month left until the next set was due to be published we thought it appropriate to wait given that it was mainly the Christmas period intervening and publish them together. The hon Member if I could just mention it to him although he has not been in the House until yesterday is quite right to hold us to our extraordinary high

standards of publication of information and statistics which have never been known in Gibraltar before 1996 and on the one occasion when we slip through an advertence from those very high standards I believe the hon Member is entirely justified in pointing it out to us. What I do not think he is entitled to do is on that first occasion to impugn the motives for that given that he sits with a party who when they were in Government used not to publish unemployment statistics at all. In order for us to get unemployment statistics during all the years that we were in Opposition and they were in Government we had to ask questions in this House, there was no automatic publication of Employment Statistics by the Opposition, that is not a reason why he can not hold us to our different and very high and much more acceptable standards but I think on one occasion when there is an oversight and there is not publication history would at least require that the Opposition moderate the exact nature of the imputations that they cast.

**HON F R PICARDO:**

Would the Chief Minister not agree with me that history is sometimes down in writing and cannot be disputed and that in a Hansard of the 15<sup>th</sup> March 1993 when the learned Member was talking on a Motion dealing with the Employment Survey he recognised himself that Employment Statistics were published but they were published annually therefore giving the lie and I use that word advisably to what he has just said now about Employment Statistics not being published during the GSLP administrations and that in any event during the course of the same debate he himself said that the statistics should be published monthly or quarterly at the very least and that not to do so would represent a further attempt he then said to further delay the publication of information of public interest and that therefore the Opposition which he led at the time would be against it and that his party's failure to publish the statistics this time round can only be seen in exactly the same light?

**HON CHIEF MINISTER:**

I do not think there is any advised way of using the word '*lie*' and when somebody who knows what they are talking about uses the word lie they get away with it when they are at least right but when somebody who has been in this House for two days starts using the word '*lies*' from a position of complete ignorance then I think there is absolutely no justification from it. The figures that were published annually to which he has referred are Employment Statistics published in the Employment Survey. The figures that we are discussing as not having been published and that which he complains are unemployment statistics which they never used to publish weekly, monthly, quarterly or annually. So, before he starts calling me a liar across the floor of the House he should at least bother to know the difference between Employment Statistics and Unemployment Statistics and then he may not make a fool of himself.

**HON F R PICARDO:**

Would the Chief Minister agree with me that it is very clear that what he was talking about at the time "*ignoramus*" though he may be was that statistics should be published monthly if we are going to have an accurate picture of unemployment and that his party is not doing that but then he relied also on them being published quarterly and I that his party has not done that.



**NO. 249 OF 2004**

**THE HON F R PICARDO**

**EMPLOYMENT – NUMBER OF GIBRALTARIANS**

Can Government state how many of the Gibraltarians employed in each month of 2003 were registered with the Employment Agency giving a breakdown for each month by age and sex?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT AND TRAINING**

Answered together with Question Nos 250 to 266 and 270 to 272 of 2004.

**NO. 250 OF 2004**

**THE HON F R PICARDO**

**EMPLOYMENT – SPANISH NATIONALS**

Can Government state of the Spanish nationals employed in each month of the year 2003 how many were new entrants to the local labour market giving a breakdown for each month?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT AND TRAINING**

Answered together with Question Nos 249 and 251 to 266 and 270 to 272 of 2004.

**NO. 251 OF 2004**

**THE HON F R PICARDO**

**EMPLOYMENT – SPANISH NATIONALS**

Can Government state what was the total number of employment contracts for Spanish nationals registered with the Employment Agency as at 31<sup>st</sup> December 2003?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT AND TRAINING**

Answered together with Question Nos 249 to 250, 252 to 266 and 270 to 272 of 2004.

**NO. 252 OF 2004**

**THE HON F R PICARDO**

**EMPLOYMENT – NON EEC NATIONALS**

Can Government state how many non-EEC nationals employed in each of the months of 2003 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 EDUCATION, EMPLOYMENT AND TRAINING**

Answered together with Question Nos 249 to 251, 253 to 266 and 270 to 272 of 2004.

**NO. 253 OF 2004**

**THE HON F R PICARDO**

**EMPLOYMENT – DETACHED WORKERS**

Can Government state the number of workers that were registered with the Employment Agency as “Detached Workers” in each month from January to December 2003, giving a breakdown for each month, their trade and nationality?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT AND TRAINING**

Answered together with Question Nos 249 to 252, 254 to 266 and 270 to 272 of 2004.

**NO. 254 OF 2004**

**THE HON F R PICARDO**

**EMPLOYMENT – MOROCCAN NATIONALS**

Can Government state how many Moroccan nationals employed in each month of the year 2003 were new entrants to the local labour market?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT AND TRAINING**

Answered together with Question Nos 249 to 253, 255 to 266 and 270 to 272 of 2004.

**NO. 255 OF 2004**

**THE HON F R PICARDO**

**EMPLOYMENT – OTHER BRITISH**

Can Government state of the “Other British” employed each month of the year 2003 how many were new entrants to the local labour market giving a breakdown for each month?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT AND TRAINING**

I will answer this question together with Question Nos 249 to 254, 256 to 266 and 270 to 272.

**NO. 256 OF 2004**

**THE HON F R PICARDO**

**EMPLOYMENT – SELF-EMPLOYED**

Can Government state how many persons were registered as self-employed with the Employment Agency at the end of each month of 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> quarters of 2003 giving a breakdown for each month?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT AND TRAINING**

Answer together with Question Nos 249 to 255, 257 to 266 and 270 to 272 of 2004.



**NO. 257 OF 2004**

**THE HON F R PICARDO**

**EMPLOYMENT – VACANCIES FILLED**

Can Government state of the vacancies filled in each month of the year 2003 how many were for part-time employment giving a breakdown by sex for each month as follows:

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

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT AND TRAINING**

Answered together with Question Nos 249 to 256, 258 to 266 and 270 to 272 of 2004.

**NO. 258 OF 2004**

**THE HON F R PICARDO**

**EMPLOYMENT – TERMS OF ENGAGEMENT**

Can Government state how many Terms of Engagements were registered with the Employment Agency for each month from January to December 2003

- (a) Including directors; and
- (b) Excluding directors?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT AND TRAINING**

Answered together with Question Nos 249 to 257, 259 to 266 and 270 to 272 of 2004.

**NO. 259 OF 2004**

**THE HON F R PICARDO**

**EMPLOYMENT – NUMBER OF CONTRACTS**

What was the number of employment contracts registered with the Employment Agency in respect of private employers excluding Government-owned and joint venture companies as at the 1<sup>st</sup> day of each month from January to December 2003 giving a breakdown by nationality of employees?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT AND TRAINING**

Answered together with Question Nos 249 to 258, 260 to 266 and 270 to 272 of 2004.

**NO. 260 OF 2004**

**THE HON F R PICARDO**

**EMPLOYMENT – NUMBER OF CONTRACTS**

Can Government state how many employment contracts were registered with the Employment Agency for frontier workers on 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> quarters of 2003 giving a breakdown for each month?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT AND TRAINING**

Answered together with Question Nos 249 to 259, 261 to 266 and 270 to 272 of 2004.

**NO. 261 OF 2004**

**THE HON F R PICARDO**

**EMPLOYMENT – CONTRACTS TERMINATED**

Can Government give details of the number of employment contracts terminated in each month of the year 2003, giving a monthly breakdown by nationality and industry?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT AND TRAINING**

Answered together with Question Nos 249 to 260, 262 to 266 and 270 to 272 of 2004.

**NO. 262 OF 2004**

**THE HON F R PICARDO**

**EMPLOYMENT – UNEMPLOYMENT REGISTER**

How many Gibraltarians were added to the unemployment register during each month of 2003 giving a monthly breakdown by age and sex?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT AND TRAINING**

Answer to Question Nos 249 to 261, 263 to 266 and 270 to 272 of 2004.

**NO. 263 OF 2004**

**THE HON F R PICARDO**

**EMPLOYMENT – UNEMPLOYMENT REGISTER**

How many Gibraltarians were added to the unemployment register during each month from January to December of 2003 giving a breakdown by age and sex?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT AND TRAINING**

Answered together with Question Nos 249 to 262, 264 to 266 and 270 to 272 of 2004.

**NO. 264 OF 2004**

**THE HON F R PICARDO**

**EMPLOYMENT – UNEMPLOYED GIBRALTARIANS**

Can Government give a breakdown of male and female unemployed Gibraltarians aged 18 and over for each of the months of January to December 2003 receiving:

- (a) Unemployment Benefit;
- (b) Social Assistance;
- (c) No payments giving a further breakdown of sex in each age group?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT AND TRAINING**

Answered together with Question Nos 249 to 263, 265 to 266 and 270 to 272 of 2004.



ORAL

**NO. 265 OF 2004**

**THE HON F R PICARDO**

**EMPLOYMENT – NUMBER OF WORK PERMITS**

Can Government state the number of work permits issued in the months of January to December 2003 giving a breakdown by occupation, sex and nationality for each month?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT AND TRAINING**

Answered together with Question Nos 249 to 264, 266 and 270 to 272 of 2004.

ORAL

**NO. 266 OF 2004**

**THE HON F R PICARDO**

**EMPLOYMENT – NUMBER OF WORK PERMITS**

Can Government state the number of work permits issued in each month of year 2003 giving a breakdown by occupation, sex and nationality for each month?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT AND TRAINING**

Answered together with Question Nos 249 to 265 and 270 to 272 of 2004.

**NO. 267 OF 2004**

**THE HON F R PICARDO**

**EMPLOYMENT – ILLEGAL LABOUR**

Can Government say whether as a result of inspections carried out on the site where the Europort buildings are being converted to house the hospital the ETB inspectors have found contractors using illegal labour and if so can they say when the inspections took place, the numbers that have been found and the action taken against the offending employers?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT AND TRAINING**

Following a labour inspection conducted on 23<sup>rd</sup> May 2003, at the site of the new hospital at Europort, three contractors were found to be using illegal labour as a result of which 80 Fixed Penalty Notices were then issued.

**SUPPLEMENTARY TO QUESTION NO 267 OF 2004.**

**HON F R PICARDO:**

Could the Minister just give me the dates of the inspection again?

**HON DR B A LINARES:**

The 23<sup>rd</sup> May 2003.

**HON J J BOSSANO:**

Have there been any inspections since then?

**HON DR B A LINARES:**

I have no information to that effect.

**HON F R PICARDO:**

The Minister will no doubt agree with us that if the information that he has been provided with by his department relates to the 23<sup>rd</sup> May 2003 and we ask generally, there is an indication that there had been no inspection since then and that the one he refers to is the one inspection?

**HON DR B A LINARES:**

Yes, by implication when this figure has been given to me in relation to the 23<sup>rd</sup> May 2003 I take it that it is implying that no further inspections or at least no further detection of illegal labour has been found since then.

**HON J J BOSSANO:**

Other than the fixed penalty notices in respect of illegal labour what happened was the illegal labour terminated or registered?

**HON DR B A LINARES:**

The illegal labour has been registered but the penalties remain.

**HON J J BOSSANO:**

I am aware of that. In respect of the registration of the illegal labour did this involve non-EU nationals who would require work permits?

**HON DR B A LINARES:**

I have not got that information at hand it was not in the original question.

**HON J J BOSSANO:**

Because the original question was whether anybody had been found and we did not know whether anybody had been found until the answer was produced but given that there have been consistent reports from people in the area of a whole variety of nationalities suddenly disappearing when an inspector appeared over the horizon, would the Minister look into the fact that if it involves non-EU labour presumably they could not simply be registered because of the requirement to obtain work permits so it would not be just a question of registering people on the basis that they were thought to be working if amongst the illegal labour there were non-EU nationals.

**HON CHIEF MINISTER:**

The enforcement of the registration of labour laws is not carried out on the basis of nationalities. It is carried out on the basis that every worker of whatever nationality including Gibraltar British are required to be registered for the purposes of social insurance, PAYE, and that is the basis on which the law is enforced and monitored and the law is applied with equal measure to all employees regardless of their nationality or problems.

**HON J J BOSSANO:**

That is not my question and therefore it is quite obvious that the Chief Minister did not hear me or did not understand me when he has volunteered the information. I am perfectly aware what the law is. My question is if I am told that there are 80 people found to be working illegally in Gibraltar and a proportion of those 80 are non-EU nationals then it must follow that one cannot simply register the non-EU nationals, one can register the EU nationals but the non-EU nationals require work permits, that is my question and therefore what I have asked the Minister if he does not have that information will he look into that aspect of it that in the case of non-EU nationals found to be working illegally unlike Gibraltarians and EU nationals the registration cannot be automatic because they require a work permit and there are other people who apply for work permits for non-EU nationals and they do not get them.

**HON CHIEF MINISTER:**

In the first instance, although employment permits is the trigger, the hon Member's supplementary raises issues of Immigration Control. These would be illegal immigrants in Gibraltar their presence in Gibraltar regardless of their employment status would itself be illegal and that is a matter for the Immigration Authorities. What we can certainly tell the hon Member I am not sure the Minister will have that information with him now is whether work permits and therefore residence permits have been issued for any non-EU labour that was found to be legal. My understanding is that no such permits have been issued but the Minister may have to find that out for him.

**HON J J BOSSANO:**

I believe that this illegal non-EU labour was not residing in Gibraltar. They were frontier workers from various parts of Eastern Europe and South America living in La Linea so I do not see why they would require residence permits because they have got work permits, it does not follow but if they have been registered rather than requiring their employment to be terminated then we have a situation were, and that is the whole point that I would like the Minister to take into consideration, if we automatically allow the registration of people found to be illegal here whereas we deny work permits to people who go through the proper procedure it seems to me that there is a risk of encouraging the employment of illegal labour on the basis that it will be subsequently legalised whereas if one does the proper thing and ask for permission to employ a non-EU national one is likely to be denied it.

**HON CHIEF MINISTER:**

It would certainly be the case if facts were as the hon Member is hypothecating but I do not believe that they are like that. If one asked for work permits so that a residence permit can then be issued in respect of non-EU labour and it is denied and then one brings them in illegally and the moment they are discovered they are regularised, then it is not a backdoor but a large side-door into the labour market. That cannot be the position. If, which I do not think it is the case, if there has been any situation involving a non-EU labour in this case it is because a specialist sub-contract in respect of the new hospital I seem to remember that non-EU labour were bought out to do the electricity or pipes sub-contract for the new hospital that might be true but certainly I do not think that the position could possibly be, I do not believe it is, and if it were the Government would not sanction it that the regularisation of illegal labour gave one better results than a proper application for legal labour made at the appropriate time and accordance with the appropriate legislation.

**HON J J BOSSANO:**

I am not saying that that is what has happened. I am saying on the basis of the answer that we have been given that as far as the Government knows the 80 people that were found to be there illegally were regularised rather than sacked. I am pointing out to the Minister since he is not able to give me the information because it is not available to him that on the information that is available to me from people working in the hospital on the site who happen to be Gibraltarians there were quite a number of people working there illegally who were non-EU nationals and therefore I am asking him to look at that aspect precisely to avoid running the risk of the situation developing which the Chief Minister has said he does not believe has, can or should develop but I do not believe it should but I believe it can and I believe it is avoidable and therefore I am asking the Minister to look at that.

**HON DR B A LINARES:**

I will certainly look at that but the information I have is that the concept of illegality was related to non-registration rather than to a lack of work permits in the cases where it is needed but I will find out whether it covered work permits aspect as well.

**NO. 268 OF 2004**

**THE HON F R PICARDO**

**EMPLOYMENT REGULATIONS (OFFENCES) ORDINANCE**

Can Government state how many fixed penalties have been imposed on employers and in respect of how many employees for each of the months from January to December 2003 (giving a breakdown for each month) under the Employment Regulations (Offences) Ordinance, under which sections of the Ordinance, each penalty has been imposed and whether the penalties have been paid or the matter is being pursued through further prosecution?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT AND TRAINING**

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

**Answer to Question No 268 of 2004**

**January 2003**

Number of inspections carried out was 10.  
0 Fixed Penalty Notices were issued.  
1 Fixed Penalty Notice were paid.  
2 pending cases with the Attorney General.

**February 2003**

Number of inspections carried out was 22.  
2 Fixed Penalty Notices were issued.  
1 Fixed Penalty Notice was paid.  
2 pending cases with the Attorney General.

### **March 2003**

Number of inspections carried out was 8.  
1 Fixed Penalty Notices was issued.  
2 Fixed Penalty Notices were paid.  
2 pending cases with the Attorney General.

### **April 2003**

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

### **May 2003**

Number of inspections carried out was 23.  
1 Fixed Penalty Notice was issued.  
1 Fixed Penalty Notice was paid.  
1 pending case with the Attorney General.

### **June 2003**

No Inspections.  
No Fixed Penalty Notice was issued.  
No Fixed Penalty Notices were paid.  
1 pending case with the Attorney General.

### **July 2003**

Number of inspections carried out was 11.  
82 Fixed Penalty Notices were issued.  
3 Fixed Penalty Notices were paid.  
2 pending cases with the Attorney General.

### **August 2003**

Number of inspections carried out was 20.  
No Fixed Penalty Notices were issued.  
No Fixed Penalty Notices were paid.  
2 pending cases with the Attorney General.

### **September 2003**

Number of inspections carried out was 16.  
2 Fixed Penalty Notices were issued.  
0 Fixed Penalty Notices were paid.  
5 pending cases with the Attorney General.



### **October 2003**

Number of inspections carried out was 7.  
14 Fixed Penalty Notices were issued.  
3 Fixed Penalty Notices were paid.  
5 pending cases with the Attorney General.

### **November 2003**

Number of inspections carried out was 7.  
No Fixed Penalty Notices were issued.  
No Fixed Penalty Notices were paid.  
7 pending cases with the Attorney General.

### **December 2003**

Number of inspections carried out was 0.  
No Fixed Penalty Notice was issued.  
No Fixed Penalty Notices were paid.  
6 pending cases 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 4 of the Employment Regulations 1994 (Duty of notify Director of vacancy).
- (6) Regulation 6 of the Employment Regulations 1994 (Duty to notify Director of intention to engage an entitled worker).
- (7) Regulation 7 of the employment Regulations 1994 (Duty to apply to the Director for a permit in relation to a non-entitled worker).
- (8) Regulation 13 of the Employment Regulations 1994 (Duty to notify Director of termination).
- (9) Regulation 15A(4) of the Employment Regulations 1994 (amended by LN 100/94) (Duty to notify Director of temporary employment of Detached workers).

- (10) Section 3 of the Business Trades and Professions (Registration) Ordinance 1989 (Duty to Register).
- (11) Section 57(2) of the Income Tax Ordinance (duty to give notice to the Commissioner that a person is chargeable for tax purposes).

**SUPPLEMENTARY TO QUESTION NO 268 OF 2004**

**HON F R PICARDO:**

Will the Minister clarify whether in relation to the part of my question where I ask whether matters being pursued through further prosecution I shall be looking at the final line in the breakdown for each month which relates to matters pending with the Attorney General?

**HON DR B A LINARES:**

Yes, I think so, if the matter is pending with the Attorney General it is in the context of considering possible prosecution.

**HON F R PICARDO:**

In that case can the Minister further clarify because we have the statistics here for the whole year given that there have been no meetings for Questions since March of last year almost a year ago, what the current state of play in respect of each of the pending cases with the Attorney General is if he has that information or if he can provide that information after this House?

**HON CHIEF MINISTER:**

No. The Minister cannot and it will be quite improper for him to do so or to be in a position to be able to do so even. Ministers of the Government at least in this Government do not concern themselves with the exercise by the Attorney General of his wholly independent institutional role as Prosecuting Authority.

**HON F R PICARDO:**

I do not think that the Chief Minister understood my question. It may be because he is still upset about the ding dong we had earlier but all I was asking was whether I could have the information. I did not ask the Minister to interfere with the Attorney General's decisions on those pending cases simply whether he could provide the information whether those cases had come forward.

**HON CHIEF MINISTER:**

No, and it is still the same answer that is involvement by Ministers in the prosecution process it is wholly improper for Ministers to account in this House for the status of prosecution decisions.

**HON F R PICARDO:**

I hate to be a Tom chasing the Chief Minister's Jerry around this House but all I am asking for is statistical information about prosecutions that have gone forward, how can that be characterised as interference with the prosecution process I fail to understand?

**HON CHIEF MINISTER:**

The hon Member is now not asking for statistical information. He asked for statistical information in his original question and got it namely two pending cases with the Attorney General for him now to argue that he is now still only asking for statistical information in his supplementaries is completely disingenuous and dishonest on his part. He is asking the Minister for an account of the status of the current consideration by the Attorney General of the cases, the statistical information relating to which he has already had so he cannot now be asking for that statistical information. The hon Member either does not hear the words that he utters, does not understand what they mean, or when it no longer suits him tries to deny the words that he has uttered. He cannot get away with it.

**HON F R PICARDO:**

It is good that the allegations of dishonesty are flowing both ways in this House this morning because at least in that case the Chief Minister might realise that he is the lucky one not to hear what he is saying. I am simply asking whether we could have further statistical information on what the present state of play is in relation to these pending cases, have a number of them gone forward to prosecution or not I am not asking that anyone interfere with the Attorney General I am simply asking a further supplementary statistical question?

**HON CHIEF MINISTER:**

The distinction that the hon Member tries to draw between statistics and substance is wholly unreal.

**HON J J BOSSANO:**

Should the Attorney General be here then to answer the question as to what is happening with the pending case in relation to breaches of the law in the Employment Service or is it that the House is not entitled to know whether something that is gone to the Attorney General for action involving breaking the law in the Employment Service actually materialises into a decision that there should be a prosecution or not, how many times in the past have we had information as to action being taken without the Chief Minister getting so worked up is it that he got out of the wrong side of the bed this morning?

**HON CHIEF MINISTER:**

No the hon Member has never had information of the type sought by the supplementary, the hon Member has always had the statistical information of the

number of cases that the administration has referred to the Attorney General for prosecution decisions. That is the information that he has had and I am not here to give the hon Member legal advice.....

**HON J J BOSSANO:**

I do not want his advice.

**HON CHIEF MINISTER:**

...but as he has asked me my personal view is the second of his options, that the House is not entitled to question the Attorney General even if he were present about his prosecuting role because the Attorney General does not sit in this House in his capacity as Prosecuting Authority and it would be quite wrong and wholly unprecedented for the Attorney General to give an account in this House of where lies his consideration of particular cases before him for consideration as to prosecution and whether he is going to proceed or not and if not why not, I have never heard a debate in this House, I realise that the hon Member has been in this House longer than me but certainly in the 10 odd years or more that I have been in this House I have never heard such a debate.

**HON J J BOSSANO:**

Nobody is starting a debate on anything except the Chief Minister that converts every single question in this House into a debate. We are not asking if he has done it why he has done it and if he has not done it why he has not done it. We are asking has the Attorney General in the pending cases taken a decision or not? If the Chief Minister tells us that there is a case pending with the Attorney General it is perfectly legitimate it seems to me to ask whether the Attorney General has now taken a decision on the pending case we are not challenging his right to take a decision we are not saying that the elected Government should take over the role, heaven forbid that the Chief Minister should now decide who gets prosecuted and who does not we would all have to show our party card not to get prosecuted in Gibraltar if he did that.

**HON CHIEF MINISTER:**

I know that the hon Member is not saying any of that rubbish.....

**HON J J BOSSANO:**

I have not sat down.....

**HON CHIEF MINISTER:**

..... but what he is saying ,

**HON J J BOSSANO:**

I am in the process of asking a question and the Chief Minister chooses to answer the questions of all his Ministers which does not reflect very much in his confidence of their abilities so to do. If the Minister is willing to tell us whether something that is pending with the Attorney General has come back or not because he thinks that he is interfering with the course of justice that is the most incredible statement I have heard in 30 years. If that is the position perhaps he will confirm it.

**HON CHIEF MINISTER:**

The extent of my confidence in getting up to participate in a question posed to my Honourable friend the Minister for Education cannot be any more or less than his in the Hon Mr Picardo by his intervention in the Hon Mr Picardo's supplementary and at least the Hon Mr Picardo has the advantage that he is a lawyer which the Minister does not since we are discussing legal matters. The fact of the matter is that the hon Member can go off at a tangent and again impute to the Government so that he can then deny it in a mocking style things that I have not suggested namely that I have accused him of wanting the Government to take over the Prosecution no one has said anything of the sort and the hon Member in his typical parliamentary style can invent facts to put into people's mouths so that then he can theatrically deny their veracity. That is his parliamentary style, it has always been his parliamentary style, I do not suppose one can teach an old dog new tricks, it is unlikely to change and I am not going to try but the fact of the matter is that regardless of all that red herring on the point which is seriously at issue across the floor between us and which we have both said the Government seriously disagrees with his view of whether he is entitled to that information or not we believe that he is not entitled to put to the Government questions relating to the exercise by the Attorney General of his role as Prosecuting Officer and he can ask questions as many times as he likes. We have a view as the Government, he clearly has a different view on whatever basis he holds it and so be it he is not going to change mine and we are not going to change his.

**HON F R PICARDO:**

Can the Chief Minister perhaps indicate in succinct terms without the soliloquy how seeking statistics from the Attorney General can be seen to amount to trying to interfere with his prosecutorial rights or determine whether to proceed against someone or not?

**HON CHIEF MINISTER:**

The hon Member has not sought statistical information he has sought a report about the status of the prosecution decision.

**NO. 269 OF 2004****THE HON F R PICARDO****EMPLOYMENT REGULATIONS (OFFENCES) ORDINANCE**

Can Government state how many prosecutions have been commenced under the Employment Regulations (Offences) Ordinance since September 2002, the date of filing of any such prosecutions and the penalties, if any, imposed by the courts in respect of any prosecutions which may have been completed?

**ANSWER****THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT AND TRAINING**

The statistical information sought by the hon Member is set out in the schedule that I now hand to him.

**Answer to Question No 269 of 2004**

| <b>Date</b>    | <b>No of Prosecutions</b> | <b>Date Filed</b>                            | <b>Penalties Imposed</b>                           |
|----------------|---------------------------|----------------------------------------------|----------------------------------------------------|
| <b>Sept 02</b> | 0                         |                                              |                                                    |
| <b>Oct 02</b>  | 3                         | 1 No – 7 Oct<br>1 No – 7 Oct<br>1 No – 8 Oct | £2,000.00 – 30 April 03<br>£2,000.00 – 30 April 03 |
| <b>Nov 02</b>  | 0                         |                                              |                                                    |
| <b>Dec 02</b>  | 0                         |                                              |                                                    |
| <b>Jan 03</b>  | 0                         |                                              |                                                    |
| <b>Feb 03</b>  | 0                         |                                              |                                                    |

|                 |    |                                    |  |
|-----------------|----|------------------------------------|--|
| <b>Mar 03</b>   | 0  |                                    |  |
| <b>April 03</b> | 0  |                                    |  |
| <b>May 03</b>   | 0  |                                    |  |
| <b>June 03</b>  | 0  |                                    |  |
| <b>July 03</b>  | 1  | 1 No – 9 July                      |  |
| <b>Aug 03</b>   | 1  | 1 No – 5 Aug                       |  |
| <b>Sept 03</b>  | 79 | 12 No – 17 Sept<br>67 No – 22 Sept |  |
| <b>Oct 03</b>   | 0  |                                    |  |
| <b>Nov 03</b>   | 0  |                                    |  |
| <b>Dec 03</b>   | 0  |                                    |  |

**SUPPLEMENTARY TO QUESTION NO 269 OF 2004**

**HON F R PICARDO:**

I am grateful to the Minister, will he agree with me that despite the dispute that we have had across the floor of this House a moment ago this amounts to the information we were being told we could not have?

**HON DR B A LINARES:**

I do not think so. We were talking about pending cases with the Attorney General these are cases which have already been processed so there is a difference between consideration given by the Attorney General in respect of possible prosecution which is the question that the Chief Minister said was out of order and information as to cases which have already gone through the process of prosecution or possible prosecution in the past.

**HON F R PICARDO:**

Will the Minister not agree with me that in fact all we had to do was simple mathematical exercise as a result of saying if so many are pending and so many have gone forward this number is still pending which is exactly the statistic that we wanted to have so to an extent I am very grateful to the hon Gentleman for this further answer.

**HON CHIEF MINISTER:**

No. The hon Member cannot resort to his little disingenuous tricks and try and pull it off.

**HON F R PICARDO:**

Why not the Chief Minister does?

**HON CHIEF MINISTER:**

Because on every occasion that he does it we will have to point it out to him. At least point it out to him that he is doing it we cannot stop him doing it but we can point out to him that he is doing it. The hon Member cannot now pretend that what he was seeking all along and what has been denied is the number of pending cases for consideration by the Attorney General. Why not? Because that information was given to him in the original answer to his original question and it was in response to that answer – *How many questions are pending with the Attorney....., two, -* and then he asks for clarification – *does that mean that that is the number of cases pending before the Attorney General for consideration, yes* – so if he can no longer thereafter be asking questions designed to illicit information - *how many cases are pending before the Attorney General for consideration* - so the answer to his last intervention is no, it is not as the hon Member says and therefore we cannot agree with him.

**HON F R PICARDO:**

I do not think that the Chief Minister has understood the point so I will not labour it any further.

**HON J J BOSSANO:**

In terms of the answer to Question No 269 of 2004 given that there is this gap between October and July of a number of prosecutions is there a particular significance to this given that the inspections are taking place every month does the Government or the ETB have a system where the moving to a prosecution follows prior steps?

**HON DR B A LINARES:**

Yes indeed before the matter is put before the Attorney General for possible prosecution the Employment Service does take a number of steps in respect of their inspections and detection of illegal labour. The fact that none of these cases have been followed up could mean a measure of the success of the legislation and the fixed penalties have been accepted and paid and in any case that a deterrent is provided by the present legislation so that actually no illegal labour was detected in the course of those inspections but to some extent I speculate.



**HON J J BOSSANO:**

In June 2003 we have no inspections, no fixed penalties issued and no fixed penalties paid obviously if one does not inspect anybody in a month one does not expect to find any illegal labour in a month. Is there a particular reason for some months showing zero inspections?

**HON CHIEF MINISTER:**

There are zero inspections in June and December from the answer to Question No 268 of 2004. I think we have had this discussion in the House before in the last session, the answer that I recall being given to him by the previous Minister was that it sometimes coincided with absences on annual holidays by the inspectors. Just looking down the list there were no inspections in June 2003, no inspections in December 2003, they are months where people take their summer holidays and that could be the explanation.

**HON J J BOSSANO:**

If the hon Member checks up it was December the last time and we were told that it was a combination of holidays plus being engaged on other duties but this time I do not think we have had June before that is why I am asking about June and not December.

**NO. 270 OF 2004**

**THE HON F R PICARDO**

**EMPLOYMENT – NUMBER OF GIBRALTARIANS**

Can Government state how many Gibraltarians employed each month of the year 2003 were registered with the Employment Agency as unemployed giving a breakdown for each month by age and sex?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT AND TRAINING**

Answered together with Question Nos 249 to 266 and 271 to 272 of 2004.

**NO. 271 OF 2004**

**THE HON F R PICARDO**

**EMPLOYMENT – NUMBER OF GIBRALTARIANS**

Can Government state how many Gibraltarians registered as unemployed with the Employment Agency for each month of the year 2003 were registered as looking for part-time jobs giving a breakdown by sex and age for each month?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT AND TRAINING**

Answered together with Question Nos 249 to 266 and 270 and 272 of 2004.

**NO. 272 OF 2004**

**THE HON F R PICARDO**

**EMPLOYMENT – WAGE SUBSIDY**

Can Government state what was the expenditure by the Employment Agency on wage subsidy in each month of the year 2003 and the number of people and of employers involved in each of these months?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT AND TRAINING**

The Government remains willing to provide to the Opposition detailed information of this sort which is unprecedented in Gibraltar before 1996. However, given the intense administrative burden of preparing such wide-ranging statistical information within 5 days, I will be pleased to forward this information in writing to the hon Member within the next 10 days.

**SUPPLEMENTARY TO QUESTION 249 TO 266 AND 270 TO 272 OF 2004**

**HON F R PICARDO:**

I can accept what the Minister has said except for the preambular paragraph that one has to put up with everytime they answer questions on statistics but would he not agree with me that in relation to his earlier answer about the unemployment statistics not having been published as a result of mere oversight and given that really in Question Nos 262, 263, and 264 of 2004 I am only asking about a derivation of that, at least those could have been provided today or sooner.

**HON DR B A LINARES:**

I have already stated that those statistics will be published within the next few days.

**HON F R PICARDO:**

Very well, I will look forward to receiving the Minister's letter.

**HON J J BOSSANO:**

Given that the explanation by the Minister is the considerable administrative burden is it not the case that when the system in the ETB was computerised a number of years ago it was on the basis that this kind of statistics could be produced once the computer system had been working and which it has now been doing for a number of years. It is not a manual thing anymore this is just a question that the statistics are readily available in the form that they are being asked because they have been produced before?

**HON DR B A LINARES:**

I am still not entirely familiar with the operational employment service but even if it is machine lead information there is still work to be done on it and compilation and collation of statistics and anyway that is the information that I have that it is too short a time to present the package of information that the hon Member has asked for.

**NO. 273 OF 2004****THE HON F R PICARDO****EMPLOYMENT – JOB CLUB**

Can Government state how many persons have used the facilities provided at the Job Club in each of the months of the year 2003, giving a breakdown for each month by sex and age?

**ANSWER****THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT AND TRAINING**

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

**January 2003**

| <b>Age Group</b>     | <b>Male</b> | <b>Female</b> |
|----------------------|-------------|---------------|
| <b>Under 18</b>      | 5           | 2             |
| <b>18-24</b>         | 11          | 8             |
| <b>25 &amp; Over</b> | 10          | 15            |
| <b>Total</b>         | <b>26</b>   | <b>25</b>     |

**February 2003**

| <b>Age Group</b>     | <b>Male</b> | <b>Female</b> |
|----------------------|-------------|---------------|
| <b>Under 18</b>      | 9           | 2             |
| <b>18-24</b>         | 12          | 5             |
| <b>25 &amp; Over</b> | 12          | 9             |
| <b>Total</b>         | <b>33</b>   | <b>16</b>     |

**March 2003**

| <b>Age Group</b>     | <b>Male</b> | <b>Female</b> |
|----------------------|-------------|---------------|
| <b>Under 18</b>      | 10          | 4             |
| <b>18-24</b>         | 17          | 6             |
| <b>25 &amp; Over</b> | 9           | 14            |
|                      |             |               |
| <b>Total</b>         | <b>36</b>   | <b>24</b>     |

**April 2003**

| <b>Age Group</b>     | <b>Male</b> | <b>Female</b> |
|----------------------|-------------|---------------|
| <b>Under 18</b>      | 4           | 4             |
| <b>18-24</b>         | 17          | 3             |
| <b>25 &amp; Over</b> | 14          | 15            |
|                      |             |               |
| <b>Total</b>         | <b>35</b>   | <b>22</b>     |

**May 2003**

| <b>Age Group</b>     | <b>Male</b> | <b>Female</b> |
|----------------------|-------------|---------------|
| <b>Under 18</b>      | 11          | 7             |
| <b>18-24</b>         | 15          | 7             |
| <b>25 &amp; Over</b> | 11          | 8             |
|                      |             |               |
| <b>Total</b>         | <b>37</b>   | <b>22</b>     |

**June 2003**

| <b>Age Group</b>     | <b>Male</b> | <b>Female</b> |
|----------------------|-------------|---------------|
| <b>Under 18</b>      | 10          | 5             |
| <b>18-24</b>         | 8           | 4             |
| <b>25 &amp; Over</b> | 6           | 5             |
|                      |             |               |
| <b>Total</b>         | <b>24</b>   | <b>14</b>     |

**July 2003**

| <b>Age Group</b>     | <b>Male</b> | <b>Female</b> |
|----------------------|-------------|---------------|
| <b>Under 18</b>      | 9           | 3             |
| <b>18-24</b>         | 6           | 0             |
| <b>25 &amp; Over</b> | 10          | 6             |
|                      |             |               |
| <b>Total</b>         | <b>25</b>   | <b>9</b>      |

**August 2003**

| <b>Age Group</b>     | <b>Male</b> | <b>Female</b> |
|----------------------|-------------|---------------|
| <b>Under 18</b>      | 1           | 3             |
| <b>18-24</b>         | 8           | 11            |
| <b>25 &amp; Over</b> | 16          | 18            |
|                      |             |               |
| <b>Total</b>         | <b>25</b>   | <b>32</b>     |

**September 2003**

| <b>Age Group</b>     | <b>Male</b> | <b>Female</b> |
|----------------------|-------------|---------------|
| <b>Under 18</b>      | 5           | 5             |
| <b>18-24</b>         | 9           | 4             |
| <b>25 &amp; Over</b> | 15          | 15            |
|                      |             |               |
| <b>Total</b>         | <b>29</b>   | <b>24</b>     |

**October 2003**

| <b>Age Group</b>     | <b>Male</b> | <b>Female</b> |
|----------------------|-------------|---------------|
| <b>Under 18</b>      | 3           | 5             |
| <b>18-24</b>         | 7           | 7             |
| <b>25 &amp; Over</b> | 12          | 17            |
|                      |             |               |
| <b>Total</b>         | <b>22</b>   | <b>29</b>     |

**November 2003**

| <b>Age Group</b>     | <b>Male</b> | <b>Female</b> |
|----------------------|-------------|---------------|
| <b>Under 18</b>      | 3           | 3             |
| <b>18-24</b>         | 7           | 2             |
| <b>25 &amp; Over</b> | 12          | 12            |
|                      |             |               |
| <b>Total</b>         | <b>22</b>   | <b>17</b>     |

**December 2003**

| <b>Age Group</b>     | <b>Male</b> | <b>Female</b> |
|----------------------|-------------|---------------|
| <b>Under 18</b>      | 0           | 2             |
| <b>18-24</b>         | 7           | 1             |
| <b>25 &amp; Over</b> | 5           | 3             |
|                      |             |               |
| <b>Total</b>         | <b>12</b>   | <b>6</b>      |



**NO. 274 OF 2004****THE HON F R PICARDO****EMPLOYMENT – CASUAL WORKERS**

Can Government give a monthly breakdown of vacancies for casual workers opened with the Employment Agency by Cammell Laird or alternatively in the shipping industry for each month of 2003 giving a breakdown of how many of these have been filled by Gibraltarians?

**ANSWER****THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT AND TRAINING**

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

| Months                 | Jan | Feb | Mar | April | May | June | July | Aug | Sept | Oct | Nov | Dec |
|------------------------|-----|-----|-----|-------|-----|------|------|-----|------|-----|-----|-----|
| <b>Total Vacancies</b> | 38  | 4   | 11  | 20    | 8   | 11   | 31   | 6   | 24   | 2   | 25  | 17  |
| <b>Gibraltarians</b>   | 3   | 3   | 0   | 7     | 3   | 2    | 15   | 2   | 9    | 1   | 10  | 11  |

**NO. 275 OF 2004**

**THE HON F R PICARDO**

**EMPLOYMENT – VOCATIONAL CADETS**

Can Government state what is the latest estimate for the expenditure that will be incurred in the current financial year in respect of the items for Vocational Cadets (a) EU Projects; and (b) other?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT AND TRAINING**

The latest estimate for the expenditure that will be incurred in the current financial year in respect of Vocational Cadets is (a) £1,077,500 for EU Projects and (b) £15,000 for Other.

**SUPPLEMENTARY TO QUESTION NO 275 OF 2004**

**HON J J BOSSANO:**

In respect of the subsidy on EU Projects is the amount spent the part contributed from EU Funding or does that involve the EU and Gibraltar Government?

**HON DR B A LINARES:**

Are you talking about wage subsidies?

**HON J J BOSSANO:**

Yes that is right.

**HON DR B A LINARES:**

This question is not on wage subsidies.

**HON J J BOSSANO:**

The same argument applies I am just looking at the wrong question. In terms of the amount that you are spending on the EU Project is that just what the EU contributes or does that include both the EU part and the Gibraltar Government part, the figure that we have been given?

**HON DR B A LINARES:**

The figure includes 45 per cent of EU Funds and the rest is made up of local funding.

**HON F R PICARDO:**

Can the Minister indicate on what the excess of in the region of £700,000 has been from the estimate of £960,000?

**HON DR B A LINARES:**

I am afraid I could not here and now I would have to study that one more closely than I have done. I have not had the opportunity to do so up to now.

**HON F R PICARDO:**

Can the Minister undertake to provide a note in that respect?

**HON J J BOSSANO:**

In respect of the additional amount of money that has been spent on this particular sub-head in the Gibraltar Development Corporation does the Minister know whether that means that in fact the contribution from the Corporation is higher because presumably when we had the estimates at the beginning of the financial year and there was an amount on the expenditure side that was matched by the £560,000 contribution from the ESF does he know whether in fact we have achieved a higher contribution from the ESF?

**HON DR B A LINARES:**

I am afraid I have to honestly admit that I do not know the answer to that one at this stage.

**NO. 276 OF 2004**

**THE HON F R PICARDO**

**CONSTRUCTION TRAINING CENTRE**

Can Government state what is the latest estimate for the expenditure that will be incurred in the current financial year in respect of the items for Construction Training Centre (a) EU Projects; and (b) Other?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT AND TRAINING**

The latest estimate for the expenditure that will be incurred in the current financial year in respect of the Construction Training Centre is (a) £71,150 for EU Projects and (b) £204,400 for Other.

**SUPPLEMENTARY TO QUESTION NO 276 OF 2004**

**HON F R PICARDO:**

Can the Minister if not today subsequently provide in relation to the Head Other a note as to how the difference of in the region £108,000 over spend has been incurred?

**HON DR B A LINARES:**

Certainly not today but certainly at a later stage.

**HON F R PICARDO:**

Obliged.

**NO. 277 OF 2004**

**THE HON F R PICARDO**

**TRAINING DEVELOPMENT PROJECTS**

Can Government state what is the latest estimate for the expenditure that will be incurred in the current financial year in respect of the items for Training Development Projects (a) EU Projects; and (b) other?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT AND TRAINING**

The latest estimate for the expenditure that will be incurred in the current financial year in respect of Training Development Projects is (a) £211,150.00 for EU Projects and (b) £1,271,200 for Other.

**SUPPLEMENTARY TO QUESTION NO 277 OF 2004**

**HON F R PICARDO:**

Can the Minister in relation to the Other aspect which has seen an overspend of in the region of £300,000 undertake to provide a note explaining how the difference is incurred?

**HON DR B A LINARES:**

I am sure I can at a later stage.

**HON F R PICARDO:**

Obliged.

**NO. 278 OF 2004**

**THE HON F R PICARDO**

**EMPLOYMENT – WAGE SUBSIDY**

Can Government state what is the latest estimate for the expenditure that will be incurred in the current financial year in respect of the items for Wage Subsidy (a) EU Projects; and (b) other?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT AND TRAINING**

The latest estimate for expenditure that will be incurred in the current financial year in respect of items for Wage Subsidy is:

|     |             |   |         |
|-----|-------------|---|---------|
| (a) | EU Projects | - | £82,700 |
| (b) | Other       | - | £25,700 |

**SUPPLEMENTARY TO QUESTION NO 278 OF 2004**

**HON F R PICARDO:**

In relation to both Heads can the Minister if not today subsequently provide a breakdown of how the further cost has been incurred as previously estimated?

**HON DR B A LINARES:**

Yes.

**HON F R PICARDO:**

Obliged.

**NO. 279 OF 2004**

**THE HON F R PICARDO**

**HAMILTON SPIRITS MANAGEMENT LIMITED**

Will the Hon Dr Bernard Linares make a statement to the House of Assembly as to his involvement as a director of Hamilton Spirits Management Limited?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT AND TRAINING**

No. I have not been a director of that Company during the time that I have been a Member of this House and in any case my involvement has been entirely proper.

**SUPPLEMENTARY TO QUESTION NO 279 OF 2004**

**HON F R PICARDO:**

Will the Minister accept that although I do not call into question what he has said in the latter part of his statement nonetheless it should be in the public interest that he should provide some statement given that the three other co-directors were sentenced to sentences of imprisonment in the United Kingdom as a result of their involvement with that Company?

**HON CHIEF MINISTER:**

No. The only thing that is a surprise is that no other Member of the Opposition during the last eight years in this House has thought it necessary, appropriate or proper to ask that question and the fact that it is asked now eight years after the event when no Opposition before the hon Member has entered this House has felt that the public interest of Gibraltar requires that question to be asked I think says more about the hon Member than it does about the failure of his predecessors during the last eight years to have done their public duty, frankly that is what I think is extraordinary.

**HON F R PICARDO:**

Will the Minister at least indicate whether he was interviewed in relation to these matters by the Authorities that were investigating the issues that arose in that case?

**HON CHIEF MINISTER:**

No. On guidance provided to the Minister by me he will answer no questions on this subject to the hon Member.



**NO. 280 OF 2004**

**THE HON DR J J GARCIA**

**SCHOOL OF TOURISM**

How many of those trainees from the tenth intake who completed the School of Tourism course are now employed in the hotel industry?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT AND TRAINING**

Eight trainees successfully completed the School of Tourism course in intake 10. Upon completion of the course, six were employed in the hotel industry, one found employment elsewhere and one changed training avenue.

**SUPPLEMENTARY TO QUESTION NO 280 OF 2004**

**HON DR J J GARCIA:**

Will information in relation to Question No 281 of 2004 be given separately to Question No 280?

**HON DR B A LINARES:**

Yes.

**NO. 281 OF 2004**

**THE HON DR J J GARCIA**

**SCHOOL OF TOURISM**

How many trainees started the tenth training course offered by the School of Tourism and how many completed the course?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT AND TRAINING**

A total of 12 trainees commenced the School of Tourism training course in Intake 10 in October 2002. Of these, eight successfully completed the course. Perhaps the hon Member will be interested to know that of the four who did not complete one left before the end of the course to take up employment actually within the tourism industry itself.

**NO. 282 OF 2004**

**THE HON J J BOSSANO**

**EMPLOYMENT SURVEY REPORT**

Can Government give a breakdown of a full and part-time employment in respect of Table 11 of the 2001 and 2002 Employment Survey Reports showing employment in the Gibraltar Government and the MOD separately?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT AND TRAINING**

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

Breakdown of Table 11 ( Full-Time Gibraltar Government Employees by Sex and Nationality, October 2001 ) HOA Question 282 / 2004

| ALL SECTORS        | ALL   |        | GIBALTARIAN |        | UK   |        | MOROCCAN |        | SPANISH |        | OTHER EU |        | OTHER |        |
|--------------------|-------|--------|-------------|--------|------|--------|----------|--------|---------|--------|----------|--------|-------|--------|
|                    | MALE  | FEMALE | MALE        | FEMALE | MALE | FEMALE | MALE     | FEMALE | MALE    | FEMALE | MALE     | FEMALE | MALE  | FEMALE |
|                    |       |        |             |        |      |        |          |        |         |        |          |        |       |        |
| Shipbuilding       | 0     | 0      | 0           | 0      | 0    | 0      | 0        | 0      | 0       | 0      | 0        | 0      | 0     | 0      |
| Other Manuf.       | 0     | 0      | 0           | 0      | 0    | 0      | 0        | 0      | 0       | 0      | 0        | 0      | 0     | 0      |
| Elec/Wtr Supply    | 94    | 4      | 89          | 4      | 2    | 0      | 1        | 0      | 2       | 0      | 0        | 0      | 0     | 0      |
| Construction       | 258   | 14     | 226         | 14     | 4    | 0      | 27       | 0      | 0       | 0      | 1        | 0      | 0     | 0      |
| Whsie/Retail Tr.   | 0     | 0      | 0           | 0      | 0    | 0      | 0        | 0      | 0       | 0      | 0        | 0      | 0     | 0      |
| Hotels/Restrmts.   | 0     | 0      | 0           | 0      | 0    | 0      | 0        | 0      | 0       | 0      | 0        | 0      | 0     | 0      |
| Trans/Comm.        | 81    | 20     | 81          | 20     | 0    | 0      | 0        | 0      | 0       | 0      | 0        | 0      | 0     | 0      |
| Fin. Intermed.     | 0     | 0      | 0           | 0      | 0    | 0      | 0        | 0      | 0       | 0      | 0        | 0      | 0     | 0      |
| Real Est./Bus.Ac.  | 0     | 0      | 0           | 0      | 0    | 0      | 0        | 0      | 0       | 0      | 0        | 0      | 0     | 0      |
| Public Admin.      | 674   | 266    | 609         | 256    | 48   | 10     | 9        | 0      | 1       | 0      | 6        | 0      | 1     | 0      |
| Education          | 182   | 261    | 173         | 255    | 7    | 6      | 2        | 0      | 0       | 0      | 0        | 0      | 0     | 0      |
| Health/Social Wrk. | 200   | 455    | 159         | 380    | 25   | 65     | 3        | 3      | 2       | 1      | 2        | 5      | 9     | 1      |
| Other Services     | 34    | 13     | 32          | 12     | 1    | 1      | 1        | 0      | 0       | 0      | 0        | 0      | 0     | 0      |
| TOTAL              | 1,523 | 1,033  | 1,369       | 941    | 87   | 82     | 43       | 3      | 5       | 1      | 9        | 5      | 10    | 1      |

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cont...

Breakdown of Table 11 ( Part -Time Gibraltar Government Employees by Sex and Nationality, October 2001 ) HOA Question 282 / 2004

| ALL SECTORS       | ALL  |        | GIBALTARIAN |        | UK   |        | MOROCCAN |        | SPANISH |        | OTHER EU |        | OTHER |        |
|-------------------|------|--------|-------------|--------|------|--------|----------|--------|---------|--------|----------|--------|-------|--------|
|                   | MALE | FEMALE | MALE        | FEMALE | MALE | FEMALE | MALE     | FEMALE | MALE    | FEMALE | MALE     | FEMALE | MALE  | FEMALE |
|                   |      |        |             |        |      |        |          |        |         |        |          |        |       |        |
| Shipbuilding      | 0    | 0      | 0           | 0      | 0    | 0      | 0        | 0      | 0       | 0      | 0        | 0      | 0     | 0      |
| Other Manuf.      | 0    | 0      | 0           | 0      | 0    | 0      | 0        | 0      | 0       | 0      | 0        | 0      | 0     | 0      |
| Elec/Wtr Supply   | 0    | 2      | 0           | 2      | 0    | 0      | 0        | 0      | 0       | 0      | 0        | 0      | 0     | 0      |
| Construction      | 2    | 2      | 1           | 2      | 1    | 0      | 0        | 0      | 0       | 0      | 0        | 0      | 0     | 0      |
| Whsle/Retail Tr.  | 0    | 0      | 0           | 0      | 0    | 0      | 0        | 0      | 0       | 0      | 0        | 0      | 0     | 0      |
| Hotels/Restrmts.  | 0    | 0      | 0           | 0      | 0    | 0      | 0        | 0      | 0       | 0      | 0        | 0      | 0     | 0      |
| Trans/Comm.       | 0    | 5      | 0           | 5      | 0    | 0      | 0        | 0      | 0       | 0      | 0        | 0      | 0     | 0      |
| Fin. Intermed.    | 0    | 0      | 0           | 0      | 0    | 0      | 0        | 0      | 0       | 0      | 0        | 0      | 0     | 0      |
| Real Est./Bus.Ac. | 0    | 0      | 0           | 0      | 0    | 0      | 0        | 0      | 0       | 0      | 0        | 0      | 0     | 0      |
| Public Admin.     | 1    | 31     | 1           | 31     | 0    | 0      | 0        | 0      | 0       | 0      | 0        | 0      | 0     | 0      |
| Education         | 0    | 147    | 0           | 146    | 0    | 1      | 0        | 0      | 0       | 0      | 0        | 0      | 0     | 0      |
| Health/Social Wk. | 1    | 59     | 1           | 58     | 0    | 1      | 0        | 0      | 0       | 0      | 0        | 0      | 0     | 0      |
| Other Services    | 0    | 3      | 0           | 3      | 0    | 0      | 0        | 0      | 0       | 0      | 0        | 0      | 0     | 0      |
| TOTAL             | 4    | 249    | 3           | 247    | 1    | 2      | 0        | 0      | 0       | 0      | 0        | 0      | 0     | 0      |

Breakdown of Table 11 ( Full-Time Gibraltar Government Employees by Sex and Nationality, October 2002 ) HOA Question 282 / 2004

| ALL SECTORS        | ALL   |        | GIBALTARIAN |        | UK   |        | MOROCCAN |        | SPANISH |        | OTHER EU |        | OTHER |        |
|--------------------|-------|--------|-------------|--------|------|--------|----------|--------|---------|--------|----------|--------|-------|--------|
|                    | MALE  | FEMALE | MALE        | FEMALE | MALE | FEMALE | MALE     | FEMALE | MALE    | FEMALE | MALE     | FEMALE | MALE  | FEMALE |
| Shipbuilding       | 0     | 0      | 0           | 0      | 0    | 0      | 0        | 0      | 0       | 0      | 0        | 0      | 0     | 0      |
| Other Manuf.       | 0     | 0      | 0           | 0      | 0    | 0      | 0        | 0      | 0       | 0      | 0        | 0      | 0     | 0      |
| Elec/Wtr Supply    | 92    | 4      | 85          | 4      | 3    | 0      | 1        | 0      | 3       | 0      | 0        | 0      | 0     | 0      |
| Construction       | 258   | 15     | 226         | 15     | 7    | 0      | 24       | 0      | 0       | 0      | 1        | 0      | 0     | 0      |
| Whsle/Retail Tr.   | 0     | 0      | 0           | 0      | 0    | 0      | 0        | 0      | 0       | 0      | 0        | 0      | 0     | 0      |
| Hotels/Restrmts.   | 0     | 0      | 0           | 0      | 0    | 0      | 0        | 0      | 0       | 0      | 0        | 0      | 0     | 0      |
| Trans/Comm.        | 77    | 21     | 77          | 21     | 0    | 0      | 0        | 0      | 0       | 0      | 0        | 0      | 0     | 0      |
| Fin. Intermed.     | 0     | 0      | 0           | 0      | 0    | 0      | 0        | 0      | 0       | 0      | 0        | 0      | 0     | 0      |
| Real Est./Bus.Ac.  | 0     | 0      | 0           | 0      | 0    | 0      | 0        | 0      | 0       | 0      | 0        | 0      | 0     | 0      |
| Public Admin.      | 686   | 252    | 648         | 243    | 23   | 9      | 8        | 0      | 1       | 0      | 6        | 0      | 0     | 0      |
| Education          | 181   | 269    | 174         | 265    | 4    | 4      | 3        | 0      | 0       | 0      | 0        | 0      | 0     | 0      |
| Health/Social Wrk. | 210   | 435    | 160         | 356    | 30   | 65     | 4        | 2      | 6       | 5      | 2        | 6      | 8     | 1      |
| Other Services     | 34    | 16     | 32          | 15     | 1    | 1      | 1        | 0      | 0       | 0      | 0        | 0      | 0     | 0      |
| TOTAL              | 1,538 | 1,012  | 1,402       | 919    | 68   | 79     | 41       | 2      | 10      | 5      | 9        | 6      | 8     | 1      |

Breakdown of Table 11 ( Full-Time MOD Employees by Sex and Nationality, October 2001 ) HOA Question 282 / 2004

| ALL SECTORS   | ALL  |        | GIBALTARIAN |        | UK   |        | MOROCCAN |        | SPANISH |        | OTHER EU |        | OTHER |        |
|---------------|------|--------|-------------|--------|------|--------|----------|--------|---------|--------|----------|--------|-------|--------|
|               | MALE | FEMALE | MALE        | FEMALE | MALE | FEMALE | MALE     | FEMALE | MALE    | FEMALE | MALE     | FEMALE | MALE  | FEMALE |
| Public Admin. | 685  | 274    | 608         | 254    | 7    | 14     | 63       | 2      | 7       | 4      | 0        | 0      | 0     | 0      |
| TOTAL         | 685  | 274    | 608         | 254    | 7    | 14     | 63       | 2      | 7       | 4      | 0        | 0      | 0     | 0      |

Breakdown of Table 11 ( Part-Time MOD Employees by Sex and Nationality, October 2001 ) HOA Question 282 / 2004

| ALL SECTORS   | ALL  |        | GIBALTARIAN |        | UK   |        | MOROCCAN |        | SPANISH |        | OTHER EU |        | OTHER |        |
|---------------|------|--------|-------------|--------|------|--------|----------|--------|---------|--------|----------|--------|-------|--------|
|               | MALE | FEMALE | MALE        | FEMALE | MALE | FEMALE | MALE     | FEMALE | MALE    | FEMALE | MALE     | FEMALE | MALE  | FEMALE |
| Public Admin. | 2    | 62     | 2           | 49     | 0    | 12     | 0        | 0      | 0       | 0      | 0        | 0      | 0     | 1      |
| TOTAL         | 2    | 62     | 2           | 49     | 0    | 12     | 0        | 0      | 0       | 0      | 0        | 0      | 0     | 1      |

Breakdown of Table 11 ( Part -Time Gibraltar Government Employees by Sex and Nationality, October 2002 ) HOA Question 282 / 2004

| ALL SECTORS        | ALL  |        | GIBALTARIAN |        | UK   |        | MOROCCAN |        | SPANISH |        | OTHER EU |        | OTHER |        |
|--------------------|------|--------|-------------|--------|------|--------|----------|--------|---------|--------|----------|--------|-------|--------|
|                    | MALE | FEMALE | MALE        | FEMALE | MALE | FEMALE | MALE     | FEMALE | MALE    | FEMALE | MALE     | FEMALE | MALE  | FEMALE |
|                    |      |        |             |        |      |        |          |        |         |        |          |        |       |        |
| Shipbuilding       | 0    | 0      | 0           | 0      | 0    | 0      | 0        | 0      | 0       | 0      | 0        | 0      | 0     | 0      |
| Other Manuf.       | 0    | 0      | 0           | 0      | 0    | 0      | 0        | 0      | 0       | 0      | 0        | 0      | 0     | 0      |
| Elec/Wtr Supply    | 0    | 2      | 0           | 2      | 0    | 0      | 0        | 0      | 0       | 0      | 0        | 0      | 0     | 0      |
| Construction       | 0    | 2      | 0           | 2      | 0    | 0      | 0        | 0      | 0       | 0      | 0        | 0      | 0     | 0      |
| Whsle/Retail Tr.   | 0    | 0      | 0           | 0      | 0    | 0      | 0        | 0      | 0       | 0      | 0        | 0      | 0     | 0      |
| Hotels/Restrnts.   | 0    | 0      | 0           | 0      | 0    | 0      | 0        | 0      | 0       | 0      | 0        | 0      | 0     | 0      |
| Trans/Comm.        | 3    | 5      | 3           | 5      | 0    | 0      | 0        | 0      | 0       | 0      | 0        | 0      | 0     | 0      |
| Fin. Intermed.     | 0    | 0      | 0           | 0      | 0    | 0      | 0        | 0      | 0       | 0      | 0        | 0      | 0     | 0      |
| Real Est./Bus.Ac.  | 0    | 0      | 0           | 0      | 0    | 0      | 0        | 0      | 0       | 0      | 0        | 0      | 0     | 0      |
| Public Admin.      | 2    | 31     | 2           | 31     | 0    | 0      | 0        | 0      | 0       | 0      | 0        | 0      | 0     | 0      |
| Education          | 1    | 178    | 1           | 175    | 0    | 2      | 0        | 0      | 0       | 0      | 0        | 0      | 1     | 0      |
| Health/Social Wrk. | 3    | 66     | 3           | 61     | 0    | 4      | 0        | 0      | 0       | 0      | 0        | 0      | 0     | 1      |
| Other Services     | 0    | 0      | 0           | 0      | 0    | 0      | 0        | 0      | 0       | 0      | 0        | 0      | 0     | 0      |
| TOTAL              | 9    | 284    | 9           | 276    | 0    | 6      | 0        | 0      | 0       | 0      | 0        | 0      | 1     | 1      |



Breakdown of Table 11 ( Full-Time MOD Employees by Sex and Nationality, October 2002 ) HOA Question 282 / 2004

| ALL SECTORS   | ALL  |        | GIBRALTARIAN |        | UK   |        | MOROCCAN |        | SPANISH |        | OTHER EU |        | OTHER |        |
|---------------|------|--------|--------------|--------|------|--------|----------|--------|---------|--------|----------|--------|-------|--------|
|               | MALE | FEMALE | MALE         | FEMALE | MALE | FEMALE | MALE     | FEMALE | MALE    | FEMALE | MALE     | FEMALE | MALE  | FEMALE |
|               |      |        |              |        |      |        |          |        |         |        |          |        |       |        |
| Public Admin. | 717  | 270    | 657          | 259    | 1    | 1      | 50       | 3      | 3       | 3      | 0        | 0      | 6     | 4      |
| TOTAL         | 717  | 270    | 657          | 259    | 1    | 1      | 50       | 3      | 3       | 3      | 0        | 0      | 6     | 4      |

Breakdown of Table 11 ( Part-Time MOD Employees by Sex and Nationality, October 2002 ) HOA Question 282 / 2004

| ALL SECTORS   | ALL  |        | GIBRALTARIAN |        | UK   |        | MOROCCAN |        | SPANISH |        | OTHER EU |        | OTHER |        |
|---------------|------|--------|--------------|--------|------|--------|----------|--------|---------|--------|----------|--------|-------|--------|
|               | MALE | FEMALE | MALE         | FEMALE | MALE | FEMALE | MALE     | FEMALE | MALE    | FEMALE | MALE     | FEMALE | MALE  | FEMALE |
|               |      |        |              |        |      |        |          |        |         |        |          |        |       |        |
| Public Admin. | 10   | 59     | 10           | 48     | 0    | 10     | 0        | 0      | 0       | 0      | 0        | 0      | 0     | 1      |
| TOTAL         | 10   | 59     | 10           | 48     | 0    | 10     | 0        | 0      | 0       | 0      | 0        | 0      | 0     | 1      |

**NO. 283 OF 2004**

**THE HON J J BOSSANO**

**EMPLOYMENT SURVEY REPORT**

Can Government give a breakdown of full-time and part-time employment in respect of Table 12 of the October 2001 and October 2002 Employment Survey Report with respect to employment in the Private Sector?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT AND TRAINING**

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

Breakdown of Table 12 ( Full-Time Private Sector Employees by Sex and Nationality, October 2001 ) HOA Question 283 / 2004

| ALL SECTORS        | ALL   |        | GIBALTARIAN |        | UK   |        | MOROCCAN |        | SPANISH |        | OTHER EU |        | OTHER |        |
|--------------------|-------|--------|-------------|--------|------|--------|----------|--------|---------|--------|----------|--------|-------|--------|
|                    | MALE  | FEMALE | MALE        | FEMALE | MALE | FEMALE | MALE     | FEMALE | MALE    | FEMALE | MALE     | FEMALE | MALE  | FEMALE |
|                    |       |        |             |        |      |        |          |        |         |        |          |        |       |        |
| Shipbuilding       | 268   | 13     | 130         | 7      | 18   | 0      | 17       | 3      | 80      | 3      | 22       | 0      | 1     | 0      |
| Other Manuf.       | 84    | 35     | 35          | 27     | 11   | 4      | 23       | 1      | 11      | 3      | 1        | 0      | 3     | 0      |
| Elec/Wtr Supply    | 125   | 13     | 105         | 13     | 7    | 0      | 8        | 0      | 2       | 0      | 2        | 0      | 1     | 0      |
| Construction       | 1,273 | 55     | 511         | 37     | 283  | 12     | 154      | 0      | 305     | 6      | 14       | 0      | 6     | 0      |
| Whsle/Retail Tr.   | 1,310 | 697    | 670         | 424    | 147  | 88     | 171      | 10     | 234     | 155    | 21       | 12     | 67    | 8      |
| Hotels/Restmnts.   | 364   | 272    | 68          | 51     | 47   | 59     | 119      | 34     | 95      | 111    | 17       | 14     | 18    | 3      |
| Trans/Comm.        | 509   | 163    | 372         | 138    | 48   | 14     | 37       | 1      | 45      | 8      | 7        | 2      | 0     | 0      |
| Fin. Intermed.     | 445   | 633    | 262         | 394    | 91   | 178    | 1        | 0      | 27      | 27     | 36       | 25     | 28    | 9      |
| Real Est./Bus.Ac.  | 478   | 433    | 289         | 296    | 93   | 79     | 20       | 9      | 45      | 32     | 23       | 11     | 8     | 6      |
| Public Admin.      | 108   | 79     | 96          | 77     | 4    | 1      | 5        | 0      | 2       | 1      | 1        | 0      | 0     | 0      |
| Education          | 5     | 28     | 3           | 20     | 2    | 6      | 0        | 0      | 0       | 1      | 0        | 1      | 0     | 0      |
| Health/Social Wrk. | 42    | 172    | 31          | 129    | 5    | 23     | 1        | 2      | 5       | 15     | 0        | 1      | 0     | 2      |
| Other Services     | 451   | 251    | 185         | 103    | 166  | 75     | 19       | 5      | 44      | 34     | 11       | 10     | 26    | 24     |
| TOTAL              | 5,462 | 2,844  | 2,757       | 1,716  | 922  | 539    | 575      | 65     | 895     | 396    | 155      | 76     | 158   | 52     |

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cont...

Breakdown of Table 12 (Part-Time Private Sector Employees by Sex and Nationality, October 2001) HOA Question 283 / 2004

| ALL SECTORS       | ALL  |        | GIBALTARIAN |        | UK   |        | MOROCCAN |        | SPANISH |        | OTHER EU |        | OTHER |        |
|-------------------|------|--------|-------------|--------|------|--------|----------|--------|---------|--------|----------|--------|-------|--------|
|                   | MALE | FEMALE | MALE        | FEMALE | MALE | FEMALE | MALE     | FEMALE | MALE    | FEMALE | MALE     | FEMALE | MALE  | FEMALE |
| Shipbuilding      | 11   | 3      | 1           | 2      | 5    | 0      | 0        | 0      | 2       | 1      | 3        | 0      | 0     | 0      |
| Other Manuf.      | 6    | 18     | 1           | 14     | 3    | 1      | 1        | 0      | 1       | 3      | 0        | 0      | 0     | 0      |
| Elec/Wtr Supply   | 0    | 1      | 0           | 0      | 0    | 0      | 0        | 0      | 0       | 1      | 0        | 0      | 0     | 0      |
| Construction      | 15   | 29     | 4           | 15     | 4    | 10     | 3        | 2      | 3       | 1      | 1        | 1      | 0     | 0      |
| Whsle/Retail Tr.  | 92   | 438    | 44          | 292    | 10   | 44     | 12       | 7      | 22      | 82     | 0        | 4      | 4     | 9      |
| Hotels/Restrnts.  | 61   | 126    | 19          | 31     | 14   | 39     | 6        | 10     | 17      | 38     | 4        | 7      | 1     | 1      |
| Trans/Comm.       | 24   | 33     | 18          | 25     | 5    | 2      | 0        | 2      | 1       | 3      | 0        | 0      | 0     | 1      |
| Fin. Intermed.    | 7    | 98     | 5           | 80     | 1    | 10     | 0        | 3      | 0       | 3      | 1        | 2      | 0     | 0      |
| Real Est./Bus.Ac. | 407  | 126    | 386         | 74     | 11   | 11     | 4        | 3      | 3       | 34     | 1        | 3      | 2     | 1      |
| Public Admin.     | 1    | 1      | 1           | 0      | 0    | 0      | 0        | 0      | 0       | 1      | 0        | 0      | 0     | 0      |
| Education         | 7    | 51     | 6           | 40     | 1    | 6      | 0        | 0      | 0       | 4      | 0        | 1      | 0     | 0      |
| Health/Social Wrk | 9    | 61     | 8           | 49     | 1    | 11     | 0        | 0      | 0       | 1      | 0        | 0      | 0     | 0      |
| Other Services    | 51   | 117    | 30          | 63     | 5    | 19     | 6        | 2      | 7       | 30     | 3        | 2      | 0     | 1      |
| TOTAL             | 691  | 1,102  | 523         | 685    | 60   | 153    | 32       | 29     | 56      | 202    | 13       | 20     | 7     | 13     |

Breakdown of Table 12 ( Full-Time Private Sector Employees by Sex and Nationality, October 2002 ) HOA Question 283 / 2004

| ALL SECTORS       | ALL   |        | GIBRALTARIAN |        | UK   |        | MOROCCAN |        | SPANISH |        | OTHER EU |        | OTHER |        |
|-------------------|-------|--------|--------------|--------|------|--------|----------|--------|---------|--------|----------|--------|-------|--------|
|                   | MALE  | FEMALE | MALE         | FEMALE | MALE | FEMALE | MALE     | FEMALE | MALE    | FEMALE | MALE     | FEMALE | MALE  | FEMALE |
|                   |       |        |              |        |      |        |          |        |         |        |          |        |       |        |
| Shipbuilding      | 258   | 10     | 119          | 6      | 22   | 0      | 22       | 2      | 78      | 2      | 17       | 0      | 0     | 0      |
| Other Manuf.      | 79    | 38     | 37           | 25     | 9    | 6      | 18       | 1      | 12      | 6      | 1        | 0      | 2     | 0      |
| Elec/Wtr Supply   | 125   | 12     | 103          | 12     | 7    | 0      | 10       | 0      | 2       | 0      | 3        | 0      | 0     | 0      |
| Construction      | 1,253 | 69     | 481          | 44     | 291  | 13     | 132      | 1      | 274     | 5      | 65       | 5      | 10    | 1      |
| Whsle/Retail Tr.  | 1,308 | 710    | 679          | 424    | 143  | 79     | 155      | 9      | 257     | 170    | 26       | 18     | 48    | 10     |
| Hotels/Restrnts.  | 395   | 324    | 68           | 58     | 66   | 67     | 121      | 37     | 105     | 145    | 21       | 16     | 14    | 1      |
| Trans/Comm.       | 558   | 172    | 399          | 136    | 51   | 13     | 40       | 3      | 56      | 12     | 12       | 8      | 0     | 0      |
| Fin. Intermed.    | 452   | 640    | 256          | 394    | 99   | 178    | 4        | 1      | 27      | 29     | 47       | 29     | 19    | 9      |
| Real Est./Bus.Ac. | 514   | 436    | 317          | 290    | 96   | 79     | 19       | 8      | 51      | 42     | 26       | 13     | 5     | 4      |
| Public Admin.     | 109   | 73     | 93           | 71     | 5    | 0      | 8        | 0      | 2       | 2      | 1        | 0      | 0     | 0      |
| Education         | 3     | 29     | 3            | 22     | 0    | 6      | 0        | 0      | 0       | 0      | 0        | 1      | 0     | 0      |
| Health/Social Wrk | 39    | 187    | 29           | 130    | 3    | 27     | 0        | 2      | 7       | 27     | 0        | 1      | 0     | 0      |
| Other Services    | 504   | 253    | 225          | 102    | 174  | 79     | 28       | 1      | 40      | 35     | 16       | 11     | 21    | 25     |
| TOTAL             | 5,597 | 2,953  | 2,809        | 1,714  | 966  | 547    | 557      | 65     | 911     | 475    | 235      | 102    | 119   | 50     |

Breakdown of Table 12 ( Part -Time Private Sector Employees by Sex and Nationality, October 2002 ) HOA Question 283 / 2004

| ALL SECTORS       | ALL  |        | GIBALTARIAN |        | UK   |        | MOROCCAN |        | SPANISH |        | OTHER EU |        | OTHER |        |
|-------------------|------|--------|-------------|--------|------|--------|----------|--------|---------|--------|----------|--------|-------|--------|
|                   | MALE | FEMALE | MALE        | FEMALE | MALE | FEMALE | MALE     | FEMALE | MALE    | FEMALE | MALE     | FEMALE | MALE  | FEMALE |
|                   |      |        |             |        |      |        |          |        |         |        |          |        |       |        |
| Shipbuilding      | 3    | 5      | 1           | 4      | 2    | 0      | 0        | 0      | 0       | 0      | 1        | 0      | 0     | 0      |
| Other Manuf.      | 7    | 18     | 1           | 11     | 4    | 3      | 0        | 0      | 2       | 4      | 0        | 0      | 0     | 0      |
| Elec/Wtr Supply   | 0    | 2      | 0           | 0      | 0    | 0      | 0        | 0      | 0       | 2      | 0        | 0      | 0     | 0      |
| Construction      | 18   | 30     | 10          | 19     | 5    | 5      | 0        | 2      | 3       | 3      | 0        | 1      | 0     | 0      |
| Whsle/Retail Tr.  | 104  | 415    | 55          | 273    | 9    | 37     | 15       | 6      | 19      | 91     | 4        | 4      | 2     | 4      |
| Hotels/Restrmts.  | 69   | 136    | 12          | 24     | 31   | 57     | 5        | 12     | 20      | 33     | 1        | 7      | 0     | 3      |
| Trans/Comm.       | 24   | 42     | 22          | 29     | 0    | 3      | 1        | 2      | 0       | 6      | 1        | 1      | 0     | 1      |
| Fin. Intermed.    | 12   | 114    | 5           | 80     | 2    | 29     | 0        | 2      | 3       | 3      | 1        | 0      | 1     | 0      |
| Real Est./Bus.Ac. | 360  | 131    | 335         | 67     | 10   | 14     | 5        | 2      | 5       | 44     | 4        | 4      | 1     | 0      |
| Public Admin.     | 6    | 8      | 6           | 8      | 0    | 0      | 0        | 0      | 0       | 0      | 0        | 0      | 0     | 0      |
| Education         | 5    | 47     | 4           | 36     | 1    | 4      | 0        | 0      | 0       | 4      | 0        | 2      | 0     | 1      |
| Health/Social Wrk | 9    | 70     | 9           | 47     | 0    | 11     | 0        | 1      | 0       | 11     | 0        | 0      | 0     | 0      |
| Other Services    | 50   | 132    | 37          | 55     | 4    | 23     | 4        | 6      | 2       | 43     | 2        | 4      | 1     | 1      |
| TOTAL             | 667  | 1,150  | 497         | 653    | 68   | 186    | 30       | 33     | 54      | 245    | 13       | 23     | 5     | 10     |

ORAL

**NO. 284 OF 2004**

**THE HON J J BOSSANO**

**EMPLOYMENT SURVEY 2002**

Can Government state how many questionnaires have been sent to employers in relation to the Employment Survey 2002 and how many have been returned to date?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT AND TRAINING**

A total of 1082 October Employment Survey questionnaires were sent to employers of which 1,043 were returned by February 2003.

**NO. 285 OF 2004**

**THE HON J J BOSSANO**

**EMPLOYMENT SURVEY REPORT**

Can Government list the public sector entities that are included as part of the private sector in the 2001 and 2002 Employment Survey reports and give the breakdown of the numbers of employees and industry classification of these entities?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION, EMPLOYMENT AND TRAINING**

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



Answer to Question 285 of 2004

Breakdown of Public Sector Entities included in the Private Sector by Employee Numbers and Industry, HOA Question 285 / 2004

| Name of Company or Corporation     | Oct-01              |                     | Oct-02              |                     | Industry                          |
|------------------------------------|---------------------|---------------------|---------------------|---------------------|-----------------------------------|
|                                    | Number of Employees | Number of Employees | Number of Employees | Number of Employees |                                   |
| Gibraltar Industrial Cleaners Ltd  | 35                  |                     | 35                  |                     | Real Estate & Business Activities |
| GJBS Ltd                           | 103                 |                     | 103                 |                     | Construction                      |
| Gibraltar Community Projects Ltd.  | 185                 |                     | 180                 |                     | Construction                      |
| Gibraltar Development Corporation  | 124                 |                     | 158                 |                     | Public Administration and Defence |
| Gibraltar Broadcasting Corporation | 46                  |                     | 46                  |                     | Other Services                    |
| Elderly Care Agency                | 138                 |                     | 146                 |                     | Health and Social Work            |
| Office of the Public Ombudsman     | 4                   |                     | 5                   |                     | Real Estate & Business Activities |

**SUPPLEMENTARY TO QUESTION NO 285 OF 2004**

**HON J J BOSSANO:**

I am not sure whether it is that the Social Services Agency was not yet there in October 2002 or whether it is that it was included in the public sector, can the Minister clarify that for me?

**HON DR B A LINARES:**

Yes. The answer is as suggested by the Leader of the Opposition that it was in November after October 2002.

ORAL

**NO. 286 OF 2004**

**THE HON L A RANDALL**

**BUS SERVICE**

Can Government state whether the local preparation of the 18 transbuses has been concluded?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

Answered together with Question Nos 287 to 289 of 2004.

ORAL

**NO. 287 OF 2004**

**THE HON L A RANDALL**

**BUS SERVICE**

Can Government confirm whether all of the 18 transbuses were in Gibraltar by 21<sup>st</sup> November 2003?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

Answered together with Question No 286, 288 and 289 of 2004.

ORAL

**NO. 288 OF 2004**

**THE HON L A RANDALL**

**BUS SERVICE**

Can Government state whether the process of recruiting and training drivers for the 18 new transbuses has been concluded?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

Answered together with Question Nos 286, 287 and 289 of 2004.

**NO. 289 OF 2004**

**THE HON L A RANDALL**

**BUS SERVICE**

Can Government state whether they are satisfied that the width of the new buses purchased for bus route services is adequate for Gibraltar, given the narrowness of some of our roads?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

The 18 buses ordered from Transbuses are fully able to operate in Gibraltar. The last vehicles were received in the week of 22nd December 2003. The vehicles have been tested and found able to cope with all bus routes except for the Upper Town bus route which will be serviced, as planned, by small vehicles. The process of recruiting and training drivers for the new bus service will commence shortly.

**SUPPLEMENTARY TO QUESTION NOS 286 TO 289 OF 2004**

**HON L A RANDALL:**

Was the statement or the article in the press purporting to the fact that the Traffic Regulations would have to be changed to allow these buses to use our roads incorrect?

**HON J J HOLLIDAY:**

I must say that the article in the press was actually following on a press release issued by the hon Member. Comments were attributed to him personally so obviously the hon Member should be aware of what was actually in the statement. Having said that let me say that there is not actually the need to change the legislation and the regulations in order to make these buses legal to operate. For a long time, and I mean years, buses have been allowed to operate in Gibraltar with an

exemption issued by the Licensing Authority in order to exempt them from the necessary legal requirements and so therefore what the Government have decided to do was actually to change the regulations in order to avoid having to go through this process on an on-going basis. At the moment the Licensing Authority is the Principle Secretary for the Ministry of Transport and I can say that most of the Toyota Coasters, for example, that operate in Gibraltar today actually operate with an exemption from this Authority and so therefore there is no need for us to change the law even though the Government have opted to go down that particular route. The exemption from the Licensing Authority is sufficient for those buses to operate. I hope that clarifies the matter for the hon Gentleman.

**HON DR J J GARCIA:**

Can the Minister say whether at the time of issuing the tender all prospective tenderers were made aware that they could actually quote for oversized buses if they so wished?

**HON J J HOLLIDAY:**

The actual tender notice asks for 18 mini, midi, low floor buses and with that description all currently manufactured vehicles in the market would not conform to the actual size of the current Gibraltar Regulations. Let me say that all applications that were submitted too did not conform to the Regulations they were larger than the Regulations stated.

**HON DR J J GARCIA:**

In relation to the actual award of the tender, when the Government are sued the statement at the time in relation to these transbuses the point was made that these were being purchased directly from the United Kingdom from a factory which the Minister was photographed at, is there no local agent or local support or backup from established Gibraltar companies for these buses?

**HON J J HOLLIDAY:**

The buses were purchased directly from Transbus as manufacturers. There is no local agent involved even though as part of the submission that was proposed to us by Transbus they will have an after sales service agreement with a local garage.

**HON L A RANDALL:**

Will Government confirm that the buses can take 29 passenger seated and 20 passengers standing?

**HON J J HOLLIDAY:**

If that information is taken from our press release that is correct. The total number of passengers it can take is just under 50 and the configuration is varied between

standing passengers and seated passengers with some space available for disabled and senior citizens.

**HON L A RANDALL:**

Will the transbuses be permitted to use the stretch of Main Street between Referendum Gate and the Convent which I have been given to understand the cavalcade is not permitted to use in order to avoid the risk of the road caving in under the weight of the floats and as the buses can take 49 passengers and the weight of the bus is there no risk of this happening, are Government comfortable that these buses can circulate in that stretch without any risk at all?

**HON J J HOLLIDAY:**

Yes. We have not been advised on the contrary buses will be able to circulate in that part of Main Street. The technical explanation given in respect of the actual cavalcade is the fact that these cavalcade floats carry a substantial number of children et cetera and the actual weight on these exceed possibly what the buses can carry. I really cannot comment any further apart from the fact that we have not been advised to the contrary.

**HON DR J J GARCIA:**

Following on from the answer given to me earlier by the Minister, which local garage will be providing the maintenance for the buses?

**HON J J HOLLIDAY:**

The local garage is A M Capurro.

**HON CHIEF MINISTER:**

I want to make it clear that that is not an arrangement with the Government that is under the tender contract the manufacturer has to provide for a minimum of one year after sales service. Whether they can provide it directly or through contractors of theirs that is entirely their arrangement. Government are in no way a party to those arrangements.

**HON DR J J GARCIA:**

To clarify what the Minister has just said is it that the buses have some kind of guarantee and this guarantee will be carried out by A M Capurro on behalf of the manufacturer and after that it will then be put out to tender or how will it work?



**HON CHIEF MINISTER:**

It is not just a guarantee it is also an after sales service but I suppose the bus operating company will come to some decision on its own. The hon Member should not assume that this service will be carried out by the Government.

**NO. 290 OF 2004**

**THE HON L A RANDALL**

**GIBTELECOM**

Can Government state why the Gibtelecom report on securing an adequate supply of telephone numbers for Gibraltar has not been shared with this side of the House, as the Minister said he was prepared to do on the 28<sup>th</sup> March in answer to Question No 117 of 2003?

**ANSWER**

**THE HON THE MINISTER FOR THE ENVIRONMENT, ROADS AND UTILITIES**

Gibtelecom have not presented a report to the Government on numbering, so there is nothing to share with the hon Members of the Opposition. The Government will embark on a process of consultation once it has itself identified and evaluated the technical and economic viability of possible ways forward.

**SUPPLEMENTARY TO QUESTION NO 290 OF 2004**

**HON L A RANDALL:**

May I remind the Minister that in reply to Question No 117 of 2003 the Minister said that they expected the report shortly from Gibtelecom?

**HON F VINET:**

It is indeed true that in a reply to supplementary answer in Question No 117 of 2003. The House was informed that Gibtelecom were reviewing how the Gibraltar numbering plan might be expanded. Gibtelecom have subsequently informed the Government that they will not be issuing a report nor recommending an alternative numbering plan.

**HON L A RANDALL:**

May I then ask the Minister whether they have taken a decision as regards migrating Centrex to a new system in order to allow more numbers for Gibraltar?

**HON CHIEF MINISTER:**

Maybe in due term.

**HON L A RANDALL:**

In answer to Question No 369 of 2003 the Government said that it was not financially viable to migrate to another system but that they would reconsider in the light of the Gibtelecom Report and give their consideration based on political consideration.

**HON CHIEF MINISTER:**

I understand that work continues both on that and on the surrendering up by Government of numbers that we can surrender but on the more general question that the hon Member asked I think the Government together with the Telecom's Regulator is going to have to take over the question of the new numbering plan rather than leave it to Gibtelecom because there are competition issues here. Whilst there are no telephone numbers to award in effect Gibtelecom is being insulated from the rigours of full competition because whilst there are no numbers to give there are no numbers to hand to a competitor Gibtelecom owning all the numbers that exist in the existing numbering plan. So, there is that situation, there was the hon Member's Colleagues that were in the last House of Assembly will recall that from time to time had discussions about this. There has been some element of consultation with the industry who did not like it very much or at least who were split some sectors of the Finance Centre did not like it very much on the question of this number shadowing module as it is called but I think that the Government are going to have to revisit that given that Gibtelecom has, let me explain why that debate stopped. That debate stopped because Gibtelecom said that they did not think that number shadowing was a very attractive option and that they were going to look for other solutions. That they were going to speak to I think it was Marconi or some UK Specialist phone manufacturer to see if there was a technology available that would enable them to come up with an alternative proposal. Now that Gibtelecom has decided as the Minister has answered in the Question not to do that the Government are basically as it was at the time that we were debating with the industry the number shadowing module. That is in effect the only option which is available as far as the Government are aware other than the hand to mouth and very short term solution of Centrexes and the Government freeing out lines so there might be a number of short term things that might put off the evil day for a short while but I think the Government are now going to have to make a final decision on the long term solution which is number shadowing. Whether the Government presses ahead with that immediately or awaits the outcome of the case that may now ensue outnumbering by Gibtelecom depends on the advice that we receive on how long any such case might take to come to judgement and whether Gibraltar can wait that long before expanding its numbering plan.

**HON J J BOSSANO:**

In terms of the present availability of numbers what is the kind of timescale when a decision will have to be taken?

**HON CHIEF MINISTER:**

I do not know the answer to that question as at the moment, I know as I have told the hon Member before that for certain types of premium services which require a large number of numbers D-Day has in effect passed. There are already certain types of premium telephone services which Gibtelecom would like to be able to offer to its subscribers particularly business subscribers for which there is a demand and which in practical terms cannot be delivered which is not to say that they do not have a supply of numbers in sufficient quantities to give out, for example, to new domestic subscribers. I do not think they have run out of numbers for that, domestic single line sort of purpose but certainly in terms of bulk usage of lines in connection with modern technology for offices I think they have long since stopped being able to offer those services.

**HON J J BOSSANO:**

My question really was given that that is the situation and that that information follows the statement that a decision would have to be taken sometime and that one possible factor is how long the court case will take, what I am asking is are we talking about months, weeks or maybe one or two years is that the time scale?

**HON CHIEF MINISTER:**

Remember that this is the one that has not yet been initiated. This is the numbering issue but if court action is initiated and assuming that it will be and they make the same decision as they have made in relation to roaming, to expect a ruling of the European Court much quicker than 12 to 18 months is probably not realistic so the question is, is it necessary or desirable to wait that long when that length of time authoritatively identified by the lawyers or not. It is a question of how the telephone company is holding out but it is not just how Gibtelecom is holding out there is always lurking in the background the competition issue and that is that whilst there are no numbers to hand out to potential competitors the degree of competition and the number of services and the intensity of the competition to which Gibtelecom can be exposed with whatever effect that might have on a downwards driving of telephone prices is itself severely curtailed. So, it is not just, are there enough numbers for Gibtelecom to continue to deliver services but rather whatever might be the answer to that how long should Gibraltar be deprived of the full benefits of full blown competition which is presently being severely frustrated by the lack of numbers.

**HON J J BOSSANO:**

We were told some time ago that there was in the pipe-line some company applying for a licence which actually wanted to provide land lines is that something that is not going to happen now or is this something that is not possible because of the .....

**HON CHIEF MINISTER:**

I think the hon Member is referring to an application by a company called Broadband Limited, I think we did identify it at the time, I believe although the new minister with responsibility in this area will nod his head if I am correct, that is still very much on the cards. I am not sure that they themselves are still ready to press ahead but the numbering shortage is a serious problem in that context even if they were ready to press ahead. The sort of competition that we have had in the past has the effect of having a favourable impact on price but in a way which is wholly undesirable from the point of view of Gibraltar's wider economic interests. These call-back services which I understand are not illegal under EU law but certainly that they are from Gibraltar's wider economic interests aside lower telephone prices are not particularly helpful because these companies who employ almost no staff in Gibraltar nevertheless cream the good revenue from the companies that do employ dozens and dozens of people in Gibraltar with a physical presence with an office with backup, billing staff and are therefore reinvesting some of that revenue back in the wider economy. The call-back services with minimal local infrastructure just siphon off usually the better quality business revenue leaving the locally established company who have to bear the infrastructure costs to deal with the less profitable domestic traffic so, there is not much the Government can do to stop it but certainly we ought not to be looking at that to encouraging it very much as a way out of our problems.

**HON J J BOSSANO:**

I do not recall if it was Broadband Limited or somebody else but I do recall having been told in the House that there was an application pending and there was some reference to local calls being provided free by this applicant. What I am asking is, in the light of the fact that the numbers are not available is that something that has now disappeared as a possibility or are they still around waiting for .....?

**HON CHIEF MINISTER:**

I do not think anybody has gone away, I cannot confirm to him whether Broadband's proposal is the one that included that free local call offer but I do not think that anybody has gone away from the licensing lead up process since we last had this discussion.

**NO. 291 OF 2004**

**THE HON L A RANDALL**

**EU – ELECTRIC COMMUNICATIONS**

Can Government state when they propose to transpose into Gibraltar law the new European Union Regulatory framework for the electronic communications sector?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

Work on the transposition of the new regulatory package is at a very advanced stage and is expected to be completed early this year.

**SUPPLEMENTARY TO QUESTION NO 291 OF 2004**

**HON L A RANDALL:**

I am pleased with the answer provided by the Minister because the new regulatory framework will bring into effect a much more user friendly licensing regime amongst other advantages.

**NO. 292 OF 2004**

**THE HON L A RANDALL**

**GTB - BEACHES**

Can Government state the date that they propose to make facilities for beach users available in our beaches this year?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

Full facilities will be available at all beaches for the official bathing season, which will commence on 12<sup>th</sup> June 2004. In addition, some facilities will be available during the Easter holiday season. In the meantime, toilet facilities are available at Camp Bay and Little Bay during the winter months.

**SUPPLEMENTARY TO QUESTION NO 292 OF 2004**

**HON J J BOSSANO:**

In terms of the facilities, over what period is it intended to employ lifeguards?

**HON J J HOLLIDAY:**

Lifeguards are employed during the official bathing season starting on the 12<sup>th</sup> June and usually finishing somewhere between the second week in September.

**HON J J BOSSANO:**

Not during the period of Easter that the Minister has mentioned?

**HON J J HOLLIDAY:**

Normally lifeguards are not available during the Easter period.

**HON DR J J GARCIA:**

Have Government given any thought to extending the official bathing season so that it starts earlier in June?

**HON J J HOLLIDAY:**

This is a matter that has been given some consideration however the reality is that we have analysed those that use our beaches and we find that it is not until the half-day leave of school starts and until the end of the bathing season that people tend to go to the beach so targeting to the majority of people the bathing season is quite adequate.



**NO. 293 OF 2004**

**THE HON L A RANDALL**

**EASTSIDE DEVELOPMENT**

Can Government state what are the estimated requirements for fresh water supply to the proposed east side reclamation development project announced by Government and how is it anticipated that this will be met?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

Answered together with Question Nos 294 and 295 of 2004.

**NO. 294 OF 2004**

**THE HON L A RANDALL**

**EAST SIDE DEVELOPMENT**

Can Government state what are the estimated requirements for sewage disposal for the proposed east side reclamation development project announced by Government and how is it anticipated that this will be met?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

Answered together with Question Nos 293 and 295 of 2004.

**NO. 295 OF 2004**

**THE HON L A RANDALL**

**EASTSIDE DEVELOPMENT**

Can Government state what are the estimated requirements for electricity supply to the proposed east side reclamation development project announced by Government and how is it anticipated that this will be met?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

It is premature at this stage of the negotiations to comment publicly on these issues. An initial assessment study has been made.

**SUPPLEMENTARY TO QUESTION NOS 293 TO 295 OF 2004**

**HON J J BOSSANO:**

Can the Minister say whether the initial assessment is that there is going to be a need at all or is he implying that a development of that size can be handled?

**HON CHIEF MINISTER:**

Obviously there is a need for infrastructure but the extent of it, the nature of it, who will pay it, et cetera are precisely the sort of details that are presently under negotiation with the developer and it would be most unhelpful for the Government to make any public statement on these things now. As soon as there is clarity on the matter or the negotiations are completed the hon Members can have all this information it is not that there is anything sensitive about this other than in the context that it happens to be the sort of issues that are presently under negotiations but obviously there is substantial infrastructure required for a project of this size.

**HON J J BOSSANO:**

Can the Government at least say, for example, there would appear to be from an outside point of view more of a problem in respect of the sewage and the electricity element than the water because presumably the water we can just put in more RO plants and produce more water but in terms of the existing installed capacity, for example electricity, are we talking about something that for the development as a whole the additional capacity that would be required would be something that would be very large or are we just talking about another engine and that is it?

**HON CHIEF MINISTER:**

The hon Member has to just as he has done distinguish between production and distribution. There are infrastructural issues relating both to the generation of electricity, the distilling of water, and getting it there. The distribution networks in both cases and the requirement for significant investment applies to both. The distinction is that in relation to water both increase production, capacity and the additional distribution is much less money than for electricity but it still involves both and indeed the same applies to telephone capacity were there is a cost in getting telephones there but it is much less. Electricity is the biggest when it comes for both distribution and generation.

**HON J J BOSSANO:**

As regards sewage is the possibility of dealing with that in that area being looked at as opposed to sort of pumping it to Europa Point?

**HON CHIEF MINISTER:**

The Leader of the Opposition may recall from his days in office that there is actually a longstanding project which no Government have ever proceeded with or funded to divert sewage in that direction. All Gibraltar's sewage goes down Winston Churchill Avenue and Line Wall, for example, the present sewage on the east side is pumped to the pumping station near the Victoria Stadium along Winston Churchill Avenue and then enters the main sewer at Line Wall Road so everything is diverted that way. This requires pumping stations and the sewers are old, small, new developments more demand being placed on them et cetera. They are now really creaking at the seams in terms of their ability to absorb greater volume so this longstanding report that exists is precisely to divert the sewage from the north and east side of the rock along Devil's Tower Road and straight to what will be the urban wastewater treatment plant which is going to be built somewhere in the area of Europa Point. So it will go round the east side through the tunnel which is a very cheap way of laying because one does not have to dig a ditch along the length of all the tunnel so the civil costs are lower than they would be to rebuild a ditch along the public highway and that scheme exists in respect of that and we are now seeing whether this project and those that need to contribute to the cost of the infrastructure works now provide a convenient opportunity to achieve that for Gibraltar as a whole.

ORAL

**NO. 296 OF 2004**

**THE HON DR J J GARCIA**

**DEVELOPMENT APPEALS TRIBUNAL**

Have any new appeals been lodged before the Development Appeals Tribunal since the last Question Time in this House, and if so listing the appeals showing the date they were lodged and the issue at stake?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos 297 and 298 of 2004.

ORAL

**NO. 297 OF 2004**

**THE HON DR J J GARCIA**

**DEVELOPMENT APPEALS TRIBUNAL**

At what stage are the four appeals that were pending comment before the Development Appeals Tribunal at the last Question Time in this House?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos 296 and 298 of 2004.

**NO. 298 OF 2004**

**THE HON DR J J GARCIA**

**DEVELOPMENT APPEALS TRIBUNAL**

At what stage are the three new appeals before the Development Appeals Tribunal given at the last Question Time in this House?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Three new appeals have been lodged since the answer to the Question No 340 of 2003.

1. On 17<sup>th</sup> March 2003 against a refusal to grant permission for the construction of a garage.
2. On 28<sup>th</sup> April 2003 against a refusal to grant a permission for the construction of a west-facing dormer window.
3. On 3<sup>rd</sup> September 2003 against a refusal to grant permission for the construction of an extension.

The present position is now summarised on the attached Schedule that I will now hand to the hon Member. He will see that of the four pending comments when Question No 340 of 2003 was answered two of the appeals remain awaiting comments (No 6 and 10). One has been withdrawn (No 4) and a decision was made (No 7). In respect of the three new appeals when Question No 340 of 2003 was answered one is pending a date for the hearing (No 11), a decision was made (No 12) and the other is pending comments (No 13).

| REF | PROPOSAL REFUSED                                     | DATE OF APPEAL | HEARING DATE     | REMARKS                     |
|-----|------------------------------------------------------|----------------|------------------|-----------------------------|
| 1   | Erection of corporate sign.                          | 15-Jun-01      | 6-Feb-02         | DPC decision upheld         |
| 2   | Fitting of an air conditioning unit.                 | 29-Nov-01      | 20-Nov-02        | DPC decision upheld         |
| 3   | Construction of 3 no. terraced houses                | 6-Nov-01       | 30-Oct-02        | Appellant case accepted     |
| 4   | Erection of double glazed partition.                 | 28-Dec-01      | Pending          | Withdrawn                   |
| 5   | Conditional permit for redevelopment.                | 25-Oct-01      | Not applicable   | Withdrawn                   |
| 6   | Construction of a wider shopfront.                   | 9-Jan-02       | Pending          | Pending DPC Comments        |
| 7   | Extension.                                           | 25-Oct-01      | 1, 8 & 13-Oct-03 | DPC decision upheld         |
| 8   | Re-roofing                                           | 18-Feb-02      | 16-Sep-02        | Appellant case accepted     |
| 9   | Residential development                              | 26-Feb-02      | Not applicable   | Withdrawn                   |
| 10  | Construction of a toilet building                    | 8-Mar-02       | Pending          | Pending Appellants Comments |
| 11  | Construction of workshop and offices                 | 14-Oct-02      | Pending          | Pending hearing             |
| 12  | Windows replacement                                  | 9-Jan-03       | 19-Nov-03        | Appellant case accepted     |
| 13  | Construction of two townhouses plus associated areas | 12-Feb-03      | Pending          | Pending Appellants Comments |
| 14  | Construction of a garage                             | 17-Mar-03      | Pending          | Pending DPC Comments        |
| 15  | Construction of west facing dormer window            | 28-Apr-03      | Pending          | Pending hearing             |
| 16  | Construction of an extension                         | 3-Sep-03       | Pending          | Pending hearing             |



| REF | APPELLANT                    | ADDRESS                         | PROPOSAL REFUSED                                                   | DATE OF APPEAL | DPC COMMENTS    | APPELLANT RESPONSE | HEARING DATE                         | REMARKS                      |
|-----|------------------------------|---------------------------------|--------------------------------------------------------------------|----------------|-----------------|--------------------|--------------------------------------|------------------------------|
| 1   | Benamor Ltd                  | 153 Main Street                 | Section of corporate sign.<br>Fitting of an air conditioning unit. | 15-Jun-01      | 17-Jul-01       | 30-Jul-01          | 6-Feb-02                             | DPC decision upheld          |
| 2   | ESP Ltd                      | 79 Prince Edward's Road         | Construction of 3 no. terraced houses                              | 29-Nov-01      | 29-Nov-01       | 9-Apr-02           | 20-Nov-02                            | DPC decision upheld          |
| 3   | H.L. Wilkie Ltd              | Engineer Road                   | Erection of double glazed partition.                               | 6-Nov-01       | 2-Jan-02        | 14-Jun-02          | 30-Oct-02                            | Appellant case accepted      |
| 4   | Mrs. A. Hadwen               | 30 Cornwall's Court             | Conditional permit for redevelopment.                              | 28-Dec-01      | 22-Mar-02       | Pending            | Requested                            | Withdrawn                    |
| 5   | Seruya Holdings Ltd          | 13-21 John Mackintosh Square    | Construction of a wider shopfront.                                 | 25-Oct-01      | Never submitted |                    | Not requested                        | Withdrawn                    |
| 6   | Mr. Stuart Adrian Bensadon   | 17/19 Engineer Lane             | Extension.                                                         | 9-Jan-02       | Pending         |                    | Not requested                        |                              |
| 7   | Mr. P. Hewitt                | 3 South Sheds Place             | Re-roofing                                                         | 25-Oct-01      | 21-May-03       | 15-Jun-03          | 1, 8 & 13-Oct-03                     | DPC decision upheld          |
| 8   | Mr. Kevin A. Pizarro         | 47 Prince Edward's Road         | Residential development                                            | 18-Feb-02      | 10-May-02       | Not submitting     | 18-Sep-03 & 30-Oct-03                | Appellant case accepted      |
| 9   | Anglo Hispano Company Ltd    | Sandpits Vaults                 | Construction of a toilet building                                  | 26-Feb-02      | Never submitted |                    |                                      | Withdrawn                    |
| 10  | Mr. Jerry Parker             | Eastern Beach Kiosk             | Construction of workshop and offices                               | 8-Mar-02       | 16-Jan-03       | Pending            |                                      |                              |
| 11  | Bencrafts (Construction) Ltd | Unit 28 Eaton Park, Forbes Road | Windows replacement                                                | 14-Oct-02      | 5-May-03        | 10-Dec-03          | Pending                              |                              |
| 12  | Mr. C. Walker                | 263/4 Main Street               | Construction of two townhouses plus associated areas               | 9-Jan-03       | 13-Jun-03       | 24-Jun-03          | 13-Aug-03, 13-Oct-03, 13 & 19 Nov-03 | Appellant case accepted      |
| 13  | Mr. & Mrs. D. Harnston       | 11/4 Gardiner's Road            | Construction of a garage                                           | 12-Feb-03      | 14-Apr-03       | Pending            | Requested                            |                              |
| 14  | Mr. M. Ramagge               | 6 Transport Lane                | Construction of west facing dormer window                          | 17-Mar-03      | Pending         |                    |                                      |                              |
| 15  | Mr. N. Cruz                  | 1 - 4 Rossia Cottages           | Construction of an extension                                       | 28-Apr-03      | 24-Sep-03       | 9-Oct-03           | After election                       | No submission from Appellant |
| 16  | Mr. Paul John Balban         | Unit 9, The Square, Marina Bay  |                                                                    | 3-Sep-03       | 30-Sep-03       | 14-Oct-03          | After election                       |                              |

**NO. 299 OF 2004**

**THE HON DR J J GARCIA**

**NORTH MOLE – SULLAGE PLANT**

Are Government aware of the reasons for the planned installation of a new storage tank at the sullage treatment plant in the North Mole?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

Yes.

**SUPPLEMENTARY TO QUESTION NO 299 OF 2003**

**HON DR J J GARCIA:**

Can Government give the reasons to the House?

**HON J J HOLLIDAY:**

SAUT who are the owners of the sullage plant in the north mole need more storage capacity as a result of new EU legislation which requires that ships have to discharge their waste oil if they do not have enough capacity to take them to the next port. SAUT is also negotiating with the MOD in order to try and see if they can obtain the MOD contract to handle their waste.

**NO. 300 OF 2004**

**THE HON DR J J GARCIA**

**ROCK HOTEL PROPOSED DEVELOPMENT**

Has an environmental impact assessment now been carried out into the proposed development of 76 apartments to the rear of the Rock Hotel?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

No.

**SUPPLEMENTARY TO QUESTION NO 300 OF 2004**

**HON DR J J GARCIA:**

Can the Minister say whether that is a reflection on whether the project has been proceeded with or not or is it simply that the study that it has been proceeded with at this stage?

**HON J J HOLLIDAY:**

I am informed that they do intend to proceed with the environmental impact study but that has not yet been undertaken or submitted for consideration.

ORAL

**NO. 301 OF 2004**

**THE HON F R PICARDO**

**FINANCIAL ASSISTANCE TO COMPANIES**

Since Questions No 1030 and No 1031 of 2002, have any other companies defaulted in their obligation to repay capital and/or interest on any loans they may have received from Government?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

Answered together with Question No 302 of 2004.

**NO. 302 OF 2004**

**THE HON F R PICARDO**

**FINANCIAL ASSISTANCE TO COMPANIES**

What action has Government taken in respect of those companies involved in answers to Question Nos 1030 and 1031 of 2002 on not having complied with the obligation to repay capital and interest on the loans they had received from the Government?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

One other company has defaulted. The Government have pursued legal action in respect of two companies; it has entered into an agreement with a third company; and is considering the action which it will take in respect of the fourth company.

**SUPPLEMENTARY TO QUESTION NOS 301 AND 302 OF 2004**

**HON F R PICARDO:**

Can the Opposition be told which of the companies which against legal action was taken?

**HON J J HOLLIDAY:**

I feel that this information may be slightly sensitive however I am happy to let him have the information on a confidential basis.

**HON F R PICARDO:**

I am grateful.

**NO. 303 OF 2004**

**THE HON F R PICARDO**

**POLLUTION PREVENTION AND CONTROL ORDINANCE 2001**

Can Government state what plans it has to ensure timely compliance with Directive Integrated Pollution Prevention and Control?

**ANSWER**

**THE HON THE MINISTER FOR THE ENVIRONMENT, ROADS AND UTILITIES**

Council Directive 96/61 concerning integrated pollution prevention and control was transposed in Gibraltar by the Pollution Prevention and Control Ordinance 2001 which came into operation on 26<sup>th</sup> April 2001.

**SUPPLEMENTARY TO QUESTION NO 303 OF 2004**

**HON F R PICARDO:**

It is exactly this directive which requires a best available technology to be employed whenever involved in regeneration of, for example, electricity generation equipment, will the Government have regard to that criteria if it is purchasing any new generation equipment or in respect of the importation of generation equipment by any other party in Gibraltar?

**HON F VINET:**

Absolutely.

**NO. 304 OF 2004**

**THE HON DR J J GARCIA**

**MARKETING, PROMOTIONS AND CONFERENCES**

Can Government say how much of the £30,000 Trade and Industry budget allocated to Marketing, Promotions and Conferences in respect of Inward Investment and Lands has been spent as at 31<sup>st</sup> December 2003, giving a breakdown of the sum?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

Answered together with Question No 305 of 2004.

**NO. 305 OF 2004**

**THE HON DR J J GARCIA**

**MARKETING, PROMOTIONS AND CONFERENCES**

Can Government say how much of the £30,000 Trade and Industry budget allocated to Marketing, Promotions and Conferences in respect of Business Development has been spent as at 31<sup>st</sup> December 2003 giving a breakdown of the sum?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

I hand the hon Member the information requested.

**Answer to Question No 305 of 2004**

**MARKETING, PROMOTION AND CONFERENCES**

**(a) Inward Investment and Lands**

Sum spent as at 31<sup>st</sup> December 2003: £9,199.81

|                                  |          |
|----------------------------------|----------|
| Breakdown:                       | £        |
| Subsistence/Allowance            | 1,825.77 |
| Air Passages/Hotel Accommodation | 5,836.19 |
| Goods                            | 10.00    |
| Subscriptions                    | 417.90   |
| Courier Services                 | 44.60    |
| Expenses                         | 715.35   |
| Sponsorship                      | 350.00   |



**(b) Business Development**

Sum spent as at 31<sup>st</sup> December 2003: £15,964.72

Breakdown: £

|                                  |          |
|----------------------------------|----------|
| Air Passages/Hotel Accommodation | 7,407.67 |
| Student Placement                | 900.00   |
| Expenses                         | 3,659.54 |
| Subsistence/allowances           | 3,374.87 |
| Catering                         | 380.63   |
| Entertainment                    | 119.10   |
| Conference                       | 122.91   |

**NO. 306 OF 2004**

**THE HON DR J J GARCIA**

**CONFERENCE SPONSORSHIP**

Can Government list the conferences that they have assisted with, sponsored or co-sponsored since March 2003?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

There were three conferences:

- (a) the annual conference of the European Association of Airport and Seaport Police; and
- (b) a Chiropractic Conference;
- (c) the Calpe Conference.

**SUPPLEMENTARY TO QUESTION NO 306 OF 2004**

**HON DR J J GARCIA:**

Can the Minister say whether the assistance that they gave was financial or logistical in each case and what amounts?

**HON J J HOLLIDAY:**

In respect of the annual conference to the European Association of Airport and Seaport Police there was a financial contribution which totalled £24,143.63 and \$228. In respect of the chiropractic conference I do not think that there were any actual expenses I think there were logistical arrangements and in respect of the Calpe Conference I believe from memory that this was partly funded by the European Union as part of the Interreg initiatives between Morocco and Gibraltar but the total cost was £40,000 and I believe that the European Union funded about 40 per cent of that.

**NO 307 OF 2004**

**THE HON DR J J GARCIA**

**POWER CHIPS PLC**

Can Government say at what stage are discussions with Power Chips PLC to set up a manufacturing facility in Gibraltar and what potential sites are being examined for this project?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

There has been intermittent contact between the Government and Power Chips PLC over the last two and a half years but there are still no concrete proposals and therefore the Government cannot say where there is a real possibility of any sort of facility being set up in Gibraltar.

**SUPPLEMENTARY TO QUESTION NO 307 OF 2004**

**HON DR J J GARCIA:**

Can the Minister give any indication of when was the last contact with this company?

**HON J J HOLLIDAY:**

I believe it may have been just before the general election. There has definitely not been any contact at ministerial level after the elections with me.

**NO 308 OF 2004**

**THE HON DR J J GARCIA**

**LICENSING LAWS**

Have Government now completed all stages of the licensing review, the consultation process for which finalised in November 2000?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

Government are presently not pursuing a review of licensing laws.

**SUPPLEMENTARY TO QUESTION NO 308 OF 2004**

**HON DR J J GARCIA:**

In the light of that answer is the Minister saying that the review which closed with the consultation process in November 2003 which included amongst some areas the opening hours of bars and restaurants and discotheques which included other aspects like under age drinking et cetera, that wide review which was going to be looked at again has now been abandoned or is it still on the shelf?

**HON CHIEF MINISTER:**

Not the bit about underage drinking laws that is still afoot what is no longer under consideration is any change to licensing hours et cetera outside of the existing I cannot remember what the Ordinance was called, the special regime that applies to Casemates, discotheques and the marinas but Government are still intending to review and to change the laws in relation to alcohol and tobacco in relation to young persons.

**HON DR J J GARCIA:**

So, what was originally described as temporary licensing hours for Casemates and for discotheques and for the marinas is now a permanent arrangement is that the case?

**HON CHIEF MINISTER:**

That is correct.

**NO 309 OF 2004**

**THE HON DR J J GARCIA**

**NUMBER OF SHIPS**

How many ships called at Gibraltar in 2003 for:-

- (a) repair,
- (b) cargo?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

Answered together with Question No 310 of 2004.

**NO 310 OF 2004**

**THE HON DR J J GARCIA**

**NUMBER OF SHIPS**

How many ships called at Gibraltar for bunkering in 2003 and how many tonnes of bunker fuel were sold?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

A total of 75 ships called for repairs, 4,988 for bunkers and 133 for cargo. A total of 3.58 million tonnes of bunkers were supplied in 2003.

**NO 311 OF 2004**

**THE HON DR J J GARCIA**

**BUNKERING**

Can Government say whether any new bunkering licenses have been issued since April 2003 and if so when and to whom?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

Answered together with Question Nos 312 and 313 of 2004.



ORAL

**NO 312 OF 2004**

**THE HON DR J J GARCIA**

**BUNKERING**

Have any new applications for a bunkering license been made since April 2003, and if so at what stage is each application?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

Answered together with Question Nos 311 and 313 of 2004.

**NO. 313 OF 2004**

**THE HON DR J J GARCIA**

**BUNKERING**

How much revenue, direct and indirect, did the Government receive from bunkering operations in the Bay of Gibraltar in 2002 and 2003?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

No new bunker operator licences have been issued since April 2003, neither have there been any new applications for such licences. The Government do not have any figures on the indirect revenue which accrues to the economy from the bunkering activities in the port, nor is it feasible to calculate the sum within the short time frame since notice of the question was given. This will require a vary considerable amount of work, and is too onerous to produce. Insofar as direct revenue is concerned, the exercise which would be required to analyse all ship calls in which bunkers were taken to establish whether it was exclusively for bunkering or for other purposes over and above bunkering and to apportion a proportion of the Port dues to bunkering.

**SUPPLEMENTARY TO QUESTION NO 313 OF 2004**

**HON DR J J GARCIA:**

Is the Minister therefore saying that he has no way of establishing exactly how much revenue Gibraltar makes from bunkering operations?

**HON J J HOLLIDAY:**

The only figure that could be used for direct revenue could be possibly the port dues arrived at from ships calling at Gibraltar for bunkers. However, what I was trying to explain to the hon Gentleman is that ships call in to Gibraltar not necessarily just for bunkers they may call for other purposes and so therefore the economic benefit from the bunkering operation is not necessarily strictly speaking for bunkering but for other activities as well so one would have to apportion the figure to depending on the other

activities of whether one wanted to apportion part of the revenue to other activities. In the year 2003 the figure for port dues was £193,694 that is really new revenue because one will recall that back towards the end of the year 2002 Government introduced port dues for ships calling in for bunkering and other activities, prior to that ships of this nature had been exempt from port dues and so that can be I presume a source of revenue to the economy directly from ships that call in for bunkering. There is also the environmental levy which is a fund that was introduced again in the year 2002 for bunkering ships calling in at Gibraltar where there is a levy raised on them in order for us to be able to create a fund to be able to counteract environmental and pollution disasters or incidents and the figure for the year 2002 was £129,000 that was generated from that levy and in the year 2003 was £148,000. Obviously the Government policy is to go for the culprit of any incident but we need to have a contingency fund in place to be able to tackle the incident on the spur of the moment and then deal with the cost of the exercise later and blame and try to recoup the cost in that so those are two direct revenue earners from the bunkering business.

**HON DR J J GARCIA:**

Is it not the case that most ships that call at Gibraltar for bunkering do not physically dock at Gibraltar and that there are bunkering activities carried out in the bay, do those ships also pay the port dues and the environmental levy or not?

**HON J J HOLLIDAY:**

Absolutely that is precisely what was introduced in the year 2002 in order to increase revenue and actually derive some benefit directly from this particular commercial activity.

**HON J J BOSSANO:**

Is the annual amount that comes in from the levy if it is not used is that put on one side to build up a fund in case it is needed if something goes wrong in a big way?

**HON J J HOLLIDAY:**

There is an internal fund that is accounted for even though the revenue from that actually goes straight into the Government General Account but there is an accounting process where we have access to that money and have an income and expenditure account to be able to cater both for the income that is coming in and expenditures that may be incurred. We need to buy, for example, anti-pollution equipment, human resources that need to be used and employed during an incident all that comes out of these funds.

**HON J J BOSSANO:**

Is it that the money simply goes into the Consolidated Fund and it is spent by the Appropriation Bill is that what happens or are we setting up like a contingency fund?

**HON J J HOLLIDAY:**

It actually does appear in the Estimates of Expenditure in the Port Department Revenue.

**HON CHIEF MINISTER:**

Except to the extent that there is a general contingency fund then as it is presently set up I believe that it is just an additional income stream from an activity in respect of which the Government incurs expenditure. The expenditure being the Consolidated Fund expenditure for the state of preparedness that exists for pollution response. Training, equipment, dispersants et cetera. I believe this is the thrust of the hon Members' questions I do not believe that it is set up as a special ring-fenced fund. I believe it is general Government revenue which off-sets general Government expenditure in the Consolidated Fund on that sort of thing so it is a general income stream.

**HON J J BOSSANO:**

Would the Government not agree that the concept of an environmental levy would indicate that it is something which makes sense but which is there for a purpose and therefore as it is at the moment really at the end of the day the money will be used for whatever the money is needed as part of the general revenue?

**HON CHIEF MINISTER:**

Yes that view could be taken. We had this debate in relation to the environmental levy in respect of the Upper Rock last year or a few years ago whether this is hypothecated revenue or whether it is not hypothecated revenue one can either take both views. The extent to which Government creates little pockets of nest eggs to respond to different contingencies that may or may not occur I do not know but in this respect the first port of call is 'polluter pays' in fact we have an international treaty obligation to apply the principle of 'polluter pays' these are required by international treaty. If there was a pollution incident and it was not possible immediately to get the polluter to pay immediately the Government would always have to pay the cost of the clean up whether or not there was a separate fund. Whether or not there should be a separate fund is something that the Government can give consideration to, I can see the arguments for there being a separate fund given that this could be very heavy expenditure if the incident was large enough or whether the £800,000 or whatever is left in the general contingency fund would be enough. It is something the Government can give consideration to whether the fund should be made at least to a certain level. Anything in excess of that level could then flow into the General Consolidated Fund. It is certainly scope for reviewing.

**HON J J BOSSANO:**

Other than this in terms of the direct revenue to the Government are most of the companies there operating qualifying companies or are there full-time tax paying companies engaged in the bunkering business?

**HON CHIEF MINISTER:**

We do not know the answer to that question. We certainly know of one that is a full taxpaying company, Shell and its partner, Gibunco or Cepsa Gibraltar or whatever the company is that they do it through. As to the Greek owned companies of which there are two or three what their tax status is I would have to check.

**NO 314 OF 2004**

**THE HON DR J J GARCIA**

**EU FUNDS**

Can Government list the parties who have applied for EU funding since the last Question Time in this House, 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 COMMUNICATIONS**

Answered together with Question Nos 315 and 316 of 2004.

**NO 315 OF 2004**

**THE HON DR J J GARCIA**

**INTERREG IIIA PROGRAMME**

Have any specific projects now been identified in order to access funding assistance from the Gibraltar/Morocco Interreg IIIA Programmes?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

Answered together with Question Nos 314 and 316 of 2004.

ORAL

**NO 316 OF 2004**

**THE HON DR J J GARCIA**

**INTERREG IIIB PROGRAMME**

Can Government now say whether the two projects in which Gibraltar is a participant under the South West Europe Interreg IIIB programme have been approved?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

The information sought in this question is being handed in written format.



**Answer to Question 316 of 2004**

**EU FUNDING APPLICATIONS**

Seventeen applications for EU funding have been received since the last question time in the House. Thirteen applications were for ERDF funding under the 2000-2006 Objective 2 Programme and four were for ESF funding under the 2000-2006 Objective 3 Programme.

**ERDF Projects**

| <b>Sponsor</b>                                     | <b>Status</b> | <b>ERDF</b> | <b>GOG</b> | <b>Purpose of grant</b>                                                                                                           |
|----------------------------------------------------|---------------|-------------|------------|-----------------------------------------------------------------------------------------------------------------------------------|
| Cotton Leisure Ltd                                 | Approved      | £3,696      | £3,696     | Purchase of equipment                                                                                                             |
| D Torres/A Torres T/A Fotografiks                  | Approved      | £2,254      | £2,254     | Purchase of equipment                                                                                                             |
| Miss Shapes                                        | Approved      | £1,932      | £1,932     | Purchase of Furniture & Equipment, fit-out costs & rent subsidy                                                                   |
| Yvette Playgroup                                   | Approved      | £2,160      | £432       | Fit-out of new premises                                                                                                           |
| Simon Hobbs T/A Digital Solutions                  | Approved      | £3,493      | £3,493     | Purchase of Equipment & Marketing                                                                                                 |
| J J B Amar Ltd                                     | Approved      | £1,047      | £1,047     | Purchase of Equipment                                                                                                             |
| Ministry of Tourism & Transport                    | Approved      | £545,600    | £818,400   | Develop the Northern Defences as a Tourist Amenity. Infrastructure Work, Specialist lighting and Restoration Works                |
| Department of Trade, Industry & Telecommunications | Approved      | £449,800    | £473,700   | The beautification of Orange Bastion and its surrounding urban environment. Infrastructure works, Consultancy & Relocation Costs. |
| Asbestos (Gibraltar) Ltd                           | Approved      | £5,011      | £5,011     | Purchase of Equipment                                                                                                             |
| Auto Work-Shop Services                            | Approved      | £2,162      | £2,162     | Purchase of Equipment                                                                                                             |
| Let's Go Walking Tours                             | Approved      | £632        | £632       | Purchase of Equipment & Marketing                                                                                                 |
| Slop Oil & Reception Treatment Ltd                 | Approved      | £31,050     | £31,050    | Purchase of Equipment & Site installation                                                                                         |
| USURF Internet Centre                              | Approved      | £3,086      | £3,086     | Fit-out of Premises<br>Purchase of Equipment & Marketing                                                                          |

contd...

**Cont'd Answer to Question 316 of 2004**

**ESF Projects**

**Sponsor: Department of Education & Training**

|     |                              |                      |   |            |
|-----|------------------------------|----------------------|---|------------|
| (1) | Vocational Training Scheme 4 | Total Project Cost   | - | £1,283,908 |
|     |                              | ESF (45%)            | - | £ 577,753  |
|     |                              | GOG (55%)            | - | £ 706,155  |
| (2) | BMP 7 Intake 2003            | Total Project Cost   | - | £ 88,187   |
|     |                              | ESF (45%)            | - | £ 39,684   |
|     |                              | Private Sector (20%) | - | £ 17,638   |
|     |                              | GOG (35%)            | - | £ 30,865   |

**Sponsor: Employment Service**

|     |                 |                    |   |          |
|-----|-----------------|--------------------|---|----------|
| (3) | Focus 5503      | Total Project Cost | - | £ 52,325 |
|     |                 | ESF (45%)          | - | £ 23,546 |
|     |                 | GOG (55%)          | - | £ 28,779 |
| (4) | Complement 2002 | Total Project Cost | - | £ 51,900 |
|     |                 | ESF (45%)          | - | £ 23,555 |
|     |                 | GOG (55%)          | - | £ 28,545 |

**INTERREG IIIA**

Three projects have been approved.

**INTERREG IIIB**

Two projects in which Gibraltar is a participant have been approved.

**SUPPLEMENTARY TO QUESTION NO 316 OF 2004**

**HON DR J J GARCIA:**

In relation to Question No 316 and to the third sponsor, when the Government gives a grant which includes a rent subsidy if the premises that are going to be occupied are Government premises or does it apply irrespective of whether they are Government premises or private sector premises?

**HON J J HOLLIDAY:**

Could the hon Member repeat the question?

**HON DR J J GARCIA:**

If one looks at the answer to Question No 316 the third sponsor on the list received a grant of £1,932 which is approved from the ERDF and £1,932 from the Gibraltar Government. That was for the purchase of furniture and equipment fit out costs and a rent subsidy, my question is about the rent subsidy, if the tenant is in private sector premises or in Government premises or is it given irrespective of what premises are being occupied?

**HON J J HOLLIDAY:**

I am afraid I am not able to confirm either way but I can find out and revert back to him on this particular issue but I assume that it is irrelevant whether it is done within Government property or whether it is done within the private sector. The application would be considered irrespective of that but I can confirm it to him in writing if he so wishes.

**NO 317 OF 2004**

**THE HON DR J J GARCIA**

**IMPORTS – GOODS VEHICLES**

What was the value and number of goods vehicles imported by:

- (a) individuals;
- (b) licensed dealers;

on a monthly basis since March 2003 inclusive?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

Answered together with Question Nos 317 and 319 of 2004.

**NO 318 OF 2004**

**THE HON DR J J GARCIA**

**IMPORTS – PRIVATE MOTOR VEHICLES**

What was the value and number of private motor vehicles imported by:

- (a) individuals;
- (b) licensed dealers;

on a monthly basis since March 2003 inclusive?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

Answered together with Question Nos 317 and 319 of 2004.

**NO 319 OF 2004**

**THE HON DR J J GARCIA**

**IMPORTS - COMPUTERS**

What was the value of computers imported into Gibraltar since March 2003 inclusive on a monthly basis?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

I hand the hon Member the information requested.

**Answer to Question 319 of 2004**

**Answer to Question 317**

(a) VALUE AND NUMBER OF GOODS VEHICLES IMPORTED INTO GIBRALTAR

| 2003      | Individuals |                     | Licensed Dealers |                     |
|-----------|-------------|---------------------|------------------|---------------------|
|           | Number      | Value (£ thousands) | Number           | Value (£ thousands) |
| March     | 3           | 1                   | 5                | 18                  |
| April     | -           | -                   | 5                | 20                  |
| May       | 1           | -                   | 9                | 43                  |
| June      | 2           | 4                   | 6                | 31                  |
| July      | 3           | 16                  | 3                | 6                   |
| August    | -           | -                   | 2                | 5                   |
| September | -           | -                   | 5                | 17                  |
| October   | 4           | 3                   | 7                | 43                  |
| November  | 2           | 1                   | 3                | 27                  |

Figures beyond November 2003 are not yet available.

**Answer to Question 318**

(b) VALUE AND NUMBER OF PRIVATE MOTOR VEHICLES IMPORTED INTO GIBRALTAR

| 2003      | Individuals |                     | Licensed Dealers |                    |
|-----------|-------------|---------------------|------------------|--------------------|
|           | Number      | Value (£ thousands) | Number           | Value (£ millions) |
| March     | 13          | 33.8                | 523              | 6.0                |
| April     | 25          | 87.6                | 191              | 1.9                |
| May       | 17          | 38.5                | 485              | 2.0                |
| June      | 28          | 70.6                | 243              | 2.1                |
| July      | 18          | 27.8                | 182              | 1.4                |
| August    | 17          | 56.0                | 251              | 1.8                |
| September | 35          | 103.0               | 722              | 7.3                |
| October   | 21          | 82.0                | 135              | 0.9                |
| November  | 24          | 61.0                | 459              | 6.0                |

Figures beyond November 2003 are not yet available.

Cont...

**Contd Answer to Question 319 of 2004**

**Answer to Question 319**

**(c) VALUE OF COMPUTER HARDWARE IMPORTED INTO GIBRALTAR**

| <b>2003</b> | <b>Value of Computers<br/>(£)</b> |
|-------------|-----------------------------------|
| March       | 751,267                           |
| April       | 1,293,763                         |
| May         | 494,652                           |
| June        | 566,089                           |
| July        | 485,855                           |
| August      | 345,525                           |
| September   | 543,541                           |
| October     | 537,242                           |
| November    | 985,658                           |

Figures beyond November 2003 are not yet available.



**NO 320 OF 2004**

**THE HON DR J J GARCIA**

**E-COMMERCE**

Can Government list the specific strategies that it has been developing to create an environment for businesses to trade electronically, speedily and securely?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

The Strategies the Government have been developing are as follows:-

- (1) Legislative initiatives in the field of e-commerce and liberalisation of the telecoms markets;
- (2) Investment in telecoms infrastructure.
- (3) Development of an e-commerce House project.
- (4) Moratorium on the payment of import duty on computer hardware and software to 30<sup>th</sup> June 2004.
- (5) Encouraging EU funding applications within this field.

**SUPPLEMENTARY TO QUESTION NO 320 OF 2004**

**HON DR J J GARCIA:**

In relation to the second point, telephone infrastructure investment can the Minister tell the House what investment that is?

**HON J J HOLLIDAY:**

The information that I have here in respect of investment in telecom infrastructure adds up to a total of £13 million which has been invested not just Government, the industry in itself in the providing of the broadband, the cheap 884, the old ISP service, the prepaid mobiles and the cheap IDD rates.

**HON DR J J GARCIA:**

Can the Minister say whether those initiatives are actually initiatives of Gibtelecom not necessarily of the Gibraltar Government?

**HON J J HOLLIDAY:**

The investment in telecom infrastructure broadly speaking the responsibility and the initiative is of Gibtelecom.

**HON DR J J GARCIA:**

Can Government say whether there is any appreciable increase in the use of e-commerce in Gibraltar as a result of these strategies, are Government monitoring their effect?

**HON J J HOLLIDAY:**

I cannot really give the hon Member a categorical answer on this particular issue but I am told by those who operate within the Department of Trade and Industry and have responsibility for the promotion of this particular sector that there is increased activity however I cannot really give them any particular detail to backup that particular statement.

**HON DR J J GARCIA:**

Do those who make those comments base their information on anything, a survey or any other kind of statistical compilation of the use of e-commerce in Gibraltar?

**HON J J HOLLIDAY:**

I presume they base it on, for example, the increase on the imports of computer software as an indicator of activity in this particular area. The level of interest that has been generated within the private sector as a result of the announcement of the initiative by Government to develop an e-commerce house project.....I am being completely honest with the hon Gentleman I cannot give him any more than that.

ORAL

**NO 321 OF 2004**

**THE HON DR J J GARCIA**

**E-BUSINESS**

What was the cost to the Government, with a breakdown, of attending and organising the e-business conference in London on 25<sup>th</sup> June 2003, how many people made up the Government delegation and what posts did they hold?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

Answered together with Question Nos 322 and 323 of 2004.

**NO 322 OF 2004**

**THE HON DR J J GARCIA**

**E-BUSINESS**

How many delegates were invited, how many actually attended the “Gibraltar – International E-Business Centre” conference in London on 25<sup>th</sup> June, and how many were from Gibraltar?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

Answered together with Question Nos 321 and 323 of 2004.

**NO 323 OF 2004**

**THE HON DR J J GARCIA**

**E-BUSINESS**

What other EU territories attended the "Gibraltar – International E-Business Centre" conference in London on 25<sup>th</sup> June 2003?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

I hand the hon Member the information requested.

**Answer to Question No 323 of 2004**

**GIBRALTAR – INTERNATIONAL E-BUSINESS CENTRE CONFERENCE**

- (a) 45 delegates were invited to attend and 30 attended, 2 delegates were from Gibraltar.
- (b) Company representatives from the UK, Ireland and Germany were present at the conference.
- (c) The Gibraltar delegation comprised:-

|                     |   |                                                 |
|---------------------|---|-------------------------------------------------|
| Mr James Tipping    | - | Finance Centre Division                         |
| Mr Darion Figueredo | - | Communications & Technology Development Officer |
| Mr Paul Canessa     | - | CEO, Gibraltar Regulatory Authority             |
| Ms Veena Purswani   | - | Market Assistant                                |

(d) The cost of the conference was £7,179 as follows:

|                         | £        |
|-------------------------|----------|
| Venue hire and catering | 3,601.90 |
| Air passages            | 832.90   |
| Hotel accommodation     | 2,124.00 |
| Subsistence             | 307.30   |
| Out of pocket expenses  | 187.90   |
| Courier charges         | 125.00   |

**NO 324 OF 2004**

**THE HON DR J J GARCIA**

**ADSL**

What steps do the Government intend to take to lower the cost of ADSL to the business community and to home owners?

**ANSWER**

**THE HON THE MINISTER FOR THE ENVIRONMENT, ROADS AND UTILITIES**

The Government do not provide ADSL to anyone and cannot therefore lower the cost of that service. However, the Government regularly urges Gibtelecom to make its telephone services price competitive. I suggest the hon Member should pursue the matter directly with Gibtelecom and the two local Internet Service Providers, Gibconnect and Gibnet.

**SUPPLEMENTARY TO QUESTION NO 324 OF 2004**

**HON DR J J GARCIA:**

Is it the policy of the Government that there should be wider use of the Internet in Gibraltar?

**HON F VINET:**

Yes.

**HON DR J J GARCIA:**

In the execution of that policy in trying to push it forward, have Government approached the operators in the field to see whether the cost of ADSL can be lowered or not?

**HON F VINET:**

As I have said Government do continuously urge Gibtelecom to lower its ADSL prices.

**HON DR J J GARCIA:**

I take it that Government accepts that the cheaper the cost of Internet the more people will use it, that is in the interest of Gibraltar and in the interest of pursuing the policy of greater use.

**HON F VINET:**

Subject to resilience and quality of service I would agree with that.



**NO 325 OF 2004**

**THE HON DR J J GARCIA**

**GIBRALTAR CITY PLAN**

At what stage is the production of the new Gibraltar City Plan?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

What is now at an early stage is the production of the Development Plan.

**SUPPLEMENTARY TO QUESTION NO 325 OF 2004**

**HON DR J J GARCIA:**

Can the Minister give an indication of when the development plan is expected to develop?

**HON J J HOLLIDAY:**

The estimated time for this development plan to be completed is the end of 2004.

**HON DR J J GARCIA:**

Let us make sure that we are actually talking about the same thing, is this the plan that will include the different zoning arrangements for different parts of Gibraltar and which is open out to the public to make representations?

**HON J J HOLLIDAY:**

That is correct. The question originally was for the city plan and or going back in history this plan was basically for the City of Gibraltar, now this plan will encompass the whole of Gibraltar and will have zoning in terms of planning policy and proposals for use of the areas et cetera and obviously this will be subjected and open to public input.

**NO 326 OF 2004**

**THE HON DR J J GARCIA**

**DEVELOPMENT AND PLANNING COMMISSION**

How many meetings of the Development and Planning Commission have taken place since 6<sup>th</sup> March 2003 and on what dates?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

Ten meetings of the Development and Planning Commission have taken place since 6<sup>th</sup> March 2003. Meetings were held on the following dates:-

16<sup>th</sup> April 2003  
27<sup>th</sup> May 2003  
3<sup>rd</sup> July 2003  
31<sup>st</sup> July 2003  
4<sup>th</sup> September 2003  
2<sup>nd</sup> October 2003  
9<sup>th</sup> October 2003  
20<sup>th</sup> November 2003  
22<sup>nd</sup> December 2003  
6<sup>th</sup> January 2004.

ORAL

NO 327 OF 2004

THE HON DR J J GARCIA

**SIR HERBERT MILES ROAD**

Can Government say whether outline planning permission has been granted in respect of the 65 residential units and car parking at Sir Herbert Miles Road?

ANSWER

THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS

Answered together with Question Nos 328 to 334 of 2004.

ORAL

**NO 328 OF 2004**

**THE HON DR J J GARCIA**

**MONACO OCEAN VILLAGE**

How many representations were received by the Development and Planning Commission over the application by Monaco Ocean Village Ltd to erect a temporary workshop published on 21<sup>st</sup> August?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

Answered together with Question No 327 and 329 to 334 of 2004.

ORAL

NO 329 OF 2004

THE HON DR J J GARCIA

**OCEAN VILLAGE**

Has any application been made for the dredging of Sheppard's Marina in connection with the Ocean Village development?

ANSWER

THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS

Answered together with Question Nos 327, 328 and 330 to 334.

ORAL

**NO 330 OF 2004**

**THE HON DR J J GARCIA**

**FUNICULAR SERVICE**

At what stage is the Development and Planning Commission's consideration of planning permission for the installation of a funicular service from Casemates Square to the top of the Rock?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

Answered together with Question Nos 327 to 329 and Nos 331 to 334 of 2004

ORAL

**NO 331 OF 2004**

**THE HON DR J J GARCIA**

**FUNICULAR SERVICE**

How many representations were received by the Development and Planning Commission in respect of the application by 21<sup>st</sup> Century Rock Ltd to provide a funicular installation from Casemates to Rock Gun?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

Answered together with Question Nos 327, 330 and Nos 332 to 334 of 2004.



ORAL

**NO 332 OF 2004**

**THE HON DR J J GARCIA**

**BUENA VISTA ROAD**

At what stage is the Development and Planning Commission's consideration of the proposed development at 2 Buena Vista Road?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

Answered together with Question Nos 327 to 331, 333 and 334 of 2004.

**NO 333 OF 2004**

**THE HON DR J J GARCIA**

**LITTLE GENOA, CATALAN BAY**

How many representations were received in response to the request by the developers of the Little Genoa project in Catalan Bay for a relaxation of building rules, what exactly did this request entail, and has the application been accepted or rejected?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

Answered together with Question Nos 327 to 332 and 334 of 2004.

**NO 334 OF 2004**

**THE HON DR J J GARCIA**

**BOTH WORLDS**

At what stage is the consideration by the Development and Planning Commission of the application for planning permission to construct two additional houses at the northern end of Both Worlds?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

No outline planning permission has been granted for the proposed project at Sir Herbert Miles Road, nor has any application for dredging at Sheppard's Marina been made. No representations were received with respect to the Monaco Ocean Village Ltd application to erect a temporary workshop or the Little Genoa request for relaxation of the building rules. Two representations were received in respect of the funicular proposal. The Little Genoa application related to ventilation requirements for a rear bedroom window on three of the houses, and it was granted. The DPC is awaiting submission of an Environmental Impact Assessment in respect of the funicular application before considering the matter further. The DPC is awaiting further information on the Both Worlds application prior to considering the matter further. The DPC is awaiting the outcome of further discussions with the applicant for the proposed 2 Buena Vista Road development.

**SUPPLEMENTARY TO QUESTION NOS 327 to 334 of 2004**

**HON DR J J GARCIA:**

There are a number of questions answered together so I will be going through them and asking supplementaries accordingly. In relation to Question No 327 of 2004 which was to do with the Outline Planning permission in respect of 65 units and car parking at St Herbert Miles Road to which the answer was that the Planning Commission was not given is it that the project will now not be proceeded with on

that basis, or can Government say for what reason the permission has not been given?

**HON J J HOLLIDAY:**

The no Outline Planning Permission has been granted in respect of the 65 residential units and carpark at Sir Herbert Miles Road DPC is awaiting the submission of environmental impact study prior to considering the application. An environmental consultant met with the Town Planner some months ago to discuss this but there has been no further feedback subsequent to this meeting.

**HON DR J J GARCIA:**

In relation to Question No 329 of 2004 which is the dredging of the Sheppard's Marina in connection with the Ocean Village development, are Government aware that part of the project is being marketed with a dredged marina?

**HON J J HOLLIDAY:**

I can tell the hon Member that in my discussions with Monaco Ocean Village Ltd they have intimated the fact that they intended to make out some dredging. No formal submission or application has been made so therefore until that happens I am not able really to comment on the matter. Whether they wish to market the product that they do not really have is really up to them it is nothing that the Government can do.

**HON DR J J GARCIA:**

Can I ask Government whether a formal application for dredging is actually something that is needed in the light of other legislation before this House?

**HON J J HOLLIDAY:**

Traditionally there has always been a planning application, it happened in respect of the Island project, for example, and we assumed this would be a requirement, legislation for this House for discussion for consideration later on in this meeting actually clarifies the issue as to whether there is a local requirement for that or not.

**HON DR J J GARCIA:**

Can the Minister say whether that legislation has been put forward to this House for consideration in the light of this project?

**HON CHIEF MINISTER:**

No. The Legislation responds to an observation by the European Commission that the Town Planning Ordinance is deficient in terms of some EU Directives in that it does not statutorily require planning permission for the seabed. In the context of some environmental Directive it was a non-compliance of some such directive I will

have this information for the hon Member when the Bill comes to the House but there is some EU Directive which is not being complied with as a result of it not being clear in the Planning Legislation that the seabed is part of the territory covered by the Planning Legislation.

**HON J J BOSSANO:**

In respect of the Ocean Village Development is that something that can be accommodated within the existing infra-structure, I know that they do not have a problem on one side but in terms of the capacity that we have?

**HON J J HOLLIDAY:**

The issue has not been raised with us but I do not think that there is an issue in respect of it.

**HON J J BOSSANO:**

In terms of planning the investment the Government needs to make is there a system for looking at the projects that are there to see what that is going to do, for example, the load on electricity, is that something that is happening or happens?

**HON CHIEF MINISTER:**

As the hon Member knows it is sometime since there has been some investment in electricity generation or distribution but the studies are now being done in-house by the management of the Electricity Authority and that is certainly things that they are taking into consideration. On the sewers there is not much one can do, the sewers are there and it either has the capacity or it does not. There what one has is a major infrastructural work but yes, it is not just in terms of the projects in the pipeline but in terms of, for example, the urban waste-water treatment plant and the new refuse incinerator are being planned on the basis of realistic growth expectations both economically and in terms of population projected forward by actuaries there is quite a lot of strategic planning now going into various utilities co-incidentally because for one reason or another they have all arrived at the need to do it at more or less the same time both in sewer and electricity in particular but also I know that Lyonnaise is doing the same in respect of water.

**NO 335 OF 2004**

**THE HON DR J J GARCIA**

**CATALAN BAY**

Can Government list the tenderers and the respective amounts bid by each in respect of Phases 2 and 3 of the upgrading and beautification of Catalan Bay?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

This tender has not yet been awarded.

**SUPPLEMENTARY TO QUESTION NO 335 OF 2004**

**HON DR J J GARCIA:**

The closing date for the tender was September 2003 can the Minister say why it has not been awarded?

**HON J J HOLLIDAY:**

The decision is under consideration and an announcement should be made shortly.

**NO 336 OF 2004**

**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 15<sup>th</sup> March 2003 to date, giving the event or function attended, the venue, the city and the country visited?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

The dates are as follows:-

|                                               |   |                                                         |
|-----------------------------------------------|---|---------------------------------------------------------|
| 12 <sup>th</sup> – 13 <sup>th</sup> May       | - | London (UKGTA and other meetings)                       |
| 15 <sup>th</sup> – 17 <sup>th</sup> September | - | London (meetings)                                       |
| 5 <sup>th</sup> – 6 <sup>th</sup> October     | - | London (meetings)                                       |
| 6 <sup>th</sup> – 7 <sup>th</sup> October     | - | Madrid (meetings)                                       |
| 17 <sup>th</sup> – 21 <sup>st</sup> October   | - | London (Gibraltar Day and meetings)                     |
| 8 <sup>th</sup> – 10 <sup>th</sup> November   | - | London ( World Travel Market, UKGTA and other meetings) |
| 18 <sup>th</sup> – 20 June                    | - | Cambridge (CPA Conference)                              |

**NO 337 OF 2004**

**THE HON DR J J GARCIA**

**TOURISM ADVISORY COUNCIL**

How often and on what dates has the Tourism Advisory Council met since 20<sup>th</sup> March 2003?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

Twice, on 29<sup>th</sup> May and 25<sup>th</sup> September 2003.

**SUPPLEMENTARY TO QUESTION NO 337 OF 2004**

**HON DR J J GARCIA:**

Are Government satisfied that the Council can do its work with so few meetings in a year, I believe it is three?

**HON J J HOLLIDAY:**

Normally the Tourism Advisory Council meets every quarter so therefore by implication it is roughly four times a year. There would have been a further meeting if the elections had not been called there was a meeting due some time in November and that would have probably completed the quarterly quota. Yes, the answer is that we feel we can carry out the business with quarterly meetings however if the need arises for meetings at more regular basis that would happen in any case.

**HON DR J J GARCIA:**

Has the composition of that Council changed over the last 12 months?



**HON J J HOLLIDAY:**

I am not totally sure about that, there may have been an addition to the board but I do not know when that exactly happened. Let me say that shortly after the elections I wrote to all members thanking them for their participation in the Council and informing them that I would be appointing new members during this term of office and that would happen shortly.

**HON F R PICARDO:**

In the event that he was re-elected?

**HON J J HOLLIDAY:**

I said I wrote after the elections.

**HON F R PICARDO:**

Sorry, I thought the Minister said before the elections.

**HON DR J J GARCIA:**

When does the Minister envisage that the new appointees will be in place and will the Council be based on a similar format to what it was last time?

**HON J J HOLLIDAY:**

Yes, it will be based on the same format. Some members of the public have been contacted by the Chief Executive of the Tourist Board and we are now waiting for its formal formation which will probably happen sometime during the next month.

**NO 338 OF 2004**

**THE HON DR J J GARCIA**

**REDLEAF ASSOCIATES**

Can Government say whether and if so when the contract to Redleaf Associates as public relations consultants to the GTB was renewed and if it was for what sum?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

The contract was renewed on the 1<sup>st</sup> April 2003, in the sum of £30,000 per annum. This contract expires on the 31<sup>st</sup> March 2004.

**SUPPLEMENTARY TO QUESTION NO 338 OF 2004**

**HON DR J J GARCIA:**

Has the work that Redleaf performs in relation to this contract for the £30,000 paid changed over the last year or does it form the same kind of function?

**HON J J HOLLIDAY:**

No. Throughout this year the work that Redleaf has undertaken is based on the contract which currently exists with the Government of Gibraltar. Let me say that later on sometime next month we are inviting other parties including Redleaf to re-submit their offer because as the hon Member knows the contracts that we have for services in the UK are reviewed annually. Some are renegotiated, others are terminated and new contracts are put in place depending on the performance and the value for money they represent.

**NO 339 OF 2004****THE HON DR J J GARCIA****CORPORATE EVENTS**

Can Government say what promotional materials will be provided by Corporate Events Ltd in respect of the tender award of £9,220?

**ANSWER****THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS****PROMOTIONAL MATERIAL PROVIDED BY CORPORATE EVENTS LIMITED**

|                            |   |                |
|----------------------------|---|----------------|
| 10,000 pens                | - | £ 2,500        |
| Screen charges for pens    | - | £ 20           |
| 8,000 pencils              | - | £ 880          |
| Screen charges for pencils | - | £ 20           |
| 10,000 pins                | - | £ 3,500        |
| 10,000 window stickers     | - | £ 2,300        |
|                            |   | _____          |
| <b>Total</b>               |   | <b>£ 9,220</b> |
|                            |   | _____          |

**SUPPLEMENTARY TO QUESTION NO 339 OF 2004**

**HON DR J J GARCIA:**

There were two bidders for that particular tender can the Minister say how much did the unsuccessful bidder bid and for what products?

**HON J J HOLLIDAY:**

The information I had that there were two tenders, however the only other tenderer that bid for this was in respect of one item only and that was the car sticker at a cost of 36 pence each. There were no other bidders and so the Treasury Tender Board decided to go along the lines of recommending Corporate Events for the award of that tender.

**NO 340 OF 2004**

**THE HON DR J J GARCIA**

**GTB - LOGO**

Are Government now in a position to give the costs with a breakdown associated with the change of logo of the Gibraltar Tourist Board?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

The cost was £5,162. The design was £1,734, the changing of signs was £2,845 and the press conference was £583.

**SUPPLEMENTARY TO QUESTION NO 340 OF 2004**

**HON DR J J GARCIA:**

Do any of these items of expenditure relate to the changes in things like stationery et cetera that needed to be changed as a result of the change of logo?

**HON J J HOLLIDAY:**

There was change of stationery, literature et cetera, but those were costs that would have to be incurred anyway. It was not costs that were attributed particularly to this because we planned this rebranding at least two years before and so therefore our ordering of stationery, our ordering of the various literature was done so as to try and terminate the stock in existence of these at more or less the time of the launch and it has worked quite well in the sense that most of the reprinted material actually came into place when the need arose.

ORAL

**NO. 341 OF 2004**

**THE HON DR J J GARCIA**

**TOURISM – MARKETING, PROMOTIONS AND CONFERENCES**

Can Government say how much of the £950,000 budget allocated to Tourism, Promotion and Conferences for the year 2003/2004 has been spent as at 31<sup>st</sup> December 2003 giving a breakdown of the sum?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

The information sought is being given to the hon Gentleman in written format.

**Answer to Question No 341 of 2004**

**TOURISM MARKETING, PROMOTIONS AND ADVERTISING**

**Amount Spent As At 31<sup>st</sup> December 2003**

|                                                                                                                               | £                  |
|-------------------------------------------------------------------------------------------------------------------------------|--------------------|
| Literature, including UKGTA brochure and literature for use in Gibraltar                                                      | 107,397.65         |
| Trade Activity, including FAM trips, roadshows brochure distribution, et cetera                                               | 35,616.69          |
| Media activity, including press trips                                                                                         | 23,901.23          |
| Promotional material                                                                                                          | 4,436.37           |
| Advertising, including consumer and trade Advertising and special interest/niche advertising                                  | 236,637.37         |
| Trade Fairs                                                                                                                   | 135,305.64         |
| Gibraltar events                                                                                                              | 78,525.95          |
| Website development                                                                                                           | 6,139.39           |
| Recurrent expenditure, including PR consultancy Travel costs, annual subscriptions, staff expenses for sales calls, et cetera | 104,722.56         |
| <b>Total</b>                                                                                                                  | <b>£736,605.83</b> |

**SUPPLEMENTARY TO QUESTION NO 341 OF 2004**

**HON DR J J GARCIA:**

In relation to the £6,139 spent on website development can the Minister tell the House whether that involved the construction and design of a new website?

**HON J J HOLLIDAY:**

No, this is an on-going contract that currently exists in order to maintain the UK website in order to up-date information on events, developments, changes. There is a UK tourism website which is exclusively for that purpose and that is the on-going cost of that.

**HON DR J J GARCIA:**

In relation to the £78,525 spent on what is called "*Gibraltar events*," can the Minister elaborate on what that item of expenditure relates to?

**HON J J HOLLIDAY:**

Yes. Those cover events like the Gibraltar Regatta where we are part sponsors, the Rally Antigua which is the rally that set off from Gibraltar, the Gibraltar Kennel Club Dog Show where we are part sponsors, the Classic Car Rally, the Gibraltar Powerboat Festival that actually did not take place this year but it has got a slot with zero expenditure, the Chess Tournament that is due to happen for the second time and the BGTW dinner which is the dinner that we part sponsored in the UK. It is not actually a Gibraltar event it is the dinner of the Institute of Guild of Travel Writers where we participated with the Federation of Small Businesses.



**NO 342 OF 2004**

**THE HON DR J J GARCIA**

**ABTA**

Can Government provide a list of those who made up the ABTA delegation that visited Gibraltar in mid-October, showing the position held and the company or organisation that each delegation represented?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

Answered together with Question No 343 of 2004.

**NO 343 OF 2004**

**THE HON DR J J GARCIA**

**ABTA**

What was the cost to the Government of hosting a delegation from the Association of British Travel Agents (ABTA) in mid-October?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

The information sought is given to the hon Gentleman in written format.

**Question No 342 of 2004**

The ABTA visitors were not an ABTA delegation: It was a familiarisation trip for senior ABTA members who work in the travel industry in the greater London region.

The persons who made up the group were:

|                            |                   |                               |
|----------------------------|-------------------|-------------------------------|
| Mr David Kent              | Managing Director | Sampson Travel (Hon Sec ABTA) |
| Mrs Patricia Kent          | Manager           | Samson Travel Popular         |
| Mr Vic Horton-Griffiths    | Managing Director | Horton Griffiths              |
| Mrs Maureen Walker         | Director          | Horton Griffiths              |
| Mr John Mason              | Managing Director | Expert Travel                 |
| Mrs Rosemary Mason         | Director          | Expert Travel                 |
| Mr Winston Pickersgill     | Managing Director | New Look Travel               |
| Mrs Enid Pickersgill       | Director          | New Look Travel               |
| Mr David Steadman          | Managing Director | TTW Travel (ABTA Treasurer)   |
| Mr Wadi Wafta              | Managing Director | Blue Bird Travel              |
| Mr Andrew Ford-Hutchinson  | Director          | Sampson World Travel          |
| Mrs Marion Ford-Hutchinson | Director          | Sampson World Travel          |

### **Question No 343 of 2004**

The cost to Government was £1,755 as follows:

|                           |   |        |
|---------------------------|---|--------|
| Contribution to air fares | - | £ 520  |
| Entertainment             | - | £1,091 |
| Miscellaneous expenses    | - | £ 144  |

Further bills in respect of a dolphin tour and transportation within Gibraltar have not yet been submitted for payment.

### **SUPPLEMENTARY TO QUESTION NOS 342 AND 343 OF 2004**

#### **HON DR J J GARCIA:**

A point of clarification, the answer to Question No 342 of 2004 says that the ABTA visitors were not an ABTA delegation a statement which was issued by the Government says, "*The Gibraltar Tourist Board is hosting a delegation from the Association of British Travel Agents (ABTA),*" that was issued at the time in October, can the Minister clarify which of the two it is?

#### **HON J J HOLLIDAY:**

One of the delegates by the name of Mr David Kent he is the Honourable Secretary of ABTA so that was the only connection with the actual ABTA Committee the others were ABTA Members that came along to this familiarisation visit and they were not an ABTA delegation as such, they did not represent the ABTA Committee but they were all ABTA Members.

**NO 344 OF 2004**

**THE HON DR J J GARCIA**

**WORLD TRAVEL MARKET**

What was the cost of attending the World Travel Market in London in November last year, how many people made up the official Gibraltar delegation, and what posts do they hold?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

Answered together with Question Nos 345 and 346 of 2004.

**NO 345 OF 2004**

**THE HON DR J J GARCIA**

**WORLD TRAVEL MARKET**

What was the cost to the Government, giving a breakdown, of sponsoring the British Guild of World Travel Writers dinner at the Savoy Hotel in November?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

Answered together with Question Nos 344 and 346 of 2004.

**NO 346 OF 2004**

**THE HON DR J J GARCIA**

**WORLD TRAVEL MARKET**

What travel titles and travel journalists representing newspapers were present at the press conference given by the Minister for Tourism on the first day of the World Travel Market in London in November last year?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

The information sought is being submitted to the hon Gentleman in written format.

### Answer to Question No 344 of 2004

#### Official Gibraltar delegation:

|                         |   |                                                         |
|-------------------------|---|---------------------------------------------------------|
| Hon J J Holliday        | - | Minister for Tourism                                    |
| Mr Richard Garcia       | - | Principal Secretary, Ministry for Tourism and Transport |
| Mr Peter Canessa        | - | Chief Executive, Gibraltar Tourist Board                |
| Mr Marcello Sanguinetti | - | Sales and Marketing Manager, Gibraltar Tourist Board    |

#### Costs:

|                             | £                 |
|-----------------------------|-------------------|
| Stand design and building   | 41,762.80         |
| Rental of stand space       | 13,540.72         |
| Printing of literature      | 5,081.96          |
| Postage                     | 2,207.56          |
| Reception and Entertainment | 2,522.49          |
| Giveaways                   | 2,000.00          |
| Air Travel                  | 2,518.20          |
| UK travel                   | 565.23            |
| Hotel (bed only)            | 1,077.52          |
| Subsistence                 | 460.94            |
|                             | <hr/>             |
| <b>Total</b>                | <b>£71,737.42</b> |
|                             | <hr/>             |

### Answer to Question No 345 of 2004

#### BRITISH GUILD OF TRAVEL WRITERS DINNER – SPONSORSHIP

This event was part sponsored by Government and part sponsored by private sector players. The Government cost was:

|                          | £                 |
|--------------------------|-------------------|
| Sponsorship fee          | 10,000.00         |
| Video Presentation       | 15,370.00         |
| Gifts for Attendees      | 3,430.00          |
| Travel and Accommodation | 2,007.78          |
| Entertainment            | 1,056.65          |
| Other Expenses           | 1,374.12          |
|                          | <hr/>             |
| <b>Total</b>             | <b>£33,238.55</b> |
|                          | <hr/>             |

**Answer to Question No 346 of 2004**

**WORLD TRAVEL MARKET – PRESS CONFERENCE MEDIA ATTENDEES**

|                      |                                                 |
|----------------------|-------------------------------------------------|
| Mathew Hampton       | Travel Weekly                                   |
| Sarah Wild           | Conference & Incentive Travel                   |
| Robert Wilson        | Take a Break                                    |
| Gary Noakes          | TTG                                             |
| Howard Carr          | Freelance TTG                                   |
| Mark Reynolds        | ABTA Magazine                                   |
| Andrew Mueller       | Independent on Sunday                           |
| Bill Todd            | The Sun                                         |
| David Leask          | Evening News                                    |
| Amanda Hilton        | Weddings and Home                               |
| Ken Brookes          | Freelance/Chartered Institute of Travel Writers |
| Richard Gardiner     | Freelance, shortbreaks, history, politics       |
| Christopher Portaway | Freelance, conference and incentive             |
| Jasmine Birtles      | Freelance, shortbreaks, and sports              |
| Graham Norton        | Church of England Travel correspondent          |
| Frank Guillory       | Le Soleil de Quebec                             |
| David Segall         | Radio London                                    |

**SUPPLEMENTARY TO QUESTION NOS 344 TO 346 OF 2004**

**HON DR J J GARCIA:**

In relation to Question No 345 of 2004 which is to do with the British Guild of World Travel Writers Dinner sponsorship, can the Minister explain how this sponsorship actually materialises is it that the Guild of Travel Writers put it out to competitive tender and so many territories or organisations express an interest and bid to sponsor the event?

**HON J J HOLLIDAY:**

The reality of this is that we are well connected with members of the Institute Guild of Travel Writers hierarchy, in other words the chairman and her Board and on one of the visits to Gibraltar along one of the cruise ships they had meetings in Gibraltar and they know certain members of the tourism industry here in Gibraltar quite well and met them socially and they said that would Gibraltar be interested in sponsoring this dinner. I have been to these dinners before, they represent good value for money in the sense that the exposure that Gibraltar obtains from the evening's event is quite significant and the Federation of Small Businesses approached some of its members and decided to put a proposal to the Government where if we were to match their participation in this event, put in £25,000 of public funds the private sector would put £25,000 themselves in order to promote the event and sponsor the event and the government decided that it would support the Federation in this initiative and carry the event forward.



**HON DR J J GARCIA:**

The cost of the dinner was £33,238 of which £15,370 was spent on a video presentation can the Minister elaborate on that particular item of expenditure?

**HON J J HOLLIDAY:**

Yes. Basically the sponsorship of the evening is £50,000 out of which the Federation put in £25,000 and the Government of Gibraltar put in another £25,000 out of those £50,000, £15,370 were actually the cost of the presentation that was made at the dinner and was produced by leading personalities within the tourism industry that were out here in Gibraltar and was actually shown on the evening. Therefore the cost of the video presentation was that but it was part of our sponsorship money, that came out of our contribution towards the cost of that.

**NO 347 OF 2004**

**THE HON DR J J GARCIA**

**GDC - TOURISM**

As at 31<sup>st</sup> December 2003, how many employees of the Gibraltar Development Corporation were employed in tourism?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

Answered together with Question No 351 of 2004.

**NO 348 OF 2004**

**THE HON DR J J GARCIA**

**GTB – INFORMATION OFFICER**

How many persons applied for vacancies of Information Officer (Grade 1) with the Gibraltar Tourist Board advertised on 26<sup>th</sup> June and how many posts were available?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

Answered together with Question No 381 of 2004.

ORAL

NO 349 OF 2004

THE HON DR J J GARCIA

**UKGTA BROCHURE**

Did any local hotel make representations to the Government following the publication of the UKGTA brochure last year?

ANSWER

THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS

Answered together with Question No 350 of 2004.

**NO 350 OF 2004**

**THE HON DR J J GARCIA**

**UKGTA BROCHURE**

Can Government say who is responsible for checking for mistakes in the UKGTA brochure?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

One local hotel, the Queen's Hotel, made representations to the Government following publication of the 2004 UKGTA brochure. The brochure consists of two elements: pages written by and provided by tour operators, and pages produced by the Gibraltar Tourist Board. The Chief Executive of the Gibraltar Tourist Board is only responsible for the accuracy of the Gibraltar Tourist Board pages in the brochure. Any inaccuracy noted in tour operator pages is pointed out to the tour operator in question.

**SUPPLEMENTARY TO QUESTION NOS 349 AND 350 OF 2004**

**HON DR J J GARCIA:**

In relation to the representations made by the Queen's Hotel once the brochure was published, can the Minister say what was the substance of the complaint?

**HON J J HOLLIDAY:**

The substance of the complaint was that the Queen's Hotel which appeared under accommodation A to Z section of the general Gibraltar Tourist Board pages did not include a telephone number.

**HON DR J J GARCIA:**

Have I understood the Minister correctly when he said that this appeared under the Tourist Board pages that the telephone number was not included?

**HON J J HOLLIDAY:**

That is right.

**HON DR J J GARCIA:**

Can the Minister then say what action was taken on receipt of the complaint from the Queen's Hotel?

**HON J J HOLLIDAY:**

We agreed with the Queen's Hotel that a flyer would be inserted into the brochure which would include information on the telephone number.

**HON DR J J GARCIA:**

Am I correct in assuming that this would involve an extra cost so what was the extra cost of including a flyer in the many thousands of brochures which I am sure were printed.

**HON J J HOLLIDAY:**

The cost of this is not significant as we had a number of flyers actually printed but the actual cost was not of significance. I cannot recall what the figure was. The Queen's Hotel wanted the flyer to be inserted in every single brochure and we agreed. We were willing to insert the flyer only on brochures that are requested by members of the public directly from us at the Gibraltar Tourist Board the reality is that the main purpose of the brochure apart from distributing to the public is to have them on travel agents and tour operators for them to get relevant information so they would go to the tour operator. This information actually appears on the general pages of Gibraltar because as part of the UKGTA brochure only the three big hotels find it cost effective for them to participate in it so therefore, in order for us to present a far more complete picture to the general public we actually put in general pages ourselves which we list hotels that are not part of this UKGTA forum in order to show that we do have not just three hotels but that we do have more budget rated hotels available in Gibraltar as well. It is part of the general information on Gibraltar rather than specific hard sale that we intend to do by providing that information.

**HON DR J J GARCIA:**

Would the Minister none the less agree to supply information relating to the cost of this flyer and how many flyers were printed?

**HON J J HOLLIDAY:**

I will indeed.

**NO 351 OF 2004**

**THE HON DR J J GARCIA**

**GIBRALTAR OFFICE IN MADRID**

Can Government say how many persons are employed at the Gibraltar Office in Madrid listing the posts that they hold?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

A total of 72 members of the GDC staff are employed with the Gibraltar Tourist Board. They include the 2 members of staff at the Madrid Office, namely the Marketing Co-ordinator and the Officer Administrator.

**SUPPLEMENTARY TO QUESTION NO 347 AND 351 OF 2004**

**HON DR J J GARCIA:**

Is the Madrid Office now manned on a permanent basis?

**HON J J HOLLIDAY:**

Yes.



**NO 352 OF 2004**

**THE HON DR J J GARCIA**

**ST MICHAEL'S CAVE**

How many parties submitted a tender for the maintenance of the audio-lighting system and ancillary equipment at St Michael's Cave?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

Answered together with Question Nos 353 and 354 of 2004.

ORAL

**NO 353 OF 2004**

**THE HON DR J J GARCIA**

**ST MICHAEL'S CAVE**

At what stage is the tender for maintenance of the lighting system at St Michael's Cave?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

Answered together with Question Nos 352 and 354 of 2004.

**NO 354 OF 2004**

**THE HON DR J J GARCIA**

**UPPER ROCK**

How many parties have submitted tenders for the supply of litter bins at the Upper Rock?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

One tender was submitted for the St Michael's Cave Tender and three tenders for the litter bins. The Government decided not to award the St Michael's cave tender to the sole tenderer.

**SUPPLEMENTARY TO QUESTION NOS 352 TO 354 OF 2004**

**HON DR J J GARCIA:**

Can Government say why the tender was not awarded in respect of the maintenance of the audio lighting system and ancillary equipment at St Michael's Cave to the only entity that submitted a tender?

**HON J J HOLLIDAY:**

This was not awarded on two counts, value for money, significant costs and also the level of expertise offered by the tenderer was not appropriate for the maintenance that is required by the system.

**HON DR J J GARCIA:**

Was the tenderer for the maintenance the same company that carried out the original installation in relation to the value for money element and is that why it was not

considered to be value for money because it was a company from abroad or was it a local company?

**HON J J HOLLIDAY:**

It was a local company.

**HON DR J J GARCIA:**

In relation to the second reason as to why the tender was not awarded, the level of expertise, can the Minister say who made that judgement in relation to the level of expertise that is needed for this type of tender?

**HON J J HOLLIDAY:**

I do not know who was in the Tender Board but there must have been an element of technical expertise within the Tender Board to advise on that matter.

**HON DR J J GARCIA:**

Given that there was one tender that the Government rejected who is doing the maintenance of the lights in St Michael's Cave at present?

**HON J J HOLLIDAY:**

The Electricity Authority.

**HON DR J J GARCIA:**

Is it that the Electricity Authority submitted a tender for this at some stage or is it that Government have directly allocated it to them?

**HON CHIEF MINISTER:**

The Government do not organise tenders to award things to its own in-house publicly owned facility. Having the tender is to put things out to the private sector as an alternative of doing it in-house. In-house does not include just Government departments it includes statutory Authorities which are in the public sector.

**HON DR J J GARCIA:**

My question is really aimed at establishing why is the Authority interested in carrying out this type of work which was normally carried out by a private contractor if they did not bid for it at the time?

**HON CHIEF MINISTER:**

Government departments and private sector entities are not at liberty to participate in Government tenders. There is one that does but that is because it is more remote and that is GJBS they sometimes bid for Government tenders but even then very rarely. Government departments and statutory agencies are not at liberty to participate. I have never known a case where a Government department.....the tender is as a potential alternative to it being done by a Government department so the decision is made at political level whether something should be done in-house or go out to tender, goes out to tender, if the prices that come back from the private sector are too high and is more than the Government wants to spend on that then it reverts back to the public sector.

**HON DR J J GARCIA:**

Going back to the original question can the Minister say what was bid by the sole tenderer that was considered not to be value for money and how much it will cost to have the Government do this in-house?

**HON J J HOLLIDAY:**

I am afraid I do not have the relevant information about the actual cost. I can submit it to the hon Member if he wishes.

**HON DR J J GARCIA:**

If the Minister could supply the information I would be grateful for it.

**HON J J BOSSANO:**

Was it being done in-house before it was put out to tender?

**HON J J HOLLIDAY:**

No. It was the actual manufacturers and those that actually put the system in who had an obligation of after sales service maintenance contract and when that expired then it went out to tender.

**HON J J BOSSANO:**

Most of the new thing that is being set up with the Authority having its own separate accounts would a situation like this mean that it would show as revenue the expenditure of the tourism side of the budget or there would not be a paper exercise?

**HON J J HOLLIDAY:**

I am not sure what has actually been agreed but I would tend to say that there would be a cost incurred as far as the Gibraltar Tourist Board budget is concerned and a

revenue on the Electricity Authority as well. The terms to be honest I do not have here with me.

**NO 355 OF 2004**

**THE HON DR J J GARCIA**

**CITY UNDER SIEGE EXHIBITION**

What was the total cost with a breakdown of sending the wax models in the City Under Siege Exhibition to the United Kingdom for refurbishment, and what was the cost of the actual refurbishment itself?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

A fee in the sum of £50,260 was negotiated with H & H Sculptors which included transportation of the models and their refurbishment.

**NO 356 OF 2004****THE HON DR J J GARCIA****GTB – REVENUE COLLECTED**

Can Government say how much revenue has been raised on a monthly basis from March 2003 inclusive:

- (a) by charging coaches that use the coach park?
- (b) In admission fees to the Upper Rock?

**ANSWER****THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

I will hand this information to the hon Member in written format.

**Answer to Question No 356 of 2004**

- (a) Upper Rock Revenue, March-December 2003

|              | £                    |
|--------------|----------------------|
| March 2003   | 153,221.50           |
| April        | 210,657.00           |
| May          | 224,995.00           |
| June         | 210,953.00           |
| July         | 244,514.00           |
| August       | 243,002.00           |
| September    | 227,999.50           |
| October      | 234,306.50           |
| November     | 118,892.00           |
| December     | 83,603.00            |
| <b>Total</b> | <b>£1,952,069.50</b> |



(b) Coach Park Parking Fees, March-December 2003

|              | £                 |
|--------------|-------------------|
| March 2003   | 9,160.00          |
| April        | 9,940.00          |
| May          | 11,160.00         |
| June         | 9,590.00          |
| July         | 8,390.00          |
| August       | 8,350.00          |
| September    | 11,300.00         |
| October      | 12,430.00         |
| November     | 6,360.00          |
| December     | 4,780.00          |
|              | <hr/>             |
| <b>Total</b> | <b>£91,460.00</b> |
|              | <hr/>             |

**NO 357 OF 2004**

**THE HON DR J J GARCIA**

**ST MICHAEL'S CAVE**

On what date did a major tour operator pull out of sending tourists to St Michael's Cave for safety reasons?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

In May 2003, Thomson Travel took a completely unjustified decision without reference to the Gibraltar Tourist Board to stop their clients visiting St Michael's Cave. The GTB in consequence engaged in a successful campaign to make Thomson Travel appreciate that the Cave is safe for visitors and that the reports that they had heard to the contrary were completely without foundation. Thomson Travel visitors therefore continue to visit the Cave.

**SUPPLEMENTARY TO QUESTION NO 357 OF 2004**

**HON DR J J GARCIA:**

Did the decision by Thomson follow several accidents at the Cave on the part of tourists who had come to Gibraltar with them?

**HON J J HOLLIDAY:**

As Thomson Travel reported to us that there had been a few, and I cannot really quantify but it must have been something like maybe two, three, four, accidents that had been suffered by senior citizens who had visited the Cave and had fallen and therefore they decided that they were not going to continue offering St Michael's Cave as part of the Rock Tour because they thought it was unsafe so we then contacted the relevant management that had taken that decision, brought them over to Gibraltar, showed them the Cave, produced the relevant Health and Safety

Reports that had been produced and they were convinced that in fact the Cave was safe for them to continue with their tours.

**HON DR J J GARCIA:**

Is it not also the case that members of staff working at the Cave have also had similar accidents to these senior citizens, presumably those are not senior citizens as well?

**HON J J HOLLIDAY:**

I am not aware of any member of staff actually having had an accident in the Cave. They may have but it definitely has not come to my knowledge.

**NO 358 OF 2004**

**THE HON DR J J GARCIA**

**BARBARY APES**

How many apes have been killed in 2002 and in 2003?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

A total of six in 2002 and 35 in 2003.

**SUPPLEMENTARY TO QUESTION NO 358 OF 2004**

**HON DR J J GARCIA**

Do Government continue to look into other options such as exporting the apes to zoos or parks in other parts of the world or has that avenue now been closed?

**HON J J HOLLIDAY:**

No. That continues to be our policy and GONHS who have management responsibility for the apes consider all other options before they consider the culling of the apes. Once the decision has been taken that culling is the only option I can assure the hon Member that all other options will have been explored.

ORAL

**NO 359 OF 2004**

**THE HON DR J J GARCIA**

**AIRLINES**

With how many airlines interested in flying to Gibraltar are Government currently in discussion with?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

Answered together with Question Nos 360 to 365 of 2004.

**NO 360 OF 2004**

**THE HON DR J J GARCIA**

**AIRLINES**

At what stage are the discussions with the five airlines which were interested in flying to Gibraltar at the last Question Time in the House?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

Answered together with Question Nos 359 and 361 to 365 of 2004.

**NO 361 OF 2004**

**THE HON DR J J GARCIA**

**AIRLINES**

How many airlines have expressed an interest in establishing air links between Gibraltar and the South West region of the UK?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

Answered together with Question Nos 359, 360 and 362 to 365 of 2004.

**NO 362 OF 2004**

**THE HON DR J J GARCIA**

**AIRLINES**

Are there on-going negotiations with Flybe with the aim of opening an air route between Gibraltar and the South West England?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

Answered together with Question Nos 359 to 361 and 363 to 365 of 2004.



**NO 363 OF 2004**

**THE HON DR J J GARCIA**

**AIRLINES**

Do Fly Europa remain interested in flying to Gibraltar and when was the last time the Government had contact with them?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

Answered together with Question Nos 359 to 362, 364 and 365 of 2004.

ORAL

**NO 364 OF 2004**

**THE HON DR J J GARCIA**

**AIRLINES**

How does Government expect the commercial agreement between Iberia and British Airways to impact on flights to Gibraltar?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

Answered together with Question Nos 359 to 363 and 365 of 2004.

**NO 365 OF 2004**

**THE HON DR J J GARCIA**

**AIRLINES**

When do Government foresee the resumption of air links between Gibraltar and Morocco?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

Government are presently in discussion with four airlines. None of these airlines are airlines with which the Government was previously in discussion: at present there is no dialogue with those five airlines. Two airlines have expressed an interest in a route between Gibraltar and South West England, one of which is Flybe and discussions with them continue. Government last had contact with Fly Europa in April 2003 and it would appear that the airline is no longer in existence. Government would wish to see the resumption of air links between Gibraltar and Morocco but there is no immediate prospect of this happening. The Government do not expect any impact on flights to Gibraltar consequent on the commercial discussions between British Airways and Iberia.

**SUPPLEMENTARY TO QUESTION NOS 359 TO 365 OF 2004**

**HON DR J J GARCIA:**

The Minister said that he is in discussion with four airlines. That all the four airlines are new and that two of the four are in respect of links between Gibraltar and the southwest, can the Minister say whether the other two airlines he is in discussion with will open up new routes from Gibraltar airport to a new airport not being served at present?

**HON J J HOLLIDAY:**

Yes.

**HON DR J J GARCIA:**

Is it possible for him to say what airport these are or to give an indication of regional nature, north of England, south, Wales et cetera?

**HON J J HOLLIDAY:**

We are talking of Stanstead and Bristol.

**HON DR J J GARCIA:**

In relation to the airlinks with Morocco which the Minister has said there is now no prospect of re-establishing those links, is it the case that the on-going discussions with regional airlines have now finally and definitely come to an end?

**HON J J HOLLIDAY:**

My understanding is that Regional Airlines have had problems and so therefore there has been a complete change of management and strategy and the long-term prospects of the airline are at risk at the moment. Therefore, the possibilities of coming to an arrangement at least in the short to medium term are quite remote.

**HON DR J J GARCIA:**

I am not certain whether it was Regional Airlines or whether it was another airline that was interested in flying a Morocco route including Gibraltar as a stopover, can he confirm to me if that was Regional airlines or was it a different carrier?

**HON J J HOLLIDAY:**

It was not Regional Airlines it was another operator that came but there was no stopover it was Gibraltar/North Africa type of link. It included Tetuan and Tangiers it came and went nowhere to be seen again.

**HON DR J J GARCIA:**

Do Government consider it important to develop airlinks between Gibraltar and Morocco in the light of business contacts Interreg Funds et cetera and if so what further can be done to encourage that?

**HON CHIEF MINISTER:**

The Government would greatly welcome and would enormously value there being airlinks between Gibraltar and Morocco but at the end of the day the marketplace has got to itself decide whether such a service is commercially viable for the operator. The Government attempts to bring its desires about firstly by talking to people and to applicants and then by participating with them in a negotiation about a degree of publicly funded subsidy of some sort so those are the two ways in which the Government goes about trying to bring it about but at the end of the day just to answer the hon Member's last part about how much more can the Government do, not much more. The Government certainly cannot go so far as to in effect underwrite the commercial viability or the full cost of the operation on an open ended basis it is not that important although it would be desirable. There is a Question on the Order Paper about even the ferry links to Morocco are down to two a week which appears to be what there is demand. The amount of traffic movement that there is however desirable he and I might both agree that it is the actual traffic that exists does not seem to sustain commercial operations for it.

**NO 366 OF 2004**

**THE HON DR J J GARCIA**

**SEA LINKS – GIBRALTAR/MOROCCO**

How many operators are currently providing a service by sea between Gibraltar and Morocco and with what frequency?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

There is a single operator who runs a service on the route on Fridays and Sundays.

**SUPPLEMENTARY TO QUESTION NO 366 OF 2004**

**HON DR J J GARCIA:**

Is it that the operator leaves Gibraltar and goes to Morocco on the Friday and then comes back on the Sunday or is it a round trip on each day?

**HON J J HOLLIDAY:**

No the current operator leaves Morocco on a Friday arrives in Gibraltar and goes back on the same day. On Sunday the same operation is done. Between that time it actually travels to other ports in the area.

**HON DR J J GARCIA:**

The information given by the Minister in this House is in conflict with the information in the Government's Tourism Website when I last looked at it where the indications were that there was a daily service leaving in the mornings and returning in the afternoons, a round trip every day, can the Minister ensure that the information

provided to the tourists who may wish to visit Morocco through Gibraltar is corrected on the Tourist Board's Website?

**HON J J HOLLIDAY:**

Yes.

**NO 367 OF 2004**

**THE HON DR J J GARCIA**

**BOUTIQUE LINER TERMINAL**

Can Government say whether there has been any progress on discussions with a private sector operator to set up a boutique liner terminal in connection with an existing berthing site in Gibraltar?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

No.

**SUPPLEMENTARY TO QUESTION NO 367 OF 2004**

**HON DR J J GARCIA:**

Are there still any on-going discussions regarding the setting up of the boutique liner terminal in connection with an existing berthing site?

**HON J J HOLLIDAY:**

No.

**HON DR J J GARCIA:**

When we originally raised this issue in the House the Minister mentioned that there were two or three sites which were being considered and it emerged subsequently that there was another site in connection with the east side project for this, is it now definitely the case that all the other discussions have fallen through and the only one that remains is the east side project?



**HON J J HOLLIDAY:**

That is correct.

**NO 368 OF 2004****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 30<sup>th</sup> June 2003 and 31<sup>st</sup> December 2003?

**ANSWER****THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

The hon Member has been asking at each meeting of the House how much is owed by hotels in respect of arrears, to monitor the success or otherwise of the Government in recovering debts in respect of social insurance, PAYE and electricity which totalled nearly £1 million. This was the situation inherited by the Government when it came into office in May 1996. The success of the Government in this area is testimony to the way in which tourism in Gibraltar has grown and hotel occupancy increased thereby allowing hotels to clear a large proportion of this debt. Of the original £924,000 owed to the Government, the following amounts remained outstanding on 30<sup>th</sup> June 2003 and 31<sup>st</sup> December 2003:-

|                                |                  |         |
|--------------------------------|------------------|---------|
| 30 <sup>th</sup> June 2003     | PAYE             | £46,180 |
|                                | Electricity      | £91,876 |
|                                | Social Insurance | £19,164 |
| 31 <sup>st</sup> December 2003 | PAYE             | £ 2,180 |
|                                | Electricity      | £53,876 |
|                                | Social Insurance | £ 9,164 |

The total amount still outstanding is therefore about £65,000, and this will be recovered during the first half of 2004.

**NO 369 OF 2004**

**THE HON DR J J GARCIA**

**CRUISE LINERS**

Can Government say what the latest position is in relation to cruise liners calling at Gibraltar from a Spanish port, or sailing to a Spanish port from Gibraltar?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

Both the operations described in the question happen frequently and routinely.

ORAL

NO 370 OF 2004

THE HON DR J J GARCIA

**MEDCRUISE**

What was the cost to the Government of hosting the meeting of the MedCruise Board of Directors in London in September?

ANSWER

THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS

The cost was £974.00.

**NO 371 OF 2004**

**THE HON DR J J GARCIA**

**CRUISE LINERS**

What steps are the Government taking to encourage the development of full-day tours for cruise passengers visiting Gibraltar?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

In cases where a cruise call at Gibraltar is scheduled for a full day, the Government urges Shore Excursion Agents to develop new products to offer cruise passengers. This will encourage more passengers to go on organised tours. Given the size of Gibraltar, it is not feasible to offer a full-day tour. That only occurs at ports where passengers need to travel a certain distance from the ship because places of interest to tour are a greater distance from the port than is the case with Gibraltar. Nor would it be in the commercial interests of retail businesses in Gibraltar that cruise passengers be engaged in organised tours all day.

**SUPPLEMENTARY TO QUESTION NO 371 OF 2004**

**HON DR J J GARCIA:**

Is it not the case that the Minister in the past has highlighted the lack of full day tours as one of the reasons why cruise operators might prefer to go into another port as opposed to coming to Gibraltar?

**HON J J HOLLIDAY:**

Could you repeat the question again please?

**HON DR J J GARCIA:**

Is it not the case that in the past the Minister has highlighted the lack of full day tours as one of the reasons why cruise operators may prefer to go to another port rather than come to Gibraltar?

**HON J J HOLLIDAY:**

Absolutely, what I have said in the past is that obviously the geography and the possibility that are available in Gibraltar due to its size makes it difficult to get cruise calls into Gibraltar for a full day. Let me say that, for example, when one compares the likes of say Malaga and Cadiz when cruise calls actually call at Malaga they are actually intending for tours in Granada and so therefore they tend to be travelling for a couple of hours there and back so the actual tour in itself has a longer duration. When it happens in Cadiz they end up in Sevilla or in Jerez. In Gibraltar if they turn to find themselves within the Upper Rock within minutes of arrival so therefore they find that they can basically carry out the same function in Gibraltar by actually calling in Gibraltar for four to six hours which is the average duration of a cruise call.

**HON DR J J GARCIA:**

In his budget address this financial year which was at the end of June, the Minister said that it is important to highlight one of the problems which Gibraltar suffers with compared to other ports of call in the region. The Gibraltar tours that are sold on board do not allow for full day tours for which a cruise operator can charge a high premium price and make a substantial profit. What this means is that cruise operators are unable to make as much money from shore excursions at Gibraltar when compared with other ports. Given that the Minister accepts that this is what he has been saying what action is the Government taking to try and encourage that the development of these full day tours in terms of, for example, I know that the normal Rock Tour might take two or three hours but combining it with shopping and combining it with some of the other excursions where the Rock tours do not normally stop at or allow enough time for passengers to see the whole of the area. Is Government not thinking of taking any action or encouraging tour operators to take any action in this area considering the problem was identified by Government?

**HON J J HOLLIDAY:**

I think where the confusion is is in the actual duration of the visit and the duration of the tour. The duration of the visit obviously we try and encourage cruises to visit Gibraltar for as long as possible. The duration of the tours have limitations as I have explained before what we try and do is actually try and see whether we can get cruises to actually stay in Gibraltar for longer but not necessarily on tour. We prefer them obviously to spend some of their time going through the shopping experience in Gibraltar and actually spending money in our economy rather than actually being bussed around which really generates very little for the economy as such apart to the tour operators themselves.

**NO 372 OF 2004**

**THE HON DR J J GARCIA**

**ARRIVAL OF YACHTS**

What special security arrangements were put in place for the control of yachts arriving at Queensway Quay when the security state in Gibraltar rose to amber in April/May of 2003?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

Yachts arriving at Queensway Quay prior to the increase in security alert state did not need to report to the Yacht Reporting Berth. With the change in the security alert state, the Government did not consider this acceptable. The operators of the Marina therefore implemented new measures, to the satisfaction of the Government, to ensure that yachts arriving at Queensway Quay had to report to the proper authorities on arrival at the Marina. I can write to the hon Member to furnish more exact details, which is not prudent to discuss openly in this House.

**SUPPLEMENTARY TO QUESTION NO 372 OF 2004**

**HON DR J J GARCIA:**

If the Minister does that we would be grateful for the information but presumably every yacht that came into Gibraltar in that time went through those procedures so there would not necessarily be any secret but if the Minister prefers to put it in writing we will accept that.

**HON J J HOLLIDAY:**

I will.

**NO 373 OF 2004**

**THE HON DR J J GARCIA**

**YACHT VISITS**

Can the Government supply figures for the length of stay of yachts in Gibraltar on a monthly basis for 2001, 2002, and 2003 to date?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

Answered together with Question No 374 of 2004.



**NO 374 OF 2004**

**THE HON DR J J GARCIA**

**YACHT VISITS**

Can Government supply the figures for marina occupancy by yachts on a monthly basis for each month of 2001, 2002 and 2003 to date?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

The information sought is not information which the Government have to hand, as this is not statistical information which is supplied to the Government on a regular basis. The Marinas have been asked to supply the information sought and once it is received it will be sent to the hon Member.

**SUPPLEMENTARY TO QUESTION NOS 373 AND 374 OF 2004**

**HON DR J J GARCIA:**

*"This information is not supplied to the Government on a regular basis,"* is his answer can he say when it was last supplied to the Government?

**HON J J HOLLIDAY:**

In terms of statistics I believe that it was when we were having this exchange of press releases as to whether marinas were actually in deterioration or actually performing better and at that point I did seek some information. I then followed that up recently but in terms of whether the occupancies were actually increasing or whether there was any decrease and the information that was given to me was that the occupancy levels were increasing. We have asked for them but marinas fail to deliver this within the short period of time that we requested.

**HON DR J J GARCIA:**

But does the Minister accept that when we had that exchange and that was in May of last year the marina yacht occupancy figures and the marina length of stay of yacht figures are not part of the official statistics so therefore there would not be figures that will be available to the Opposition?

**HON J J HOLLIDAY:**

Yes that information has not been supplied to him or supplied to me unless I ask them.

**HON DR J J GARCIA:**

I say that because during his budget contribution which was in June the month after we had the exchange the Minister said, “...*what Dr Garcia fails to do is analyse whether the length of stay of yachts has increased.*” Given that that the information is not part of the authorised statistics and is not available to the Opposition not even to the Government it was something quite difficult for us to do but I take the point that the Minister has written to the marinas and we expect that information when he receives it.

**NO 375 OF 2004**

**THE HON DR J J GARCIA**

**YACHT VISITS**

Can Government say, on a monthly basis , of the number of yachts that called at Queensway Quay in 2002 and 2003 how many yachts were monitored and visited on arrival by:

- (a) Customs officers?
- (b) The Immigration authorities?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

Answered together with Question No 376 of 2004.

**NO 376 OF 2004****THE HON DR J J GARCIA****YACHT VISITS**

Can Government say how many yachts arrived at Queensway Quay for each month of 2002 and 2003 to date?

**ANSWER****THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

The information sought is being supplied to the hon Gentleman in written format.

**Answer to Question No 376 of 2004****Yacht Arrivals at Queensway Quay 2002 and 2003**

The following are the yacht arrivals at Queensway Quay. They were cleared by customs as follows:

| Month     | Yachts<br>2002 | Cleared by<br>Fax | Visit<br>and/or<br>searched | Yachts<br>2003 | Cleared by<br>Fax | Visited<br>and/or<br>searched |
|-----------|----------------|-------------------|-----------------------------|----------------|-------------------|-------------------------------|
| January   | 22             | 22                | -                           | 22             | 21                | 1                             |
| February  | 30             | 28                | 2                           | 25             | 24                | 1                             |
| March     | 45             | 45                | -                           | 48             | 46                | 2                             |
| April     | 77             | 77                | -                           | 89             | -                 | 89                            |
| May       | 138            | 138               | -                           | 148            | -                 | 148                           |
| June      | 160            | 160               | -                           | 135            | -                 | 135                           |
| July      | 174            | 174               | -                           | 164            | -                 | 164                           |
| August    | 190            | 190               | -                           | 160            | 64                | 96                            |
| September | 125            | 125               | -                           | 118            | 95                | 23                            |
| October   | 97             | 97                | -                           | 67             | 53                | 14                            |
| November  | 91             | 91                | -                           | 48             | 37                | 11                            |
| December  | 42             | 42                | -                           | 16             | 12                | 4                             |

**Notes:**

During 2002 all yachts arriving at Queensway Quay were cleared by fax communication between the Marina and Customs. Customs visited and/or searched yachts only when suspicious.

As a result of a heightened State of Alert, all yachts arriving at Queensway Marina were visited and/or searched by Customs from 21 March 2003 to 14 August 2003.

This was reduced to only 20 per cent being visited and/or searched from 15 August 2003 to date.

**SUPPLEMENTARY TO QUESTION NOS 375 AND 376 OF 2004**

**HON DR J J GARCIA:**

What the figures show is that these are the figures in relation to the yacht arrivals at Queensway Quay that were cleared by Customs is that in fact if my reading of this is correct the Minister can correct me if I am wrong is that in the whole of 2002 of the several hundred yachts that arrived at Queensway Quay Marina only two were visited or searched the rest of them were cleared by fax is that the case?

**HON J J HOLLIDAY:**

That is the correct, obviously the situation changes in the year 2003 especially during the period in which there were high alerts.

**HON DR J J GARCIA:**

The situation then changes as he says in 2003 in relation to the alerts and also in relation to the fact that this situation came out in public at the time although it seems to me that after April and May is when every yacht is actually visited and searched. I am grateful for the information.

**NO 377 OF 2004**

**THE HON DR J J GARCIA**

**CRUISE LINERS**

What arrangements have been put in place to ensure that the tourist sites remain open when there is a cruise liner in port?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

The question implies that it is only of recent date that arrangements have been put in place to ensure that tourist sites are open outside normal hours to service cruise ships' needs. This is not the case. It was an early priority of the Government to ensure that this happened. At the request of Shore Excursion Agents, the GTB ensure that staff are available to man the sites outside normal hours every day of the year except Christmas Day.

**SUPPLEMENTARY TO QUESTION NO 377 OF 2004**

**HON DR J J GARCIA:**

I know this is not really a tourist site but are Government aware whether the cable car itself remains open when there is a cruise liner in port that may come in late?

**HON J J HOLLIDAY:**

As the hon Member clearly points out the cable car is a private commercial entity which takes a commercial decision as to whether it wishes to have its facilities available or not but from what I understand it depends on the cruise ship that is in port whether it does open or not.

ORAL

**NO 378 OF 2004**

**THE HON DR J J GARCIA**

**BEACH LIFEGUARDS**

What was the commencement and termination date for the contract offered to beach lifeguards for the official bathing season for 2003 and which public holidays were they entitled to during that period?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

Answered together with Question Nos 379 and 380 of 2004.

ORAL

**NO 379 OF 2004**

**THE HON DR J J GARCIA**

**BEACH LIFEGUARDS**

How many beach lifeguards were employed by the Gibraltar Development Corporation for the official bathing season for 2003?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

Answered together with Question Nos 378 and 380 of 2004.



**NO 380 OF 2004**

**THE HON DR J J GARCIA**

**TEMPORARY VISITOR INFORMATION PATROL OFFICERS**

How many Temporary Visitor Information Patrol Officers were employed by the Gibraltar Tourist Board for the period 7 July to 5 September 2003 and how many public holidays were they entitled to during the period of the contract?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

A total of 14 Temporary Visitor Information Patrol Officers were employed, and there were 28 lifeguards at the start of the season on 14<sup>th</sup> June 2003, although there was not full lifeguard cover at the end of the season on 14<sup>th</sup> September 2003, because some persons resigned.

The VIP officers were not required to work on 25<sup>th</sup> August, a public holiday.

Lifeguards were rostered to provide cover at beaches on a seven day a week basis and only enjoyed a public holiday if it fell on a rostered day off.

**NO 381 OF 2004**

**THE HON DR J J GARCIA**

**TERMINALS SUPERVISOR**

Can Government say how many persons applied for the post of Terminals Supervisor advertised on 23 April and how many posts were available?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

There were 32 applicants for two Information Officer vacancies and 10 applicants for the one Terminal Supervisor vacancy.

**SUPPLEMENTARY TO QUESTION NOS 348 AND 381 OF 2004**

**HON DR J J GARCIA:**

Did I understand that in answer to Question No 348 of 2004 it was two applicants?

**HON J J HOLLIDAY:**

A total of 32 applicants.

**HON DR J J GARCIA:**

Can the Minister say first in relation to the vacancies for Information Officer whether those vacancies have now been filled?

**HON J J HOLLIDAY:**

Yes.

**HON DR J J GARCIA:**

In relation to Question No 348 of 2004 it asked how many posts were available?

**HON J J HOLLIDAY:**

I have said in my answer that there were 32 applicants for two Information Officer vacancies.

**HON DR J J GARCIA:**

In relation to Question No 381 of 2004 it was 10 applicants for how many vacancies?

**HON J J HOLLIDAY:**

One.

**NO 382 OF 2004**

**THE HON DR J J GARCIA**

**MOROCCAN TOURISM MINISTER**

Does the Minister for Tourism have a date for his next meeting with the Moroccan Tourism Minister and if so when is it?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

No.

**SUPPLEMENTARY TO QUESTION NO 382 OF 2004**

**HON DR J J GARCIA:**

When the Minister first met with his Moroccan counterpart at a trade fair did the Minister announce an intention to organise a visit by himself to Morocco or by his counterpart to Gibraltar and if so why has that visit not materialised?

**HON J J HOLLIDAY:**

When I met the Minister for Tourism from Morocco in FITUR in Madrid and we agreed that this was going to be the case that I would visit Morocco and he in turn would visit Gibraltar. Unfortunately due to security threats in Morocco between the period of March to the summer period, this did not happen as they recommended that there should not be any official visits during this period. We then subsequently agreed to meet at World Travel Market but unfortunately the elections had been called by then so we agreed that we would re-establish contact with each other after the elections. This has not yet happened.

**HON DR J J GARCIA:**

Am I correct in understanding that the Minister has only met with his Moroccan counterpart once not twice?

**HON J J HOLLIDAY:**

No. We have met twice we have met in Madrid in FITUR and then subsequently at World Travel Market in November last year.

**HON DR J J GARCIA:**

Is the question that we discussed earlier of airlinks between Gibraltar and Morocco one of the issues discussed?

**HON J J HOLLIDAY:**

I do not think it is really appropriate that I should comment on our discussions on specific matters.

**NO 383 OF 2004**

**THE HON DR J J GARCIA**

**TOURISM – PERSONS INTERVIEWED**

Can Government say how many interviews have been carried out with persons who said that they had not stayed at a hotel since March 2003 inclusive, on a monthly basis, stating where they were interviewed and the number interviewed at each location?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

Answered together with Question Nos 384 and 385 of 2004.

**NO 384 OF 2004**

**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 March 2003 inclusive, on a monthly basis, stating where they were interviewed and the number interviewed at each location?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

Answered together with Question Nos 383 and 385 of 2004.

**NO 385 OF 2004**

**THE HON DR J J GARCIA**

**TOURISM – PERSONS INTERVIEWED**

Can Government state of the number of persons who have been interviewed since March 2003 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 TRADE, INDUSTRY AND COMMUNICATIONS**

The information sought by the hon Gentleman is being submitted in written format.



**Answer to Question 385 of 2004**

Answer to Question 383

Interviews of persons who did not stay at a Hotel in Gibraltar

(a)

| 2003      | Total Persons Interviewed | PLACE OF INTERVIEW |      |          |           |        |            |
|-----------|---------------------------|--------------------|------|----------|-----------|--------|------------|
|           |                           | Airport            | Port | Frontier | Waterport | Marina | Coach Park |
| March     | 1389                      | 30                 | 11   | 763      | -         | 1      | 584        |
| April     | 1376                      | 27                 | 173  | 676      | -         | -      | 500        |
| May       | 1864                      | 63                 | 168  | 918      | 1         | -      | 714        |
| June      | 1444                      | 37                 | 99   | 684      | -         | -      | 624        |
| July      | 957                       | 10                 | 170  | 471      | -         | -      | 306        |
| August    | 927                       | 30                 | 217  | 292      | -         | 1      | 387        |
| September | 1015                      | 22                 | 214  | 534      | -         | 2      | 243        |
| October   | 611                       | 4                  | 3    | 591      | -         | 9      | 4          |
| November  | 625                       | 1                  | 12   | 572      | 19        | 21     | -          |
| December  | -                         | -                  | -    | -        | -         | -      | -          |

Answer to Question 384

Interviews of Persons who stayed at Hotels in Gibraltar

(b)

| 2003      | Total Persons Interviewed | PLACE OF INTERVIEW |          |      |            |
|-----------|---------------------------|--------------------|----------|------|------------|
|           |                           | Airport            | Frontier | Port | Coach Park |
| March     | 56                        | 50                 | 3        | -    | 3          |
| April     | 23                        | 22                 | -        | 1    | -          |
| May       | 44                        | 43                 | 1        | -    | -          |
| June      | 59                        | 55                 | 4        | -    | -          |
| July      | 17                        | 17                 | -        | -    | -          |
| August    | 34                        | 33                 | 1        | -    | -          |
| September | 37                        | 36                 | 1        | -    | -          |
| October   | 7                         | 7                  | -        | -    | -          |
| November  | 6                         | 6                  | -        | -    | -          |
| December  | -                         | -                  | -        | -    | -          |

Answer to Question 385

Interviews of Persons who stayed at Hotels in Gibraltar

(c)

| 2003      | Total Persons Interviewed | PLACE OF INTERVIEW |                        |          |                        |           |                        |
|-----------|---------------------------|--------------------|------------------------|----------|------------------------|-----------|------------------------|
|           |                           | Airport            | Average length of stay | Frontier | Average length of stay | Elsewhere | Average length of stay |
| March     | 56                        | 50                 | 4.8                    | 3        | 2.5                    | 3         | 1.0                    |
| April     | 23                        | 22                 | 5.6                    | -        | -                      | 1         | 1.0                    |
| May       | 44                        | 43                 | 4.5                    | 1        | 4.0                    | -         | -                      |
| June      | 59                        | 55                 | 4.7                    | 4        | 2.5                    | -         | -                      |
| July      | 17                        | 17                 | 5.1                    | -        | -                      | -         | -                      |
| August    | 34                        | 33                 | 7.8                    | 1        | 14.0                   | -         | -                      |
| September | 37                        | 36                 | 5.5                    | 1        | 7.0                    | -         | -                      |
| October   | 7                         | 7                  | 5.9                    | -        | -                      | -         | -                      |
| November  | 6                         | 6                  | 3.7                    | -        | -                      | -         | -                      |
| December  | -                         | -                  | -                      | -        | -                      | -         | -                      |

**NO 386 OF 2004**

**THE HON DR J J GARCIA**

**TERCENTENARY BOOK**

How much was paid:-

- (a) to the author,
- (b) to the photographer,
- (c) to the printer,

of the Tercentenary book "300 years of British Gibraltar 1704-2004?"

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

Answered together with Question Nos 387 to 390 of 2004.

ORAL

**NO 387 OF 2004**

**THE HON DR J J GARCIA**

**TERCENTENARY BOOK**

What profit, if any, are Government projected to make from the sale of the Tercentenary book?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

Answered together with Question Nos 386 and 388 to 390 of 2004.

**NO 388 OF 2004**

**THE HON DR J J GARCIA**

**TERCENTENARY BOOK**

How many copies of the Tercentenary Book, "300 Years of British Gibraltar 1704-2004", have been printed, and what was the printing cost per book?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

Answered together with Question Nos 386, 387, 389 and 390 of 2004.

ORAL

**NO 389 OF 2004**

**THE HON DR J J GARCIA**

**TERCENTENARY BOOK**

Can Government say whether the £25 cost of the Tercentenary book is subsidised by the taxpayer in any way?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

Answered together with Question Nos 386 to 388 and 390 of 2004.

**NO 390 OF 2004**

**THE HON DR J J GARCIA**

**TERCENTENARY BOOK**

On what basis and using what criteria did the Government select the author, photographer and printer for the Tercentenary book?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

The Government have not paid the author, the photographer or the printer anything for the Tercentenary Book "300 Years of British Gibraltar 1704-2004." The Government merely committed themselves to purchasing 2,800 books of the 8,200 print run. Some of these books are for marketing use and for presentations. The Government are the sole supplier of the book to bookshops and purchasers who had not placed advance orders with the publisher, and have already recouped more than half of the cost of the books it ordered. The intention is not to make a profit from the sale of the book but to cover costs and there is every likelihood that this will be achieved. This book has not been subsidised by the tax payer. I am prepared to write to the hon Member to inform him of the printing cost per book as this is confidential commercial information. The author and publisher of the book, Mr Peter Bond, was approached by the Tercentenary Committee because of his excellent track record in producing the Millennium book, "Impressions of Gibraltar". As publisher, Mr Bond selected his preferred photographer and printer as the Government were not paying for the publication of the book.

**SUPPLEMENTARY TO QUESTION NOS 386 TO 390 OF 2004**

**HON DR J J GARCIA:**

Just to clarify a couple of points in relation to the answer that the Minister has given to the five questions, is the Minister saying then that the Government have been charged £25.00 for each of the 2,800 books that it committed itself to purchase?

**HON J J HOLLIDAY:**

No, Government have paid the cost of the book.

**NO 391 OF 2004**

**THE HON DR J J GARCIA**

**TERCENTENARY WEBSITE**

When did the design of the Gibraltar Government Tercentenary website go out to tender, how many parties expressed an interest, and for what amount was the contract awarded to the successful party?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

The design did not go out to tender. As designer for the Tercentenary logo, Mr Stephen Perera was asked to develop the theme through the website. In respect of creative work of this nature, it is often very difficult or impossible to go through a tender process. A certain standard of creative excellence is required and a proven ability to deliver in the way that the Government envisages can usually only be obtained by going direct to a graphic designer who has worked in a particular field and understands its needs. The key element is value for money.

**SUPPLEMENTARY TO QUESTION NO 391 OF 2004**

**HON DR J J GARCIA:**

Given that the key element is value for money and the question asks what amount the Government paid, does the Minister have that information?

**HON J J HOLLIDAY:**

Yes. The design and set up costs were £1,700. There is a website maintenance of £220 per month.



**HON DR J J GARCIA:**

In respect of the £220 a month website maintenance what maintenance exactly does the website require?

**HON J J HOLLIDAY:**

There will be constant update of information that will need to be added to the website and various changes made depending on how the programme develops throughout the year.

ORAL

**NO 392 OF 2004**

**THE HON DR J J GARCIA**

**TERCENTENARY - COSTS**

What are the terms and the cost of advertising the Tercentenary on 40 London taxis?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

Answered together with Question No 393 of 2004.

**NO 393 OF 2004**

**THE HON DR J J GARCIA**

**TERCENTENARY - COSTS**

What was the cost of having the Tercentenary design painted on the side of 40 London taxis?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

A contract for 40 London taxis to advertise Gibraltar and our Tercentenary was entered into in the sum of £9,066.67 per calendar month, which equates £226 per taxi per month. This sum includes the design and painting of the taxis in question.

**SUPPLEMENTARY TO QUESTION NOS 392 AND 392 OF 2004**

**HON DR J J GARCIA:**

Just to clarify the point, the Minister has said that the cost of painting the Gibraltar Tercentenary design and the cost of advertising together comes to £9,066 per month for the duration of the year?

**HON J J HOLLIDAY:**

The contract actually started on the 1<sup>st</sup> October 2003 and terminates on the 31<sup>st</sup> December 2004.

ORAL

**NO 394 OF 2004**

**THE HON DR J J GARCIA**

**TERCENTENARY EVENTS CO-ORDINATOR**

How many people applied for the post of Tercentenary Events Co-ordinator?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

Answered together with Question No 395 of 2004.

**NO 395 OF 2004**

**THE HON DR J J GARCIA**

**TERCENTENARY EVENTS CO-ORDINATOR**

What are the conditions of the contract of employment of the Gibraltar Government Tercentenary Events Co-ordinator?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

There were five applicants for the post of Gibraltar Government Tercentenary Events Co-ordinator. The contract is with GRP Conference Limited and requires it to be discharged by Mrs Marilou Guerrero personally. The contract fee is £40,000 per annum and its duration is 15 months. The duties are the co-ordination and organisation of events and other initiatives to celebrate 300 years of British Gibraltar as directed by the Tercentenary Events Director.

ORAL

NO 396 OF 2004

THE HON DR J J GARCIA

**TERCENTENARY EVENTS**

How many ideas for Tercentenary events were submitted by members of the public and what were they?

ANSWER

THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS

Answered together with Question Nos 397 to 400 of 2004.

ORAL

NO 397 OF 2004

THE HON DR J J GARCIA

**TERCENTENARY - COSTS**

What was the cost of commissioning the Tercentenary logo and how many different designs were submitted?

ANSWER

THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS

Answered together with Question Nos 396 and 398 to 400 of 2004.

ORAL

NO 398 OF 2004

THE HON DR J J GARCIA

**TERCENTENARY – COSTS**

What is the Government's budget, with a breakdown, for the Tercentenary events planned for this year?

ANSWER

THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS

Answered together with Question Nos 396, 397, 399 and 400 of 2004.



**NO 399 OF 2004**

**THE HON DR J J GARCIA**

**TERCENTENARY EVENTS**

What Tercentenary events other than the church service and the Parliamentary dinner are planned to take place in the United Kingdom?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

Answered together with Question Nos 396 to 398 and 400 of 2004.

**NO 400 OF 2004**

**THE HON DR J J GARCIA**

**TERCENTENARY EVENTS**

What Tercentenary events followed directly from proposals made by members of the public?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

The information sought by the hon Member is being submitted in written format.

#### **Answer to Question 400**

(a) There were 57 ideas submitted by the general public for Tercentenary events. They are listed below. Those which have been adopted, sometimes with certain changes, are marked with an asterisk.

1. Bars and catering outlets along Main Street to go to the streets from Casemates to the Convent. Drinking vessels with logo could be sold to revellers.
2. Organise a "Real Ale" campaign (British beer) in liaison with local breweries.
3. Promote and enhance local cuisine in participating outlets.
4. International Nursing Conference.
5. Military Tattoo.\*
6. Start 2004 with a Midnight Bonfire and Fireworks at Eastern Beach.
7. Parade of historic events with floats.
8. Parade of floats.
9. "Tall Ship Battle" similar to cardboard boat race.
10. Stay in Gibraltar Day – Fancy Dress Competition for different age groups.
11. A competition to design a new flag for Gibraltar that has all the historical connections but no Spanish link.
12. A cavalcade of thematic floats and other topical themes.
13. Re-unite 60's and 70's groups (ie The Diamond Boys) and perform for us the Gibraltarians 40 or 30 years later.
14. Marching bands to perform (Rooke, St John's, Gib Regiment, Scouts, etc)\*
15. Quiz on relevant topics
16. Freedom of City Parade by the Royal Engineers is scheduled for 20/3/04.
17. Special Commemorative £50 note with the theme of The Rock's 1704 in its "Battleground Series" of publications.\*
18. Tercentenary Stamp issue to include a stamp book and a high value £10 stamp or stamp sheetlet to denote significance of Tercentenary.\*
19. The commemorative, uncirculated and standard 2004 Gib coins to contain themes of the 1704 capture.\*
20. Lobby "Osprey Publications" as to the possibility of publishing a book on the British capture of Gib in 1704 in its "Battleground Series" of publications.

Cont..

**Contd Answer to Question 400 of 2004**

21. Lobby "Leo Cooper/Pen & Sword Books Ltd" as to the possibility of creating a book on the British capture of Gibraltar in 1704 in its "Battleground Series" of publications.
22. Questionnaire on Gibraltar aimed at different age groups.
23. A football match to be played against a premier soccer team. Similar activity with cricket and rugby.
24. Organise a Regatta in the bay.
25. Regatta.
26. Play spanning 300 years of Gibraltar's British History.
27. CD Tunnel Visions could be performed at St Michael's Cave. CD could also be sold in Gibraltar as a promotional tool.
28. Lobby "Cromwell Productions" as to the possibility of creating a documentary of the British capture of Gibraltar in 1704. This could then be offered for sale in dvd/vhs format. It could also be produced for TV Broadcasting as an episode of Cromwell's "History of Warfare" or "Line of Fire" series.
29. Try to arrange that a "Songs of Praise" programme be recorded in Gibraltar.\*
30. Working tableaux at Casemates (people in period dress going about their tasks).
31. Recreate Gibraltar as it was 300 years ago.
32. Making a documentary on the 300 years of Gibraltar British history.
33. 4<sup>th</sup> August 2004 to be made a Bank Holiday.\*
34. The Burial of a Time Capsule.
35. Invite a Member of the Royal family.\*
36. Sell souvenirs and wares throughout Main Street and locate musicians of all types of music (except Spanish) at allocated and reserved points.
37. Walkway from Casemates to Ragged Staff. Also opening of King's Bastion and possible visits to the Convent Gardens.
38. Develop route of Green Lane and old Queen's Road enabling tourists to visit the old Genoese Battery and Devil's Gap Battery.
39. Walkway from Casemates to Moorish Castle and Queen's Lines.
40. Donating three thousand red and white carnations for the week.

cont...

**Contd Answer to Question 400 of 2004**

41. Miscellaneous.
  42. The Queen or a member of the Royal family invited to visit Gibraltar.\*
  43. National Day to be celebrated in August instead of September for 2004 only.
  44. A statue or column of Admiral Rooke be commissioned and placed in the centre of the new John Mackintosh Square or the pillar and statue of General Elliot at the Alameda Gardens be re-sited at John Mackintosh Square.
  45. Invite representative members of all the Regiments who took part in the capture of Gibraltar in 1704.\*
  46. A Genoese militia (who defended the Eastside) be banded together in typical dress of the times.
  47. Offer free use of premises for any event available to meet to discuss and explore other ways in which the Club can contribute to the celebrations.
  48. Event in the USA.\*
  49. Porcelain doll exhibition.
  50. Exhibition related to 300 years of British Gibraltar consisting of family trees of Gibraltar families showing their origins.
  51. Gibraltar Museum to create a special Tercentenary Exhibition in 2004 in its Casemates Exhibition rooms.
  52. Short story competition organised by GBC or any other institution.
  53. Poster/logo competition.
  54. Historical period exhibition held at John Mackintosh Hall.
  55. Llanito Literary Competition.
  56. Living History Exhibition.
  57. Exhibition based on British Gibraltar.
- (b) The additional UK events are:
- a Thanksgiving Service in the City of London Synagogue
  - a Philatelic exhibition of Gibraltar Stamps in London
  - Gibraltar Day in the City of London
  - A Gibraltar exhibition in the Jewish Museum of the City of London

cont...

**Contd Answer to Question 400 of 2004**

- (c) The specific budget for Tercentenary events in the present financial year is £100,000. The budget for 2004/5 has yet to be presented to this House, and this will be done at the appropriate moment. It is not possible at this stage to provide the detailed breakdown sought.
- (d) The cost of designing the Tercentenary logo was £1,500. 18 designs were submitted.

**SUPPLEMENTARY TO QUESTION NOS 396 TO 400 OF 2004**

**HON DR J J GARCIA:**

The answer to Question No 400 which is that there is a list of 57 events submitted by the general public , it is quite a lengthy list so does the Minister know offhand how many of those have been adopted as events which are going to take place?

**HON J J HOLLIDAY:**

I am not sure how many. I can tell the hon Member that all were considered and those that have been taken onboard appear in the provisional programme that has been made public. I think the hon Member will have to do this exercise himself.

**HON DR J J GARCIA:**

The answer to another question. The cost of the Tercentenary logo is that the cost of designing the logo was £1,500 and that 18 designs were submitted, is the Minister in a position to say whether this £1,500 was the cheapest of the 18 or how did it fare?

**HON J J HOLLIDAY:**

The design work was actually presented by one individual. They submitted different options and obviously it kept on coming for comment and going back for further changes and eventually there were 18 submissions before the final logo was approved.

ORAL

**NO 401 OF 2004**

**THE HON DR J J GARCIA**

**EASTSIDE DEVELOPMENT**

Can Government say which tenderer withdrew from the award of the east side project tender, on what date and for what reason?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

Answered together with Question Nos 402 to 407 of 2004.



ORAL

NO 402 OF 2004

THE HON DR J J GARCIA

**EASTSIDE DEVELOPMENT**

Is there a second choice of preferred bidder for the East Side Project on stand-by in case the first choice does not satisfy the Government in some respect?

ANSWER

THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS

Answered together with Question Nos 401 and 403 to 407 of 2004.

ORAL

**NO 403 OF 2004**

**THE HON DR J J GARCIA**

**EASTSIDE DEVELOPMENT**

What is the preferred bidder for the East Side Project expected to do within the 90 days given?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

Answered together with Question Nos 401, 402 and 404 to 407 of 2004.

ORAL

NO 404 OF 2004

THE HON DR J J GARCIA

**EASTSIDE DEVELOPMENT**

Can Government give the reasons why it took them about nine months to decide who was the preferred bidder for the East Side Project?

ANSWER

THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS

Answered together with Question Nos 401 to 403 and 405 to 407 of 2004.

ORAL

**NO 405 OF 2004**

**THE HON DR J J GARCIA**

**EASTSIDE DEVELOPMENT**

Can Government now say whether a full environmental impact assessment will be required in respect of the east side project?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

Answered together with Question Nos 401 to 404, 406 and 407 of 2004.

ORAL

**NO 406 OF 2004**

**THE HON DR J J GARCIA**

**EASTSIDE DEVELOPMENT**

Can Government list the parties that submitted tenders for the East Side Development Project, with a brief outline of the project, indicating which were local consortiums and which were not, and showing the sum of money bid by each?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

Answered together with Question Nos 401 to 405 and 407 of 2004.

**NO 407 OF 2004**

**THE HON DR J J GARCIA**

**EASTSIDE DEVELOPMENT**

On what basis was one particular tenderer for the East Side project selected as the preferred bidder and given the sole option for 90 days?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

The preferred bidder for the Eastside project was required to negotiate the terms of a Development Licence Agreement with the Government within a period of 90 days from the start of negotiations. Should the negotiations fail, there are other short-listed parties which submitted proposals which the Government can consider. One party withdrew from the tender but it is not appropriate at this stage to name the entity concerned or to provide information on the reasons for its decision nor is it possible to provide the details sought in respect of who the tenders were together with details of the project submitted or why one tenderer had been selected as the preferred bidder. The tender has not been awarded yet. Until such time as negotiations with the tenderer are successfully concluded the issue of an environmental impact study does not arise. With regards to the time taken to decide on the preferred bidder the hon Member should realise that the development of the eastside is a major project. Government must ensure that the right decisions are taken. A short list of projects had to be considered in detail and analysed. All short-listed tenderers were asked to submit to further and better particulars of their project. They in turn required assistance and advice which took time to obtain. There was a need for presentations by bidders, discussions with them and the eventual choice of the preferred bidder. The Government are satisfied that there was no undue delay in deciding on the preferred bidder.

**SUPPLEMENTARY TO QUESTION NOS 401 TO 407 OF 2004**

**HON DR J J GARCIA:**

The Minister has said that there are other short-listed parties in answer to one of the question, can he say how many more other short-listed parties are there?

**HON J J HOLLIDAY:**

I think that this information has already been made available to the House previously but if not, there were three short-listed parties.

**HON DR J J GARCIA:**

Given that there were a number of questions taken together I will go through them one by one for supplementaries. In relation to Question No 403 of 2004 and Question No 407 of 2004 which referred to the preferred bidder giving the option for 90 days by the choice of the preferred bidder was announced by the Government in a statement that they issued on 3<sup>rd</sup> October 2003. If my calculations are correct, we are already above 90 days, can the Minister say whether an agreement has been reached within 90 days or has an extension been provided to continue the negotiations?

**HON J J HOLLIDAY:**

The actual 90 days commenced on the 19<sup>th</sup> August 2003 and the 90 day period concluded on 19<sup>th</sup> November 2003. That fell just a few days before the general election so an extension was granted to the negotiating process in order for us to go through the election process and then take a decision.

**HON DR J J GARCIA:**

There is something that does not quite tally. On the 3<sup>rd</sup> October 2003 which is midway through the 90 days in the way that the hon Member has just explained, Government are sued a statement which says, “*..following the public tender process Government have awarded one of the bidders preferred bidder status, this means that they have a 90 day exclusive negotiating right period to reach a detailed and binding agreement with the Government. Those negotiations are now under way.*” This gives the impression that the 90 days started on the 3<sup>rd</sup> October and 90 days from then on the Government will be negotiating with this preferred bidder, is that not the case?

**HON CHIEF MINISTER:**

The 90 days is an initial period that the ‘preferred bidder’ is entitled to and cannot hold the Government to more. In other words, it is a maximum entitlement to period by the preferred bidder but the Government are free to extent for as long as it likes and to give extensions for as long as it likes provided that it is satisfied that satisfactory progress is being made towards reaching an agreement. That is the

position that we are at the moment, only this week the 'preferred bidder' has asked the Government for a further extension and Government will continue to give short extensions whilst we believe that the preferred bidder is negotiating with the Government seriously and with a view to reaching a doable deal. That is the position subject to what the next supplementaries might be I am going to ask the hon Gentleman not to press us further. All of this information is of some commercial value to the other side to the extent that the hon Member gets us to explain our attitude towards extensions in public. These things are useful for the other side to know and therefore given that this is a large commercially sensitive and commercially significant in terms of both development and premium value to the Government, I think that the Government will not allow itself to be pressed further in answer to any question which involves information which involves the negotiations with the 'preferred bidder'. Obviously if the hon Member has other aspects of the project to ask we would be very happy to give them information.

**HON DR J J GARCIA:**

I am grateful for that clarification that was the point that we were trying to establish to see whether in fact there had been extensions granted beyond the 90 days and the Chief Minister has confirmed that there have been and there will be, at least one, that was the point that we wanted to establish. The other issue is more specific and perhaps the Minister will be able to answer it, is he in a position to say whether the projects will contain one or two hotels as it is currently envisaged?

**HON CHIEF MINISTER:**

Again it relates to the content but I will try to give him the maximum amount of information consistent with the Government's negotiating interests. The Government's requirement is for a minimum of one and that is the position that Government adopted with all bidders and with all tenderers. That has been the Government's position from the outset and it has not changed.

**HON J J BOSSANO:**

Is the preferred bidder expected or required to put cash up front and presumably this is not something he does not know so he is not going to find out from me putting the question because he must have already been told whether he is expected to put up cash or not?

**HON CHIEF MINISTER:**

The comment that the Leader of the Opposition adds namely that the 'preferred bidder' already knows the answer and therefore there is no reason not to put it in the public domain is actually not exhaustive as to the prejudice that it does to the Government's negotiating procedure because if the negotiations break down with the preferred bidder this information will be of very significant value to the second bidder, somebody with which we might wish to negotiate later would know what it was that we were holding out for with the unsuccessful bidder but given that the Government would not take a different position with the second bidder anyway the position is that the transaction envisages the payment of a substantial premium and that it envisages



that a significant part of that premium will be payable upon the signing of the development licence agreement.

**HON DR J J GARCIA:**

Can the Government say whether this project is or perhaps will be linked to the project to expand Eastern Beach and Catalan Bay which was also put out to the tender at the time?

**HON CHIEF MINISTER:**

The Beaches Project which is how the Government knows the project to which the hon Member has referred is a Government project and not a project that will belong to the successful bidder of the east side project. However, because for technical reasons it is desirable both as to cost and as to marrying one project and another it is preferable although not essential that they both be done at the same time and by the same party. One of the options available to the Government are to contract the successful bidder as a contractor to the Government not as a developer of the Beaches Project if he understands me. So, if that were to materialise in that way the successful bidder would be the developer of the east side project and the Government's contractor in respect of the Beaches Project pursuant to a separate contract.

**HON J J BOSSANO:**

In terms of this substantial sum that they are expected to put up if they are successful it is not that different people have been asked to put up a sum, we are talking about what the Government in its own mind has got as a figure that it is looking for or is it that it is like an auction and different people have said how much are you prepared to pay?

**HON CHIEF MINISTER:**

The Government are only negotiating with one party.

**HON J J BOSSANO:**

When it opened initially was it done like that, when they open bids is that what it was?

**HON CHIEF MINISTER:**

Yes. The bids that were submitted included the premium that they were willing to offer.

**NO 408 OF 2004**

**THE HON DR J J GARCIA**

**VISIT BY SPANISH TRAVEL JOURNALISTS**

What was the cost of inviting eleven Spanish travel journalists to Gibraltar in November, what media did they represent, and what publicity has been obtained as a result of these visits?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

The information sought is being submitted to the hon Gentleman in written format.

The 11 travel journalists were:-

|                        |   |               |
|------------------------|---|---------------|
| Pablo Ignacio Dalmases | - | Onda Cero     |
| Albert Hernaiz         | - | La Vanguardia |
| Carolina Lopez         | - | Guia Del Ocio |
| D Jose Gil Franqueza   | - | De Viajes     |
| Cristina Sanchez       | - | Telva         |
| Ana Ruiz Cortezo       | - | Editur        |
| Pilar Pardinias        | - | Ronda Iberia  |
| Ernesto Melcon         | - | Eventos XXI   |
| Guzman Cobos Garcia    | - | Aire Libre    |
| Victoria Hinojosa      | - | Preferente    |
| Pedro Aviles           | - | Jubilo        |

The cost of the familiarisation trip was £5,080.

An article has already appeared in Preferente. However, the other journalists are committed to publishing articles in the editions of their publications which come out for FITUR in late January 2004.

**SUPPLEMENTARY TO QUESTION NO 408 OF 2004**

**HON DR J J GARCIA:**

In relation to the answer passed on to me in writing by the Minister regarding the 11 Spanish travel journalists, the cost of the trip is given here as being £5,080 for the 11 journalists, can the Minister perhaps clarify whether these people came by air to Malaga or by rail or which mode of transport was used?

**HON J J HOLLIDAY:**

The delegation came down by train from Madrid.

**NO 409 OF 2004**

**THE HON MISS M I MONTEGRIFFO**

**WESTERN BEACH**

Can the Government now confirm when they can expect to transfer the boats at Western Beach to the area of Coaling Island, something they promised to do nearly four years ago?

**ANSWER**

**THE HON THE MINISTER FOR TRADE, INDUSTRY AND COMMUNICATIONS**

The transfer will take place when all relevant construction and marina related works are completed, following the successful conclusion of a reprovisioning agreement with MOD. We expect that the move will take place this year.

**SUPPLEMENTARY TO QUESTION NO 409 OF 2004**

**HON MISS M I MONTEGRIFFO:**

Are we still talking about the fee that the Government expected to incur as regards the facilities that they need to provide?

**HON CHIEF MINISTER:**

Just before answering that question can I point out to the hon Lady that the premise and the factual content of her original question is false. Yes, it is false, Government did not promise to do anything four years ago they did not promise to transfer the boats to Western Beach in fact longer than four years ago the Government committed itself to transferring the boat owners to Coaling Island when the Coaling Island had been made available to the Government by the Ministry of Defence which is not the same thing as the way she has asked the question which suggests that Government have been default of a promise for four years having had the wherewithal with which to honour it and has simply chosen not to do so.

**HON MISS M I MONTEGRIFFO:**

Can Government not confirm that they reacted to a statement made by the boatowners themselves saying that they were expressing doubt as to its commitment and Government actually said in their statement that they were detailing the six years of negotiations?

**HON CHIEF MINISTER:**

No.

**HON MISS M I MONTEGRIFFO:**

This is a Government statement is he saying that he does not believe that he issued the statement?

**HON CHIEF MINISTER:**

We issue lots of statements.

**HON MISS M I MONTEGRIFFO:**

Therefore he is not accepting that his statement is correct he is saying that what he issued is false is that correct?

**HON CHIEF MINISTER:**

No. What I am saying is that the hon Lady persists in saying things that are not true. Government have never promised to do anything regardless of other events happening which were outside of its control and the Government have made it perfectly clear from the outset that it was promising and committing itself to transfer the boatowners to Coaling Island as soon as the necessary land transfer deal could be negotiated with the MOD. Since it has only recently been possible to conclude the conditional aspect of that the promise has not been outstanding for four years as the question falsely suggests.

**HON J J BOSSANO:**

Is the Chief Minister aware that for the second occasion in replying being just now he has said that the promises to transfer the boatowners to Coaling Island and would he like to rectify that before he accuses us of having put words in his mouth that he did not say?

**HON CHIEF MINISTER:**

Is the Leader of the Opposition seriously drawing a distinction between the boats and the boatowners?

**HON J J BOSSANO:**

Absolutely, unless he is saying that he is going to put everybody in the water in the Coaling Island presumably he is transferring the boats and not the boatowners.

**HON F R PICARDO:**

Perhaps the Chief Minister can agree that in the press release that he did issue and I am sure that he will accept that he did issue the Government referred to the legitimate and agreed expectations of the boatowners and that therefore it is not the Opposition that believe that he promised something but obviously clearly in his own statement also the boatowners.

**HON CHIEF MINISTER:**

No. That line of logic is as illogical as the hon Lady next to him and the boatowners themselves understand where the problems have laid and they do not blame the Government they know where the problems are made so, the answer to the hon Gentleman is no he is entirely wrong and the Government have honoured its obligation and promised and commitment which was to proceed without delay with the transfer as soon as it was physically in a position to do so which is when the deal with the MOD has been done.

**HON F R PICARDO:**

Therefore the extent of the Government's promise is to try ..

**HON CHIEF MINISTER:**

It is really very difficult to debate with the hon Member of Opposite . I have less difficulty I have to say with people who should know better. The hon Member must know that when land belongs to the MOD and when Gibraltar would like to do something on that land it is a matter of reality of life that it cannot be done until the land is procured from the MOD. The MOD are not obliged to give up land they are entitled to negotiate and place conditions and demand price et cetera, et cetera and therefore if the hon Member cannot understand that Government cannot just expropriate land from the MOD and therefore requires to negotiate with the MOD he will not ask the question that he has just asked. Obviously the Government if it wants to do something on MOD land cannot do it until the land has been acquired by the Government. Yes, that is absolutely right could it possibly be any other way?

**HON F R PICARDO:**

Therefore the Chief Minister is agreeing with me that the full extent of the promise or commitment is that they would try to get the land back by negotiation and once they got it back then to effect the transfer but really the full extent of the commitment is only to try?

**HON CHIEF MINISTER:**

The hon Member's logic limitations are becoming quite apparent. The Government's commitment was to relocate the marina once the land had been obtained from the MOD for which the Government was then and has until recently been in negotiations with the MOD. That was the Government's commitment.

**HON F R PICARDO:**

I have never been in a public school debating society so I do not know whether it is common for them to call themselves illogical but certainly in the comprehensive education which I had it was uncommon when debating to accuse other people as the Chief Minister has done in this case but I thank him because he has proved the point that the hon Lady was trying to show, namely that the Government have been able to progress this matter not one jot.

ORAL

**NO 410 OF 2004**

**THE HON C A BRUZON**

**LANDLORD AND TENANT ORDINANCE**

Can Government state when it expects to finalise the process of consultation in relation to the reform announced of the Landlord and Tenants Ordinance?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Government expect to publish legislative proposals to reform the Landlord and Tenant Ordinance in the first six months of this year. Consultations have not yet been concluded.



**NO 411 OF 2004**

**THE HON L A RANDALL**

**MUNICIPALITY OF LOS BARRIOS**

Can Government state whether they are involved jointly with the Municipality of Los Barrios in Spain, in a venture to attract a recycling company to Los Barrios?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The Government are not involved jointly with the Municipality of Los Barrios in this project.

**SUPPLEMENTARY TO QUESTION NO 412 OF 2004**

**HON DR J J GARCIA:**

Is any Government entity or company in which the Government have a shareholding involved in this project?

**HON CHIEF MINISTER:**

No and to save the hon Member the trouble of formulating 20 questions, the Government are not either directly or indirectly or by whatever any other means involved in this matter.

**NO 412 OF 2004**

**THE HON L A RANDALL**

**HARBOUR VIEWS**

Can Government state whether it has now given the go ahead to Land Property Services to sell parking spaces within Harbour Views to tenants of the Estate?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The sale of car parking spaces in Harbour Views is pending consideration of the podium remedial works, and whether the execution of those works will require the Government's spaces to be available for temporary relocation of flat owner's spaces during those works.

**NO 413 OF 2004**

**THE HON L A RANDALL**

**POST OF HUMAN RESOURCES MANAGER**

Can Government state whether they have now recruited a Human Resources Manager?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The Government have a Human Resources Manager.

**SUPPLEMENTARY TO QUESTION NO 413 OF 2004**

**HON S E LINARES:**

Is the Human Resources Manager on an acting, temporary or permanent basis?

**HON CHIEF MINISTER:**

I am not sure. I do not think that he is still acting but I could not be completely sure.

**HON J J BOSSANO:**

The last time we asked he was acting and what we are trying to find out is if there has been any change since the last time?

**HON CHIEF MINISTER:**

I could not tell the hon Members, I am not aware that he is still acting but he could be. If they think that he is he might be.

**HON J J BOSSANO:**

The last time that we asked was a long time ago because we have not been able to ask since March 2003.

**HON L A RANDALL:**

In answer to Question No 374 of 2003 Government was not sure if it would go to an incumbent on upgrading in post or whether the vacancy would be thrown open that is why I am asking the question?

**HON CHIEF MINISTER:**

If that is the issue I believe that it is being done by the incumbent in post.

**HON L A RANDALL:**

Is the post that of Senior Officer?

**HON CHIEF MINISTER:**

I believe that the incumbent is a Senior Officer.

**NO 414 OF 2004**

**THE HON L A RANDALL**

**LAND PROPERTY SERVICES**

Can Government state whether they have now signed a new contract with Land Property Services?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Not yet.

**SUPPLEMENTARY TO QUESTION NO 414 OF 2004**

**HON L A RANDALL:**

May I ask the Chief Minister if they propose to conclude this soon or what stage are the negotiations at?

**HON CHIEF MINISTER:**

I understand that the negotiations are very advanced and a paper has recently been submitted to my office for ministerial approval of the arrangements and therefore I suppose that it will be either approved quickly or submitted to further negotiations depending on the views that Ministers take of what has been arrived at so far, it is very advanced now.

ORAL

**NO 415 OF 2004**

**THE HON S E LINARES**

**THEATRE ROYAL**

Can the Government state to whom the tender for the construction of the Theatre Royal has been awarded to?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question No 416 to 420 of 2004.

ORAL

NO 416 OF 2004

THE HON S E LINARES

**THEATRE ROYAL**

Can Government state what will be the cost of the Theatre Royal once completed?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos 415 and 417 to 420 of 2004.

ORAL

NO 417 OF 2004

THE HON S E LINARES

**THEATRE ROYAL**

Can Government state how much has been spent on the Theatre Royal to date?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos 415, 416 and 418 to 420.



ORAL

**NO 418 OF 2004**

**THE HON S E LINARES**

**THEATRE ROYAL**

Can the Government state how much money has been obtained from the European Union for the Theatre Royal to date?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos 415 to 417 and 419 to 420 of 2004.

ORAL

**NO 419 OF 2004**

**THE HON DR J J GARCIA**

**THEATRE ROYAL**

Can Government state whether asbestos has been found in the Theatre Royal subsequent to the signing of the contract with the owners of the property?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos 415 to 418 and 420 of 2004.

**NO 420 OF 2004**

**THE HON S E LINARES**

**THEATRE ROYAL**

Can Government state whether the Theatre Royal will be managed by the Ministry of Culture?

**ANSWER**

**THE HON THE CHIEF MINISTER**

**Answer to Question No 415 of 2004**

The tender of the Second Stage of the construction has not yet been awarded.

**Answer to Question No 416 of 2004**

The approved budget is £8.5 million.

**Answer to Question No 417 of 2004**

The total amount spent on the Theatre Royal to date has been £3,063,709.48.

**Answer to Question No 418 of 2004**

A total of £481,855.94 of EU money has been obtained as at 31<sup>st</sup> December 2003.

**Answer to Question No 419 of 2004**

Asbestos residue was found in the Theatre Royal in August 2002. A Clean Air Certificate was issued on 19<sup>th</sup> November 2002.

**Answer to Question No 420 of 2004**

It has not yet been decided how or by whom a new Theatre Royal would be managed. It would either be by the Ministry for Culture or, under its auspices.

**SUPPLEMENTARY TO QUESTION NOS 415 TO 420 OF 2004**

**HON S E LINARES:**

If the finding of the asbestos was in August 2002 the Chief Minister is then confirming that this asbestos was found after the signing of the agreement with the owners, correct?

**HON CHIEF MINISTER:**

I cannot remember the date in which the agreement with the owners was signed but I do not suppose that we had access to the building to conduct construction works in it until after the date of the agreement so by that logic I suppose it must be as he says, yes, but unless he can remind me of the date if he has it...

**HON S E LINARES:**

The date of the agreement of was in 2001 for the Chief Minister's information and 2002 was the year asbestos was found, would it not have been the logic that before signing the agreement with the owners that inspections and at least surveys were done of the property?

**HON CHIEF MINISTER:**

No.

**HON S E LINARES:**

Are Government envisaging more money from the EU?

**HON CHIEF MINISTER:**

Yes.

**HON S E LINARES:**

Government said that they would be spending £8.5 million once completed, can the Chief Minister explain why they have budgeted £9.8 million according to the Estimates of Expenditure?

**HON CHIEF MINISTER:**

The budget is £8.5 million.

**HON S E LINARES:**

I beg to differ, it might be a budget that they originally thought of but the budget in the estimate is £9.8 million, is it because they are envisaging over-budgeting on the Theatre Royal?

**HON CHIEF MINISTER:**

The hon Member will have to agree the terminology here between the budgets in the context of the contractors and the approved budget in the Government's Estimates of Revenue and Expenditure. The budget that the Government have set themselves for the construction of the Theatre Royal is £8.5 million.

**HON S E LINARES:**

Is the cost of the project then £9.8 million?

**HON CHIEF MINISTER:**

No, £8.5 million is the budget for the construction that is the amount of money that the Government have budgeted. The hon Member say that there is a different figure in the Estimates. I would have to find the explanation for that. I am telling him now what is the Government's budgeted figure, not budgeted in the sense of approved estimates but the amount of money that the Government have decided to spend in that respect is £8.5 million. If there is a higher figure there has to be an explanation of which I am not aware but it is not the fact that Government intends to spend that sum on the construction of the Theatre Royal.

**HON J J BOSSANO:**

Given that the item in the Improvement and Development Fund is described as Theatre Royal refurbishment, is it that by using the word '*construction*' there are £1 million of other costs?

**HON CHIEF MINISTER:**

If that is not an error and there is an explanation, a real explanation not a semantic one.

**HON J J BOSSANO:**

In the estimates before the House at budget time last year it was shown as an EU Objective 1 Project. Is the sum that has been given to the House today of the

amount received from the European Union Funding all the European Union money or is there more to come?

**HON CHIEF MINISTER:**

I believe that there is more to come. There is a cut-off date from one programme to another. I think that there is more to come than that but I would not be able to give the hon Member details about that.

**HON J J BOSSANO:**

When this project was originally announced in the House was there not a need to complete certain works by a certain date in order to be able to get the money that was thought to be available initially, I am speaking from memory but I am pretty sure that dates were given in the House as to the work having to be started and completed by certain dates to get the initial sum that was being bid for under EU. Is this the same we have got or is it some thing else?

**HON CHIEF MINISTER:**

I do not have with me the detailed breakdown but I certainly recall that in order to maximise the amount that was available by a certain date materials were purchased in advance and they are in storage but as to sums of whether it was the full....I need to further .....

**HON S E LINARES:**

Is it still with the EU funding a 60/40 arrangement in which the EU will be paying 40 per cent and the Gibraltar Government 60 per cent as the Minister stated in answer to certain questions I made at the time?

**HON CHIEF MINISTER:**

I do not know whether as things now stand it will be 60/40 on the full amount of the project or whether some of the sums originally allocated to this project given the delays that it has suffered may have been diverted to other projects. I would have to find out whether there is still full funding available for 40 per cent of this project available from EU funds.

**NO 421 OF 2004**

**THE HON S E LINARES**

**CIVIL SERVICE**

Can Government state whether it is their policy not to allow Civil Servants to use Government telephones for private or charitable matters?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The political Government have no policy on this matter but assumes that telephones provided to Civil Servants, the usage of which is paid for by Government, are used for official Government business.

**SUPPLEMENTARY TO QUESTION NO 421 OF 2004**

**HON S E LINARES:**

Are these instructions given to the Head of Department and therefore disciplinary action will be taken against members of the Civil Service if they do so or phone out privately?

**HON CHIEF MINISTER:**

I have not suggested in my answer that there are any instructions.

**HON S E LINARES:**

I am actually asking him whether there has been?

**HON CHIEF MINISTER:**

I have not given anybody any instructions and to my knowledge nor has any Minister.



**ORAL  
WITHDRAWN**

**NO 422 OF 2004**

**THE HON F R PICARDO**

**XXXXXXXXXXXX**

Can Government state if it is still its intention to introduce the new business tax structure on 1<sup>st</sup> July 2004?

**ANSWER**

**NO 423 OF 2004**

**THE HON J J BOSSANO**

**BUSINESS TAX STRUCTURE**

Is it still Government's intention to introduce the new business tax structure on 1<sup>st</sup> July 2004?

**ANSWER**

**THE HON THE CHIEF MINISTER**

This depends on the EU Commission. Subject thereto, it is Government's intention to do so.

**SUPPLEMENTARY TO QUESTION NO 423 OF 2004**

**HON J J BOSSANO:**

I know that was the original position, obviously I am asking at this stage because there appears to be at least from the information that has come our way less than 50/50 chance that the decision will be forthcoming before the 1<sup>st</sup> July and therefore the question really is on the premise that would it still do it if the Commission had not replied before July perhaps that is what I should have said?

**HON CHIEF MINISTER:**

I am aware of the statements, if he does not mind my saying so, rash statements made by the hon Members of the Opposition in their own manifesto in which I think they said that they would proceed with some sort of plan regardless. The hon Members need to bear in mind that there are two dimensions to this issue in terms of EU Legality. One relates to the nitty gritty of the measure itself and I suppose the hon Members or indeed the Government might be able to devise another tax scheme which was less likely to fall foul of the State Aid Rules on this one in terms of the

content of the proposal. Indeed it might be possible to devise a scheme of revenue and or taxation which did not invoke breach of the taxation which did not involve conceivably breach of the State Aid Rules itself, it might be possible I am not saying that it is easy or that it is not severely disruptive. That by itself would not be the whole story because the issue now is not so much the nitty gritty or the content of the Government's proposal but rather this issue of regional selectivity which would apply to every and any other scheme other than the existing corporate tax laws of Gibraltar. What the Commission is saying in the regional selectivity issue although we are very confident that it would not end up being applied to Gibraltar but the regional selectivity principal applied to Gibraltar would preclude Gibraltar from having a tax system different to the United Kingdom's. So, we would not be arguing what we would like our tax system to be or whether my system is better than his or indeed of whether he can think of one that could be implemented sooner or later than the Government's, it would simply be a question of Gibraltar being compelled to have the same tax regime as the United Kingdom. That is the reason for the delay now not a consideration of the technical content of Gibraltar's notified tax regime. In that circumstance anything that were done and if things could be done, we could all say we could just take the risk and do this or that or something else, any such thing that were done without EU approval would be new as opposed to existing aid bear in mind the hon Member will recall the discussions we have had about the difference that we are only able to continue even with the existing exempt status regime because we took the Commission to court and won on the question of whether the exempt status regime was new or existing aid. They said it was new aid and therefore subject to immediate suspension and subject to recoverability if it was eventually found to be unlawful, we said it was at worst existing aid in which case we could continue it and if it eventually turned out to be unlawful not subject to recoverability. That is a vital distinction because anything that were done which would be new aid which would certainly include anything that were done now for July of next year would definitely new it was not existing at the time that we joined the Community, the Finance Centre could not live with because it could not be offered to clients with any degree of certainty that it would not have to be refunded. That the tax benefit derived for the customer would not have to be refunded to the Government under the recoverability rules and as if that were not bad enough the Commission could immediately say, "*We are investigating it.*" And because it is new aid our decision to investigate it has immediate suspensory effect. So, not only could they cause one to suspend it immediately the day after one has introduced it but if they did not do that one would still be in danger of recoverability so about the only thing that might be doable by the 1<sup>st</sup> July regardless of EU Commission approval would be the abolition of corporation tax altogether on companies but to anything that involves a new tax law would definitely require notification and be subject to everything that I have just explained and I would like to withdraw what I have just said that even that could be done because to abolish corporation tax would be a breach of the principle of regional selectivity if it correctly applies to Gibraltar because having no corporate tax in Gibraltar is not the same thing as having the tax regime as the UK. The real issue now which is why I started by saying that I thought that the hon Members' manifesto commitment was rash because I think it failed to have due regard to the issue of regional selectivity which if it is sustained in it's application to Gibraltar would require us to have the same tax regime as the United Kingdom and that includes having no tax as well as having a lower tax so the option of doing things unilaterally on the 1<sup>st</sup> July attractive as it might at first sight seem works neither in law nor in delivering the certainty that the Finance Centre craves for.

**HON J J BOSSANO:**

Perhaps the Chief Minister will agree that those are not the arguments that he used the last time that we asked him about this. If he looks back he will find that his argument then was that because there had been slippage and because it was not manageable to do it in mid tax year and because it was wiser to wait for the decision to be made rather than do something and then find that it needed amending as a result of on-going discussions with the Commission, it was more prudent to delay it for another tax year and we in fact agreed with the Government that that was a sensible approach.

**HON CHIEF MINISTER:**

At that stage the issue of regional selectivity was not at the fore. That was at the stage where the Commission was simply considering the merits of our proposal as against the State Aids Regulations. What has now happened is that they have stopped asking us for information on that and when I last went to Brussels sometime in the autumn of last year and asked, "*is there any more information that you want on our reforms?*" the answer was "*No*" in effect the matter is pending (a)Europe-wide discussion on regional selectivity. The regional selectivity debate is not specific to Gibraltar it is for the whole of the EU and all the sub-layers of Governments in Member States that have taxation powers. I said, "*Can we not for these obvious reasons that Gibraltar is not a region of the United Kingdom can you not surely immediately accept that whether or not the Commission is right in it's regional selectivity arguments with respect to everybody else, it obviously would not apply to Gibraltar, and the question now is whether we can persuade the Commission to extricate Gibraltar from the ring-fenced debate and that they should proceed with considering our notified proposal on its merits on the basis that the regional selectivity principle whatever may be its applicability elsewhere cannot apply to Gibraltar because Gibraltar is not a region of the United Kingdom.*" There are many arguments that have been advanced to try and persuade the Commission of that most simply that if Gibraltar did not have its own tax laws, the United Kingdom's still would not apply to Gibraltar. Unlike all the other regions that whereby the taxing powers of the sub-set so to speak is in derogation of the National System so if there was not a subset derogation, for example, by the Landau in Germany or by Scotland the United Kingdom National System would then apply. There are many, many arguments. I would not want the hon Member to think that that is the only one there are many arguments but that is now the issue and that has come to the forefront because the Commission has in a sense the debate in the Commission about the relevance generally of the regional selectivity principal Europe-wide has arrived on the scene after our own notification but our own notification has now in effect been arrested by until somebody is willing to make the decision not to await the outcome of the regional selectivity discussion. That said, the 18 months that is allowed to the Commission to consider the scheme that we notified expires I am advised in very early February. That is the earliest time that the Government of Gibraltar could take any action for failure to act on the part of the Commission. In other words, it is entitled to 18 months and one cannot complain if within that 18 months period they have not said yae or nae but that 18 month period is about to expire.

**HON J J BOSSANO:**

Given that I think both sides of the House agree that the regional selectivity in Gibraltar's case is completely absurd there are many, many arguments that can be

paraded against him and that the Chief Minister has said that the regional selectivity would apply to this or anything else that was not exactly the same as the UK it would obviously raise many more questions on the Finance Centre.

**HON CHIEF MINISTER:**

If the hon Member could give way he would have heard me say that if the regional selectivity arguments succeeds the least of the casualties is the fate of the Government's tax reforms there are then massive Constitutional and economic implications which do not bear thinking about, which is I suppose, amongst others, the reasons why the United Kingdom is as persuaded and as firm and as robust as we are in this matter.

**HON J J BOSSANO:**

Therefore on that basis we ought to be looking at this on the premise that as he says if this was in fact a non-starter because the regional selectivity argument was deemed to be applicable we would be facing a completely different scenario with lots of other problems which would require this House to be addressing what it is doing here even if it does not even have the power to raise taxation. But is it the case then that the Government's position is that until the question of regional selectivity is decided one way or the other whether it is exclusively for Gibraltar or in the context of the whole EU it will not be able to move all the tax structure?

**HON CHIEF MINISTER:**

That is an issue, not that issue but what the Leader of the Opposition has just said touches upon an issue about which the Government are about to embark on extensive consultation to the industry because there is a choice to be made here, either we accept to wait, to sit on our hands and await the decision which we hope will be that regional selectivity, Gibraltar can be excluded from the regional selectivity debate on the basis that at least in the meantime the Commission is playing ball and is not aggressively pursuing its exempt status investigation so that we are at least able to carry on with the existing regime, remember that these are two different dossiers, one is the notification of our new reform and a quite separate thing is the investigation into the legality of our exempt status regime. If we were to adopt.....

**HON J J BOSSANO:**

That would be as existing aid.

**HON CHIEF MINISTER:**

...as existing aid but they could close it at any time and once they closed it, if they were to decide tomorrow as they could. That they have finished their enquiries on the exempt status and they have reached the conclusion that it is unlawful then it becomes unlawful regardless one has to stop. So, the choice is, to sit on our hands, not provoke the Commission and therefore continue to benefit from the status quo, it at least gives the industry some sort of product or adopt a more aggressive stance

with the Commission with no guarantee that that will result in an approval of the tax scheme but with the risk that they might then close the exempt status regime and then we end up with neither. That is a tactical choice upon which the Government wishes to consult with the industry who would ultimately be, let me say that the people in the industry who are knowledgeable of these things and follow the case and who make enquiry with the Government tend to favour [INTERRUPTION]. It is economically quite important not just to the Finance Centre but to us all.

**HON J J BOSSANO:**

Do Government not agree that given the way he has put the choice what answer does he expect to get if he tells people, *“Look you have got a choice, either one is let to do the business that one is doing because the Commission is not pursuing this very aggressively and we sit down on our hands and pray for the best possible result or else, we can choose to be more aggressive and provoke the wrath of the Commissioner and then one might finish up with nothing,”* and if that is the choice I think it is a pre-foregone conclusion what the answer might be?

**HON CHIEF MINISTER:**

But that is the reality. I hope that the Leader of the Opposition is not suggesting that we are somehow distorting the reality in order to obtain a particular result. That is the reality. In all the starkness that he has made it sound that is the reality and I think that the Government are duty bound to lay out the realities to the industry and to at least give them the opportunity to give an informed opinion to the Government.

**HON J J BOSSANO:**

At one stage it was being argued by the United Kingdom I am not sure where that argument is today but at one stage it was being argued right at the beginning that there was an obligation and there was this question of whether that political agreement or an enforceable obligation to roll back what we were already doing by 2005 and I think they were saying that in the context of the exempt company being existing state aid.

**HON CHIEF MINISTER:**

No. The leader of the Opposition is correct except as to the source. The source was not state aid at all, the source was the code of conduct, the Primorolo Group Assessment. Other than that he is entirely right. It is clearly understood by everybody that we cannot be pressed on that until we have something to replace it with and the United Kingdom understands the logic and fairness of that position and is therefore not pressing us on the roll back or even on the standstill.

**HON F R PICARDO:**

The Chief Minister has said that the industry is really presented now with a very stark choice whether or not we proceed aggressively against the Commission which may incur their wrath also relation to our existing Finance Centre product. In fact, our existing Finance Centre products because all our Finance Centre products will fall if

the argument of regional selectivity obviously succeeds but I recall hearing the Chief Minister saying in more than one occasion that it would not come to this because there was always a plan B, is this time to start fine tuning our plan 'B'?

**HON CHIEF MINISTER:**

This is the same point as the Leader of the Opposition asked me before. That was in the context of the merits of our notified scheme, in the context of regional selectivity there can be no plan 'B'.

**NO 424 OF 2004**

**THE HON F R PICARDO**

**PACE**

Do Government plan to implement the PACE in Gibraltar in whole or in part ?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The matter is under non-urgent consideration at technical levels within Government. The issue has not yet been submitted for Ministerial consideration. It may happen, but I could not give an indication when.

**SUPPLEMENTARY TO QUESTION NO 424 OF 2004**

**HON F R PICARDO:**

The Police And Criminal Evidence Act attaches great importance to the rights of defendants held in custody, in the custody of the Police in particular before they appear before a Magistrate and I would urge the Chief Minister to keep this issue not so much in the back burner but at the forefront of his mind because at my understanding is that at all levels of law enforcement in Gibraltar, all parties in the Criminal Justice system, defendants, police officers, in the Chambers of the Attorney General, in the Chambers of defence council in Gibraltar, everybody would favour the implementation of PACE, the arguments advanced previously against implementation have usually related I believe to expense of implementation but already a lot of the expense has been incurred because the police have had the equipment that they would need and the PACE for recording et cetera, so will the Chief Minister undertake to try and keep this on a closer wicket than it does at the moment.



**HON CHIEF MINISTER:**

I do not wish that I would like to give the hon Member that undertaking as I think the hon Member, he may not know but certainly some of his Colleagues will know, detailed amendments to the Criminal Law and the Criminal procedure very rarely result from political policy of the Government. They tend to come up to the Government from technical levels. There is a joint working group here or the Law Revision Committee. I am not quite sure what the Committee is called. The Government have no political policy in favour or against this. If this comes up from the Law Revision Committee or from the joint working Committee that I believe has been established by the Attorney General to consider these things then the Government will give it consideration and I suppose that that consideration will be favourable if it is clear that everybody else in the legal fraternity supports it. There might be a short consultation process just to make sure that everybody did support it, it is unlikely that the Government would fail to bring and support legislation that everybody thought was a good idea but this is not something that the Government will do the running on or make a political commitment to the hon Member to give priority to or to pull or to push. If it comes up to us we will do it, if it enjoys, not everybody's support it does not have to be unanimous but at least that it enjoys sufficient groundswell of support. I do not want to get involved with the hon Member on a debate about which I suspect he may know more than me given that he has been in practice until very recently but I seem to recall that PACE in the United Kingdom has both its supporter and its detractors. In other words, that there are aspects of PACE which are thought to have worked very well but there are aspects of PACE, I do not know if this sounds right to the hon Member, which are criticised. I do not know whether that is the case or not.

**HON F R PICARDO:**

Yes. There are aspects of PACE which are criticised but none of the criticisms suggest that they should go back in the United Kingdom to the days pre-PACE but rather that PACE itself should be further improved. I am bringing to him a groundswell of support for implementation, I am putting to him that all Government's in Gibraltar should have a policy in relation to the rights of defendants in custody and I urge him to consider the issue perhaps before the next House.

**HON CHIEF MINISTER:**

I have already declined to give him an undertaking to do so.

**HON F R PICARDO:**

The Chief Minister is right he declined, the undertaking I asked for was to consider very carefully whether they should do it. I have just asked him now to consider the issue again before the next House to see whether at that stage he might have a different view. He is right to say that having, I qualified after him, I do not know whether he qualified before or after 1984 I think one will find that most people who qualified after 1984 are almost to a man in favour of PACE.

**HON CHIEF MINISTER:**

So, the young Turks all want it?

**HON F R PICARDO:**

I do not know about the Turks.

**HON CHIEF MINISTER:**

It seems to me that the second thing that he is asking seems to me more onerous than the first given that I was not willing to give him an undertaking to adopt it at all, to ask me to consider it and bring it back to the House at its next meeting or to consider it before the next seems to be like a tougher ask than the one that I had already said no to. What I will agree to do is to make enquiry of the Attorney General as to the status of the work of whichever committee is considering this to find out where the matter is. That is the most that I would contemplate doing.

**HON F R PICARDO:**

I am grateful for that, it is a good start.

**NO 425 OF 2004**

**THE HON F R PICARDO**

**OESCO**

Will Government state whether it has commenced or is considering commencing discussions or negotiations with OESCO and/or the MOD for the relocation of the OESCO power station?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Government are not involved in negotiations for the relocation of the OESCO Power Station.

**SUPPLEMENTARY TO QUESTION NO 425 OF 2004**

**HON F R PICARDO:**

Are Government considering commencing in such discussions or negotiations?

**HON CHIEF MINISTER:**

It is not presently considering it, no.

**HON F R PICARDO:**

I think that the Chief Minister will agree with me that although there may be a dispute between Government and Opposition as to what the decibel level emanating from the OESCO power station is, there can be no dispute between us that those who live near that area because it has two power stations do feel very aggrieved at the fact that they have to live in that area and would benefit certainly from the relocation of the power station. If it were possible to relocate the power station with the

agreement of OESCO and MOD hence the question about negotiation would the Government not be happy to be a catalyst to that?

**HON CHIEF MINISTER:**

If it were to be so then many more hundreds of people would benefit from the relocation of the Waterport Power Station. The idea that one can relocate in a small place like Gibraltar all sources of noise and move them all away from residential areas, the only non-residential area that one could think of is Lathbury Barracks Europa Point area. The cost is enormous. The Government's approach at this stage is to focus not on relocation but on noise reduction. The Government accepts and indeed we have a manifesto commitment, as the hon Member may be aware, to reduce the noise and there are proposals and projects and plans in hand to do that. That is where the Government's focus now lies and not in the relocation of those stations which would necessarily take many, many years. Let me say that when the MOD talks of building a new power station it is talking about making the decision in the next three years and starting maybe six or seven years before the noise could be eliminated from the existing sources. The Government accepts its commitment to noise reduce through insulation leaving open the possibility if a Government of Gibraltar can afford it to relocate the stations but it would have to be both of them and the cost, I would caution the hon Member, in relocating the power stations are enormous. Bear in mind that the MOD, their power station is obsolete. The machinery has outlived its useful life and they have got to start afresh again anyway. For us, it would mean dismantling the plant that is presently in use, we cannot shut down whilst we do this, very difficult, very expensive, to relay all the main feeder cables up to the whatever position, rebuild the stations, manage the process of a continuation of supply whilst one moves machines physically, dismantle generators, reinstall them in the new plant, it is a massive, massively expensive exercise and I really do think that it is much more sensible to focus and even if it were possible it would take many more years than I think it is fair to make people wait in terms of noise reduction. Government have persuaded that the more sensible approach, the more realistic approach and the more deliverable approach both in terms of cost and timing is to invest money in the noise insulation of both the OESCO plant and indeed Waterport Power Station to ensure that the noise that emanates from them are completely not unobtrusive there will always be some noise but we understand that the technology now exists to very significantly reduce to levels that will not be regarded as extraordinary in Gibraltar.

**HON F R PICARDO:**

Best available technology which is where we were yesterday on Question No 11 of 2004 and Question No 12 of 2004 which were my questions asking what it was that the Government was going to do in order to reduce the noise levels emanating from the OESCO power stations below the recommended levels. The only answer that I got then was that the Government do not accept that there is a noise pollution problem because of the recommended levels at the OESCO power station.*[INTERRUPTION]*. I have absolutely no difficulty with us not having the dispute about who has the short memory and looking at Hansard once it appears but I would say this to the Chief Minister, he has showed himself to have obviously as much knowledge almost of electricity generation as the City Electrical Engineer and I appreciate that he is right when he says that it is a very, very, complex job to move a power station. He is absolutely right but what I was asking was could there not be some benefit without having to waive a magic wand that would enable us to spend

millions in doing this in commencing a negotiating process with OESCO and the MOD to see whether it is in fact viable that OESCO move with the MOD because we would in any event be looking at the provision of new generators et cetera which are best available technology so that we achieve the movement out of the residential area of the OESCO plant and that is what I would urge the Chief Minister to consider. In relation to the Waterport Power Station the Chief Minister is right to say that it would be wrong for us only to act to benefit those in the south district in the area of the Alameda Estate, Jumper's et cetera and ignore all those who live in the Waterport area but the Waterport generating station belongs to the Government and it would be the Government involved in making the expense. If we could at least save the expense in relation to OESCO because we get them to move it that would make it easier as a result of negotiations for us to bear the cost of the other.

#### **HON CHIEF MINISTER:**

Government did not say yesterday and it is not a question of shortness of memory and it is not a question of looking back at Hansard it is a question of the hon Member just being coherent and conducting debate in this House by reference to what people have actually said and not by reference to what he would like them to have said in order to enable him to illustrate whatever point he wishes to make at that precise moment. Government did not say there was no problem with noise in OESCO. If Government thought that there was no problem with noise in OESCO why would we have committed ourselves in our manifesto to introduce noise reduction measures? What Government said yesterday was *"the Government do not accept that relevant EU Directives and local legislation relating to noise are not being complied with."* That the law is not being broken but that does not mean that there is not a problem with noise. That is what the Government said and the hon Member really must learn that precision of language in Parliament is important and not to be dismissed with some quip about shortness of memory. Secondly, it is not true that our discussion in relation to this issue is contradictory to or somehow proves that he was right in his questions on best technology yesterday. The discussions about best technology yesterday related to generators and generation equipment. The new technology that I am referring to has nothing to do with the generators which he said should be best technology, these are silencers on factory flues and things of that sort, nothing to do with generation equipment, so if only he would listen to the nuances and differences between both the questions that he asks and the answers that he receives he would less often fall into the traps that he has already laid for himself quite frequently in the two days that we have been discussing. Thirdly, if he does not mind my saying this to him almost as a gratuitous comment, it really is extraordinarily unrealistic of him to think that it is okay to move the OESCO plant because OESCO would bear the cost of it and this is not the Government unlike Waterport where it would be the Government but OESCO can be asked to move the plant at its expense – OESCO operates under a contract in which it is entitled as a matter of contract to occupy that plant and indeed it's contract requires the Government at its expense to noise insulate it. The idea that in a contract for service in which the prices have been keenly negotiated and the rights and obligations of the parties are both fixed that we can turn round to OESCO and say, *"Well, now spend £12 million in moving your plant somewhere else..."* OESCO would turn round and say, *"look Chief Minister thank you very much if you want me to relocate my plant this is how much it is going to cost you."* The idea that they could pay for the cost out of their own pockets is not something that the Government could realistically hope to achieve in a negotiation and it is not the basis of the contract that exists.

**HON F R PICARDO:**

Let me start first with the question of the OESCO contract before I move on to the question of the insults about not being able to understand nuances et cetera. Is the Chief Minister telling this House that the OESCO contract has now in fact been renewed and that a new contract is in place because that is what it appears. He is saying, In relation to the nuances et cetera which the Chief Minister refers to and without stooping to his level and calling him all the sorts of names that he calls me can I ask him to refer to my questions because my questions really only related to the reduction of noise pollution below recommended levels. There was no reference there to legal levels and the other question, Question No 12 of 2004 very clearly stated what measures the Government had agreed with OESCO were to reduce levels emanating from the plant. That is all that I asked and then said, *“Will this ensure that those levels are below the legal levels.”* For me only to have got the answer that Government was satisfied that the noise levels were below the legal levels did not address the issues which I was trying to address and which very clearly in Question 11 of 2004 addressed on its own which were what the Government was going to do to reduce noise pollution levels without reference to the legal limits. So, having detected those nuances and entirely properly appreciated them I will be very grateful for what the Chief Minister has to say.

**HON CHIEF MINISTER:**

I fear that a debate with the hon Member could be absolutely interminable. What he has just said is not true. His question no 12 of 2004 asks the Government what he was going to do about reducing noise levels *“..to those required for compliance with the relevant EU Directives and local legislation.”*

**HON F R PICARDO:**

Point of order.

**HON CHIEF MINISTER:**

For him now to say the question.....

**MR SPEAKER:**

Order. He has raised a point of order I have got to hear what the point of order is first.

**HON F R PICARDO:**

Point of Order. I think it is unfair for the Chief Minister to have parried my question that way. I think it is important that Hansard should show that my question actually says as follows, *“Can Government state what are the measures that have been agreed with OESCO to reduce noise levels emanating from the plant, when they are expected to be introduced and is Government satisfied that these measures will bring down noise levels to those required for compliance with the relevant EU Directives*

*and local legislation.”* That is what my question says and the Chief Minister should not jump three quarters of it.

**MR SPEAKER:**

Okay the hon Member has made clear what the question was.

**HON CHIEF MINISTER:**

Precisely, so the question yesterday was implying that noise needed to be reduced to comply with relevant EU Directives and local legislation ergo at present they do not otherwise there would not be a need for measures to reduce it for it to comply to which he received a two part answer. Firstly, not exclusively, that the Government did not accept that there was a breach with the legislation and secondly that the Government had a manifesto commitment on noise reduction and we would make an announcement as to how and when that would be done when we were ready to do so. The suggestion now by the hon Member that he asked a question that was not based on legal compliance or non-compliance and that he only got an answer based on legal compliance and non-compliance is wrong on both counts. His question was linked to legal compliance or non-compliance but the answer that he got was not limited to legal compliance or non-compliance. It dealt with the question of legal compliance or non-compliance but then went on to deal with the matter outside the law by reference to what the Government's political commitment was. I do not recall calling the hon Member any names but if it gives him any pleasure in suggesting that I did call him names then so be it. As to his remark that, *“Well it is clear from the hon Member's argument, is he saying now that the OESCO contract has been renewed?”* Of course, the OESCO contract has been renewed the Government have made public statements saying that it has been renewed, there was a question in the House in which it has been answered saying that the OESCO contract has been renewed, the fact that the hon Member is unaware of all that does not entitle him to insinuate that some answer that I had given here suddenly lets the cat out of the bag that the OESCO contract was being renewed. It is a matter of public record that the OESCO contract was renewed back in October, November or earlier than that. The hon Member should therefore stick to the facts and if he is not aware of the facts which is not surprising.....

**HON F R PICARDO:**

Point of Order.

**MR SPEAKER:**

I will not allow it. I am only going to allow one more question and one more answer.

**HON CHIEF MINISTER:**

I have finished.

**MR SPEAKER:**

One more question, one more answer.

**HON F R PICARDO:**

I think I should end this because I think that we are moving away substantially from the original question. One of the things that the Minister has said is that in questions in this House he has already made clear that the OESCO contract had been renewed. In the last House in answer to Question No 118 of 2003 which was as follows, *“Have Government now taken a decision on whether or not they will renew the OESCO contract for the supply of electricity which expires in 2004?”* The answer was this and it was given then by the Hon and Gallant Mr Britto, *“These matters are still under consideration and no final decisions have yet been taken by the Government.”* I leave my Hon Friend’s recollections in light of that.

**HON CHIEF MINISTER:**

The Government have issued press releases, interviews have been given informing the general public that the OESCO contract has been renewed. Indeed if he had read the GSD’s manifesto at the last election it is stated in the manifesto that the OESCO contract has been signed and has been extended.



ORAL

**NO 426 OF 2004**

**THE HON DR J J GARCIA**

**TEPs**

Are Government aware that parties who have made complaints to the FSC arising out of the “TEP” issue, have not been provided by the FSC with the report of a provisional investigation carried out by that body into their complaint, although said report has been provided to the licensee who is the subject of the initial complaint?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos 427 and 428 of 2004.

ORAL

**NO 427 OF 2004**

**THE HON DR J J GARCIA**

**TEPs**

Will the Chief Minister confirm that he will ensure that any information made available to him in relation to these TEP investments is made available?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos 426 and 428 of 2004.

**NO 428 OF 2004**

**THE HON F R PICARDO**

**TEPs**

Will the Chief Minister confirm that the Government are monitoring developments in the on-going difficulties being experienced by a large number of Gibraltarian investors in "TEP" plans who have found that they have lost substantial amounts of monies they invested?

**ANSWER**

**THE HON THE CHIEF MINISTER**

**Answer to Question No 426 of 2004**

The Government are not accountable or answerable for the behaviour of the financial Services Commission. However, the Government have every confidence that the FSC operates professionally and properly. If the premise of the question is factually correct then Government are happy to assume that there is a good and proper reason why the Financial and Services Commission have decided not to make the report available.

**Answer to Question No 427 of 2004**

I cannot confirm that I will pass on to investors any information that I receive. That must depend upon the source of the information, the basis upon which it is provided to me and the propriety and appropriateness of my making it available.

**Answer to Question No 428 of 2004**

The Government are obviously taking an interest and monitoring developments.

**SUPPLEMENTARY TO QUESTION NOS 426 TO 428 OF 2004**

**HON F R PICARDO:**

The first part of that intervention is absolutely right. The Government are not accountable for the actions of the Financial Services Commission which is an independent statutory body but how is the Government going to monitor developments and how is the monitoring going to see itself in action favourable to the investors.

**HON CHIEF MINISTER:**

The Government are not in a position to take action favourable or disfavourable to the investors. In so far as the case raises regulatory issues the Government have no jurisdiction in regulatory issues. As one knows it is exclusively the jurisdiction of the Financial Services Commissioner and to the extent that it raises legal claims and counter claims it is a matter for the courts and not for the Government. The way in which the Government are monitoring it is that the Government receives from time to time reports from the Financial Services Commissioner, about how it is going. The Minister who is now myself with responsibility for financial services gets very brief overviews of how particular cases are going and secondly the company itself chooses to keep the Government informed of particular developments or things of that nature.

**HON J J BOSSANO:**

In terms of the last answer is the Government then saying that it is being informed by the company, because it chooses to do it but it is being informed by the company?

**HON CHIEF MINISTER:**

No. There is a difference between being informed by the company which implies of everything fully and comprehensively which is not the case and being told whatever it is that the company wishes to tell us. If a representative of the company asks for a meeting with the minister with the responsibility for financial services to inform him of certain matters then the minister does that. I have not yet done that but I know that my predecessor did do it. That is not being kept informed because one is informed of what is communicated to one in that meeting but one has no way of knowing whether that is the whole story or not. One just hears the information being communicated and the views that company itself expresses to the Government and that is the extent.

**NO 429 OF 2004**

**THE HON F R PICARDO**

**FINANCIAL SERVICES COMMISSION**

Can the Chief Minister state what action, if any, the Government proposes to take to ensure that obligations imposed by legislation on licensees under the Financial Services Ordinance 1989 and 1998 (in particular rules relating to the regulation of advertisements for Financial Services products and rules requiring licensees to be covered by professional indemnity insurance) are effectively enforced and policed?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The issues alluded to in the question are matters for the Financial Services Commissioner who is the authority responsible for policing and enforcing the Ordinance. If he requires and seeks assistance from the Government, we shall, of course, consider it sympathetically. He has not yet done so, nor do I expect him to need to do so.

**SUPPLEMENTARY TO QUESTION NO 429 OF 2004**

**HON F R PICARDO:**

The issues that we are dealing with here are that certain obligations imposed on licensees by the Ordinance or as conditions on licences are sometimes not complied with and as the Chief Minister has said, the Financial Services Commission is an independent body for which he is not answerable but it is "*a creature of statute*" and this House through statute cannot, and I will hesitate to use the word, interfere, but can legislate to ensure that the Commission acts in a particular manner and what I am trying to get to at and I am sure that the Hon Gentleman will agree with me is that this House could, through legislation, improve the Financial Services Ordinance to ensure that there is a mechanism in place to check more effectively the existing rules as to PI cover and advertising, is that something that the Government will now consider?

**HON CHIEF MINISTER:**

No. The Government will not now consider it nor do Government consider that there is a need to do so. If the hon Member believes that the Financial Services Commissioner is not properly discharging his duties then he should write to the Financial Services Commissioner and urge him to do so. This House has already legislated the Regulatory Regime in Gibraltar which imposes certain obligations on the Financial Services Commissioner. The legislation of this House gives powers, responsibilities, rights and obligations to whomever this House has chosen to give it. This House has not chosen to give those rights and responsibility to the Government, it has chosen to give them to the Financial Services Commissioner. So, the Government have no responsibility in the context of to quote him, "*A creature of statute*" which the statute has not bestowed on the Government and it would be, there was an issue at the time in 1993 when these Ordinances were passed and I do not think anybody would have voluntarily wanted to have given control of the Financial Services Regulatory Process in the way it was done. We all understand the historical backdrop in which it occurred but that happened and that is the legislation as it is. Government have not only no responsibility in the area, it has no means of deploying any executive authority in the area. It has no enforcement powers, it has no administrative responsibilities and I would not wish any part of my answer to be interpreted as accepting, which I do not, any implied criticism which the hon Member may be making of alleged shortcomings in the way the Financial Services Commissioner discharges his obligations. I do not suppose that he would accept that he is in breach of any obligations. If the hon Member feels that he is he might wish to write to him and point them out to him and seek to persuade him to do things differently if that is what the hon Member believes the Financial Services Commissioner should do.

**HON F R PICARDO:**

There is no question of legislation being "*as it is*" as the Chief Minister has said and us not having in this House any remedy in that respect. Legislation is as it is whilst this House allows it to be "*as it is*". It is always subject to amendment in this House. The issue that this question gets at is the question about advertisements and professional indemnity cover and in particular in relation to advertisements, where advertisements have appeared which are not in keeping with the relevant Ordinance and where professional indemnity cover has not been in place in relation to more than one company operating in Gibraltar under licence of the Financial Services Commission although that is a requirement, we in this House have to ask ourselves whether in 1993 and the Chief Minister was not in Government then thus not responsible for the legislation passed then, whether the statutory framework that we put in place was sufficiently clear in those particular respects and that is why what I am asking the Chief Minister and ask to address now is whether Government will consider in these two very distinct areas looking at the Ordinance to make sure that there is effective enforcement and policing of the provisions as to advertisement and the provision as to professional indemnity cover. Where necessary giving the Financial Services Commissioner not a rap on the knuckles but more power to enforce obligations in that respect.

**HON CHIEF MINISTER:**

It seems to me that the hon Member is now raising a wholly different question . The hon Member is now for the first time suggesting that there may be a lack of clarity in

the 1993 Ordinance which could be eliminated through clarifying or amending legislation and he is suggesting for the first time that the Financial Services Commissioner lacks sufficient powers to enforce the legislation that he is charged with enforcing. Those are wholly novel to the exchange that we have had until this supplementary. I have to say to the hon Member that if, which I do not believe to be the case, the Financial Services Commissioner shares the hon Member's view he has never found it necessary or appropriate or helpful or desirable to express those views to the Government with a view to asking the Government to strengthen his powers by amending the legislation.

**HON F R PICARDO:**

Can I therefore ask that the Chief Minister consider an amendment to the Financial Services Ordinances of 1989 and 1998 to the effect that copies of the professional indemnity cover notes required to be in place are provided to the Financial Services Commissioner periodically and annually so that in that way the Financial Services Commissioner shall receive a copy of the cover note and second that copies of advertisements must on pain of licences being suspended be provided to the Financial Services Commissioner before they appear. There is already provision in the Ordinance for adverts to be provided to the Financial Services Commissioner before they appear. I believe that they have fallen into misuse that is why I believe that the rule should be made mandatory upon pain of licences being suspended if they are not.

**HON CHIEF MINISTER:**

No, the Government will not propose that or any other amendment to the Ordinance unless and until the Financial Services Commissioner makes submissions to the Government suggesting that any such amendments are needed by him.

**HON F R PICARDO:**

My final point therefore would be, *"Would the Chief Minister take up those points with the Financial Services Commissioner now that I have raised them in this House?"*

**HON CHIEF MINISTER:**

No. The Chief Minister will not. The Financial Services Commissioner is perfectly capable of himself bringing to the attention of the Government any deficiencies in the legislation which he has identified and which he would like the Government to correct or remedy through legislation. When he has done so, and if he does so, the Government will then contemplate it. Government are not going to go around chasing the Financial Services Commissioner for advice on legislative proposals for which the Government are not aware that there is any need. What I suggest the hon Member does if he is as exercised as he appears to be by this point is that he writes to the Financial Services Commissioner pointing out to him that in his, that is the hon Member's view, the legislation is defective in respects that he might wish to set out in the letter. If the Financial Services Commissioner agrees with the hon Gentleman the Financial Services Commissioner will then and to the extent that he agrees make submissions to the Government and that is how the Government proposes legislative amendments in these and all matters.

**HON F R PICARDO:**

Is in fact.....

**MR SPEAKER:**

One more, the hon Member said it was the last one.

**HON F R PICARDO:**

So, is the Chief Minister in fact saying that it is not the merit of the proposal for the amendment of legislation but the source of the proposal for the amendment of legislation that matters?

**HON CHIEF MINISTER:**

The Chief Minister has made what he is saying perfectly clear and has no intention of repeating it again.

**HON J J BOSSANO:**

Would the Chief Minister not agree that if at some point we provide funding for the Commission from public funds we are entitled to question whether there are customers of Gibraltar's financial services that express dissatisfaction with the way their investments have performed on the basis that they feel that the level of supervision in terms of the accuracy of what is being sold is not what it ought and expect it to be and that if we are using the taxpayers money to help out the Commission to carry out the role we are also entitled to question when there are constituents that bring their concerns to us?

**HON CHIEF MINISTER:**

Absolutely. All Members of this House have that right regardless of and whether or not there are public funds being used to support the costs of the Financial Services Commission. The Financial Services Commission is a *'creature of statute'* as the hon Member next to the Leader of the Opposition likes to call it and that is enough to give this House the right to express concerns. All I am saying is that the concern with which the hon Member has every right to express and the account that he may have a right, I am not sure whether he has the right to demand an account, but I would certainly support his right to seek an account, should be sought from the party that is statutorily responsible for it namely the Financial Services Commission rather than to seek to make the Government accountable for something which it is not accountable, in respect of which it has not authority or powers. I fully support the hon Member. On the same basis as I discuss these things with the Financial Services Commissioner even though I have no statute I suppose the hon Member is just as free to bring things to the attention of the Financial Services Commissioner and ask for his views or explanation. Whether or not the Financial Services Commissioner responds in the way the hon Member would hope and expect is another matter but I would certainly support his right as an elected representative of investors that may be affected by the acts or emissions of be it an investment firm or be it the Commission



itself, I would recognise that he has as much right as any other Member of this House as an MP so to speak to write to the Financial Services Commissioner. The issue is whether these points are correctly addressed at the Government or whether they ought to be made directly and I think they ought to be made directly to the Commissioner.

ORAL

**NO 430 OF 2004**

**THE HON F R PICARDO**

**GIBRALTAR AS A CENTRE FOR FUNDS**

Can Government state how many senior executives from the funds sector attended the VIP dinner that took place in London on Wednesday 9<sup>th</sup> April, who were they, and what was the cost of the dinner?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos 431 and 432 of 2004.

ORAL

**NO 431 OF 2004**

**THE HON F R PICARDO**

**GIBRALTAR AS A CENTRE FOR FUNDS**

Can the Government state how many persons made up the Gibraltar Government delegation at the "Gibraltar as a Centre for Funds" conference and what posts do they hold?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos 430 and 432 of 2004.

**NO 432 OF 2004**

**THE HON F R PICARDO**

**GIBRALTAR AS A CENTRE FOR FUNDS**

Can Government state what the cost to the Government was, with a breakdown of the "Gibraltar as a Centre for Funds" conference that took place in London on Wednesday 9<sup>th</sup> April 2003?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The information the hon Member has requested is on the attached sheet which I hand to him.

**Answer to Question No 430 of 2004**

25 (twenty-five) individuals attended the VIP dinner in London on Wednesday 9<sup>th</sup> April 2003.

They were:-

|                        |   |                                          |
|------------------------|---|------------------------------------------|
| The Hon Keith Azopardi | - | MTIT – GOG                               |
| James Tipping          | - | Finance Director – GOG                   |
| Guy Canessa            | - | GOG                                      |
| Maite Mir-Parody       | - | GOG                                      |
| Albert Poggio          | - | Gibraltar Government London Office – GOG |
| Brian Morris           | - | Financial Services Commission            |
| Chris Labrow           | - | Sovereign Asset Management – GASIM       |
| Alex Bonnet            | - | Methodology Group                        |
| Mathew Hulme           | - | UBS                                      |
| Marko Lehtimaki        | - | Methodology Group                        |
| Jacob Hishbaeck        | - | Fidux Trust Company                      |
| Teilhard De Chardin    | - | Invitee of Fidux Trust Company           |
| Gerard Delambilly      | - | Fimat International Bank                 |
| Moe Cohen              | - | Deloitte & Touche                        |

|                      |   |                                         |
|----------------------|---|-----------------------------------------|
| Eliza Dungworth      | - | Deloitte & Touche (UK)                  |
| Trevor Nichols       | - | Solent Corporate Services Limited       |
| Pramda Ralhan        | - | Finansbanken A/S                        |
| David Traill         | - | Alternative Structured Projects Limited |
| Albert Mena          | - | KPMG                                    |
| Neith Fartharly      | - | KPMG(UK)                                |
| Simon Davies         | - | Threadneedle                            |
| Paul tipping         | - | British Bankers Association             |
| Edgar Lavarello      | - | PricewaterhouseCoopers                  |
| The Hon Peter Benson | - | PricewaterhouseCoopers                  |
| Tom Ainsworth        | - | Lloyds TSB                              |

Cost of RAC evening event – Wednesday 9<sup>th</sup> April:- £2,119.00

#### **Answer to Question No 431 of 2004**

The following 4(four) persons made up the Gibraltar Government delegation at the “Gibraltar as a Centre for Funds” conference:-

|                        |   |                                                  |
|------------------------|---|--------------------------------------------------|
| The Hon Keith Azopardi | - | Minister for Trade Industry & Telecommunications |
| James Tipping          | - | Finance Centre Director                          |
| Guy Canessa            | - | Marketing and Liason Officer                     |
| Maite Mir-Parody       | - | Personal Assistant                               |
| Brian Morris           | - | Investment Services Supervisor – FSC             |

#### **Answer to Question No 432 of 2004**

Please find below the breakdown, of the costs relating to the “Gibraltar as a Centre for Funds” conference that took place in London on Wednesday 9<sup>th</sup> April 2003.

|                                        |                  |
|----------------------------------------|------------------|
| Flights                                | £1,573.00        |
| Accommodation                          | £2,243.00        |
| Subsistence                            | £ 461.00         |
| Expenses                               | £ 635.00         |
| Courier                                | £ 145.00         |
| London Underwriting Centre (Room Hire) | £1,500.00        |
| London Underwriting Centre (Catering)  | £1,671.00        |
| <b>TOTAL</b>                           | <b>£8,228.00</b> |

#### **SUPPLEMENTARY TO QUESTION NOS 430 TO 432 OF 2004**

#### **HON F R PICARDO:**

In relation to Question No 431 of 2004 the answer kindly provided by the Chief Minister, the following 4 (four) persons made up the Gibraltar Government delegation at the Gibraltar As A Centre For Funds Conference:

|                        |   |                                                  |
|------------------------|---|--------------------------------------------------|
| The Hon Keith Azopardi | - | Minister for Trade Industry & Telecommunications |
| James Tipping          | - | Finance Centre Director                          |
| Guy Canessa            | - | Marketing and Liason Officer                     |
| Maite Mir-Parody       | - | Personal Assistant                               |
| Brian Morris           | - | Investment Services Supervisor – FSC             |

Is that another one of the nuances I have to be careful about, they say four but there are five or should I simply take it that I should not count Mr Morris as a part of the Government delegation?

**HON CHIEF MINISTER:**

It would really be a matter of enormous Parliamentary import that the Government should say four and then proceed to list five I suppose that would be an act of gross misbehaviour on the part of the Government. If that is the level of issue that the hon Member wishes to raise I suppose that we have to deal with it. It is in fact the second version and that is that Mr Morris whilst attending in support of Gibraltar is not part of the Gibraltar Government delegation because he is a member of the Financial Services Commission. It should have said four persons, the Government delegation accompanied by Mr Morris and then the hon Member would not have been misled.

**HON F R PICARDO:**

I did not mean to make a frivolous point I wanted to establish that in fact as a Member of the statutory body which is '*a creature of statute*' he was not there as part of the Government of Gibraltar which is a serious and important point.

**NO 433 OF 2004**

**THE HON F R PICARDO**

**FINANCIAL SERVICES COMMISSION**

Can Government state how many applications there have been for passporting in investment services since the announcement of 7<sup>th</sup> July 2003?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Since 7<sup>th</sup> July 2003, the Financial Services Commissioner has received five notifications of an intention to provide investment services on a cross-border basis in other EU Member States. As the hon Member I was going to say presumably knows, clearly the way he has formulated his question he clearly does not know, one does not need to apply for passporting one simply needs to notify an intention to do so.

**SUPPLEMENTARY TO QUESTION NO 433 OF 2004**

**HON J J BOSSANO:**

Would this provision of investment services in another Member State be something that would require a presence in the other Member State or is it something that would be done from Gibraltar?

**HON CHIEF MINISTER:**

It can be both. One can establish a presence and one can directly market into the market from outside. In either case I believe one simply notifies ones Home Regulator of ones intention to do so. The Home Regulator then has to pass on that notification to the Regulator in the country that one has given notice that one intends to perform in and that is why the postboxing arrangements were necessary in this context for that transfer of notification and then one is just allowed to do it. One does not have to wait for any permission from the foreign Regulator. It is a process of notification, it is both for presence and for direct marketing.

**HON J J BOSSANO:**

Is it exactly the same whether it is one or the other? I was under the impression that there was more to it if one was actually establishing a presence than if one was just selling the product.

**HON CHIEF MINISTER:**

I believe it is one and the same thing so that one can establish even establish a branch as indeed there are some in Gibraltar. I believe there are one or two branches in Gibraltar of organisations that have passported in and they are regulated by their home regulator and not by the others.



ORAL

**NO 434 OF 2004**

**THE HON F R PICARDO**

**CAPTIVE INSURANCE CONFERENCE**

Can Government state how many persons made up the Government delegation to the 18<sup>th</sup> Captive Insurance Conference and Exhibition in Burlington, Vermont from 5-7 August 2003 and what posts do they hold?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question No 435 of 2004.

**NO 435 OF 2004**

**THE HON F R PICARDO**

**CAPTIVE INSURANCE CONFERENCE**

Can Government state what the cost to the government was of attending the 18<sup>th</sup> Annual Captive Insurance Conference and exhibition in Burlington, Vermont from 5-7 August 2003?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Two persons made up the Government delegation to the 18<sup>th</sup> Captive Insurance conference and exhibition in Burlington, Vermont on the dates that the hon Member has mentioned. They were Mr Guy Canessa , the Marketing and Liaison Officer and Darion Figueredo, Communications and Technology Development Officer.

The costs were £9,520.00 in total.

**SUPPLEMENTARY TO QUESTION TO NOS 434 AND 435 OF 2004**

**HON F R PICARDO:**

The total of £9,520 seems like a very high figure for two individuals to spend over a period of only three days, can the Chief Minister provide a greater breakdown of how that figure is made up?

**HON CHIEF MINISTER:**

The hon Member should not assume that it was just three days. If the conference is between the 5<sup>th</sup> and the 7<sup>th</sup> I suppose there might have been a need to travel on the 4<sup>th</sup> and return on the 8<sup>th</sup> but in any case as the hon Member is particularly interested and I do not suppose that there is any suggestion that the money was spent on anything else the information I have is as follows:

|                                |                  |
|--------------------------------|------------------|
| Flights                        | £3,514.00        |
| Accommodation                  | £1,184.00        |
| Subsistence                    | £1,112.00        |
| Expenses                       | £ 856.00         |
| Courier                        | £1,049.00        |
| Exhibition & Registration Fees | £1,805.00        |
|                                | <hr/>            |
| <b>Total</b>                   | <b>£9,520.00</b> |
|                                | <hr/>            |

**NO 436 OF 2004**

**THE HON F R PICARDO**

**EUROMONEY'S 4<sup>TH</sup> ANNUAL OFFSHORE FINANCIAL SERVICES SUMMIT**

Can Government state what was the cost of sending the Finance Centre Director to speak at Euromoney's 4<sup>th</sup> Annual Offshore Financial Services Summit in London on 26<sup>th</sup> June 2003?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The total cost was £626.00. In anticipation that the hon Member might want a breakdown I can say that the flight was a much more economical flight, £153 on this occasion. The accommodation was £374 and the expenses were a mere £99.

ORAL

NO 437 OF 2004

THE HON F R PICARDO

**CATEGORY STATUS 2**

Can Government provide a breakdown by year of the number of individuals taking up Category 2 status and its predecessor High Net Worth Individual Status since the status was introduced?

ANSWER

THE HON THE CHIEF MINISTER

Answered with Question No 438 of 2004.

**NO 438 OF 2004**

**THE HON F R PICARDO**

**CATEGORY 2 STATUS**

Can Government state how many individuals are registered with Category 2 status in Gibraltar as at 31<sup>st</sup> December 2003?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The information the hon Member has requested is on the attached sheet which I now hand to him. As to the number of category 2 individuals that there were as at the 31<sup>st</sup> December 2003, the answer is 155.

**Answer to Question No 437 of 2004**

The records kept by the Finance Centre show that a total of 378 individuals have been registered as Category 2 or High Net Worth individuals since the status was first introduced.

The yearly registrations are as follows:

| YEAR               | REGISTERED |
|--------------------|------------|
| 1992               | 7          |
| 1993               | 14         |
| 1994               | 28         |
| 1995               | 15         |
| 1996               | 23         |
| 1997               | 44         |
| 1998               | 34         |
| 1999               | 34         |
| 2000               | 41         |
| 2001               | 46         |
| 2002               | 43         |
| 2003               | 49         |
| <b>Grand Total</b> | <b>378</b> |

But of this total 124 individuals had their certificates revoked or returned.

The current active yearly registrations are therefore as follows:

| YEAR               | REGISTERED |
|--------------------|------------|
| 1992               | 2          |
| 1993               | 3          |
| 1994               | 15         |
| 1995               | 9          |
| 1996               | 10         |
| 1997               | 20         |
| 1998               | 20         |
| 1999               | 25         |
| 2000               | 26         |
| 2001               | 37         |
| 2002               | 39         |
| 2003               | 48         |
| <b>Grand Total</b> | <b>254</b> |

**Answer to Question No 438 of 2004**

As at the 31<sup>st</sup> December 2003 there are 155 active registered individuals with Category 2 status.

ORAL

NO 439 OF 2004

THE HON F R PICARDO

**BANKING LICENCES**

Can Government state whether any new application for banking licences have been received since March 2003?

ANSWER

THE HON THE CHIEF MINISTER

None.



**NO 440 OF 2004**

**THE HON F R PICARDO**

**INSURANCE INDUSTRY**

What is the total number of persons employed in the insurance industry in Gibraltar giving a breakdown by company and by nationality (showing how many are Gibraltarian), as at 30<sup>th</sup> June 2003 and 31<sup>st</sup> December 2003?

**ANSWER**

**THE HON THE CHIEF MINISTER**

According to the best statistics available to us, as at 30<sup>th</sup> June 2003 the insurance industry in Gibraltar included 28 employers with a total of 200 registered employees of which 130 were Gibraltarian, 58 were other British, 1 Czech, 1 Irish, 1 Moroccan, 1 Portuguese and 8 Spanish. As at 31<sup>st</sup> December 2003 the insurance industry in Gibraltar included 28 employers with a total of 196 employees, 123 of which were Gibraltarian, 57 other British, 1 Czech, 1 Belgian, 1 French, 1 Irish, 1 Moroccan, 1 Portuguese and 10 Spanish.

**NO 441 OF 2004**

**THE HON F R PICARDO**

**BANKING SECTOR**

Can Government state how many persons were employed in the banking sector in Gibraltar, giving a breakdown by bank and nationality (showing how many are Gibraltarian), as at each month of the year 2003?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Monthly figures are not available at such short notice. However, as at 31<sup>st</sup> December 2003 the banking sector included 17 employers with a total of 649 registered employees, 452 of which were Gibraltarians, 105 other British, 15 Danish, 5 Dutch, 4 French, 10 Germans, 3 Irish, 1 Italian, 1 Maltese, 3 Moroccan, 1 Portuguese, 36 Spanish, 1 Swedish and 12 Swiss.

As at 31<sup>st</sup> June 2003 the banking sector included 17 employers with a total of 652 registered employees breaking down as 448 Gibraltarians, 111 British, 16 Danish, 5 Dutch, 6 French, 8 Germans, 4 Irish, 1 Maltese, 3 Moroccans, 38 Spanish and 12 Swiss.

**SUPPLEMENTARY TO QUESTION NO 441 OF 2004**

**HON J J BOSSANO:**

In answer to the first part the Chief Minister said that this was as far the most reliable source, is it the industry itself or is it open contracts in the ETB or some other source?

**HON CHIEF MINISTER:**

The source is the ETB and although therefore it is subject to the caveat the figures might be slightly higher than is real because of unregistered deregistrations. The information that I have is that actually the banking and insurance sector are quite good at compliance so there is a high level of confidence. If the hon Member were to

ask me this question about bars or shops then the level of inaccuracy by reason of unregistered vacancies or deregistration would be much higher. So, there is a high level of confidence in these figures but it is still subject to any unnotified cessations.

ORAL

NO 442 OF 2004

THE HON F R PICARDO

**COMPANIES REGISTER**

Can Government list the companies formed in Gibraltar for each month of 2003?

ANSWER

THE HON THE CHIEF MINISTER

Answered with Question No 447 of 2004.

ORAL

NO 443 OF 2004

THE HON F R PICARDO

**EMPLOYMENT INJURIES INSURANCE FUND**

Can Government state what was the income, expenditure and balance of the Employment Injuries Insurance Fund in respect of each month of the year 2003?

ANSWER

THE HON THE CHIEF MINISTER

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

**EMPLOYMENT INJURIES INSURANCE FUND**

|                        | <u>31-Jan-03</u> | <u>28-Feb-03</u> | <u>31-Mar-03</u> | <u>30-Apr-03</u> | <u>31-May-03</u> | <u>30-Jun-03</u> | <u>31-Jul-03</u> | <u>31-Aug-03</u> | <u>30-Sep-03</u> | <u>31-Oct-03</u> | <u>30-Nov-03</u> | <u>31-Dec-03</u> |
|------------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|
| <u>Fund Account -</u>  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |
| <u>Opening Balance</u> | £6,022,448       | £6,044,449       | £6,086,176       | £6,045,472       | £6,021,006       | £6,091,870       | £6,066,999       | £5,957,739       | £5,902,919       | £5,797,604       | £5,647,235       | £5,613,110       |
| Add                    |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |
| Receipts               | £65,003          | £79,110          | £42,424          | £38,777          | £101,552         | £35,273          | £41,378          | £33,865          | £53,405          | £43,203          | £36,923          | £35,000          |
|                        | £6,087,452       | £6,123,559       | £6,128,600       | £6,084,250       | £6,122,558       | £6,127,143       | £6,108,377       | £5,991,604       | £5,956,325       | £5,840,807       | £5,684,158       | £5,648,110       |
| Less                   |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |
| Payments               | (£43,003)        | (£37,383)        | (£83,128)        | (£63,244)        | (£30,687)        | (£60,144)        | (£150,639)       | (£88,684)        | (£158,721)       | (£193,572)       | (£71,048)        | (£58,154)        |
| <u>Closing Balance</u> | £6,044,449       | £6,086,176       | £6,045,472       | £6,021,006       | £6,091,870       | £6,066,999       | £5,957,739       | £5,902,919       | £5,797,604       | £5,647,235       | £5,613,110       | £5,589,956       |

ORAL

**NO 444 OF 2004**

**THE HON F R PICARDO**

**OFFICE SPACE IN GIBRALTAR**

Can the Chief Minister state what plans, if any, the Government have to address the concerns of professional and business representative bodies as to the shortage of office space in Gibraltar?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question No 445 of 2004.

**NO 445 OF 2004**

**THE HON F R PICARDO**

**OFFICE SPACE IN GIBRALTAR**

Can Government state whether it intends to monitor the cost of rental of office space in light of the current shortage?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The Government are confident that the private development market will respond to any shortage in supply that may develop for office space in Gibraltar. In the meantime, I hope that the hon Member will acknowledge that any shortage of office space that he has identified is the result of the Government's successful management and growth of the economy and also inconsistent with his party's frequently expressed pessimism about the performance of the Finance Centre Government have no specific plan to monitor rents because they have no intention of controlling them.

**SUPPLEMENTARY ANSWER TO QUESTION NOS 444 AND 445 OF 2004**

**HON F R PICARDO:**

I will not acknowledge the fact that there is a dearth of office space as anything to do with us being wrong about the Government's economic policy. In fact, will the Chief Minister agree with me that putting a hospital in an office block proves (a) that one does not have enough people coming round to take up offices when one has lots of them and (b) that once one has taken the majority out of the market one then finds oneself in a situation when even the business that we are getting these days does not find a place in which to work.



**HON CHIEF MINISTER:**

I have some difficulty following the hon member's point. There are still vacant office spaces in Gibraltar but to the extent that there is a shortage it is because demand is growing. If demand for office space in Gibraltar is growing it must be because the economy is growing and if the economy is growing unless the hon Member thinks that the Government have nothing to do with the success of the economy then it has to be because of the successful management and growth of the economy. So, I do not see why the hon Gentleman has to be so ungenerous as not to recognise that the growth of the economy is down to the Government. After all he blames Government when things go wrong, surely he should have the magnanimity to acknowledge that when something is going right it must be the Government who can claim the credit for it. The answer is the same, Government do not intend to monitor rents. Whatever the rents might rise to be I do not think that Government thinks it is appropriate to exercise any form of control over business rentals in the private sector particularly in the Finance Centre.

**HON J J BOSSANO:**

Is it not the case that in commercial properties the rates follow the rents and move with the market, so, is it not a fact that if the rents are going up the Government itself can monitor it without having to do anything because it is reflected in higher income from rates on business premises?

**HON CHIEF MINISTER:**

Yes, eventually that information comes through. Subject to the poundage and ten twelfths and that calculation the higher rents go the higher the income to the Government from rates. It does not enable the Government unless it does a rate payer account by rate payer account, it does not enable the Government to follow how much rents are going up in individual properties unless one analyses each net annual value for rating purposes. So, I did not say that the Government did not have the means to monitor it. I said that the Government was not monitoring it because it was pointless. What is the point of monitoring something if one does not intend to do something about it regardless of the results of the monitoring.

**HON J J BOSSANO:**

I would have thought that the Government would be interested in knowing what was happening in the economy without necessarily requiring to intervene, control or introduce rent freezes. *[INTERRUPTION]* We know that Government believe that we are growing at 6 per cent and that that is enough and we will know whether that is eventually reflected when the figures of the economy eventually come out. Surely the Government knows that in the way that GDP is calculated, rental income is a component of GDP so presumably if rents are going up that will be reflected in the growth rate of the GDP. From the breakdown that Government have provided in the last report they published, would Government agree?

**HON CHIEF MINISTER:**

The Government do not think that 6 per cent is enough in the sense that Government would not want it to be more and indeed it might be more post 2001. Government have said that 6 per cent is a perfectly respectable rate of growth particularly if it is sustained year on year. Of course it is possible occasionally to get much higher rates of growth but not to sustain year on year at extraordinary rates of growth. Of course, if there is a one off development whilst that project is closed to the economy there will be a bleep upwards. It is not that Government says, *"Ah, the economy is growing at 6 per cent and we can sort of sit on our laurels and not try and generate greater levels of economic growth,"* of course Government tries to generate greater levels of economic growth and indeed we think we are generating probably greater levels. The figures we show and I hope that they will be shown to me and I will be able to publish them soon. Certainly annual growth rates of 12 per cent which I think is what the Leader of the Opposition was promising on a sustained basis is in our view not realistic. One might get 12 per cent for one year or two but on a sustained basis Government do not think that it is sustainable.

**HON J J BOSSANO:**

Do Government have information on unoccupied commercial premises as a result, for example, of the information that they get on rates and is there an indication there of the level of unoccupied property coming down?

**HON CHIEF MINISTER:**

I do not have the information and it is not reported to me in that way. As to whether the information is available I cannot be certain but I think it probably can be available because I think the rates are then payable under a different section and I am sure that the LPS computer charges the amount collected to a particular section. There must be a total whether it can be broken down into individual premises. If the total is available then presumably the computer can report anything that went into calculating that total. The information is not presented to Ministers in that way.

**NO 446 OF 2004**

**THE HON F R PICARDO**

**FINANCIAL SERVICES OMBUDSMAN**

Will the Government, in light of the serious financial loss and associated suffering occasioned to a large number of Gibraltarians and overseas investors in the past year, now consider creating a body with jurisdiction similar to that of the Financial Services Ombudsman in the UK (and elsewhere in the EU) to deal with complaints relating to licensees under the Financial Services Ordinance 1989 and 1998, and with the power to provide redress to complainants?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Government are considering this matter.

**SUPPLEMENTARY TO QUESTION NO 446 OF 2004**

**HON F R PICARDO:**

I am sure the Chief Minister is aware that under the provisions of Section 54 of the 1989 Ordinance there was provision for the making of regulations dealing with compensation and that no regulations had in fact been made thereunder. Whilst the issue of the Ombudsman is under consideration can the Government indicate whether it will be moving regulations under this section of the Ordinance?

**HON CHIEF MINISTER:**

I am not aware of what those regulations provide but certainly Government have no intentions, the matter is not in hand and as far as I am aware is not even under consideration.

**HON F R PICARDO:**

In relation to the first answer given by the Chief Minister at what stage is the Government's consideration of this issue of the Financial Services Ombudsman and what more can the Chief Minister share with the House as to the type of creature that the Government are considering creating?

**HON CHIEF MINISTER:**

I cannot give the hon Member any details as to the statutory framework because I do not think that a lot of work has been done on it but certainly the issue has been consulted on, the Financial Services Commissioner has expressed his views, I know that he has discussed it with the previous Minister with responsibilities for financial services, that the Ombudsman is keen because at the moment as there is no Ombudsman all the complaints go to him and it is not really his job unless the complaint raises regulatory issues. Very often it does not raise regulatory issues it just raises things such as, *"I went to such and such a bank and they kept me waiting in the queue for three quarters of an hour."* That is not a regulatory issue but it would be the sort of thing that a Financial Services Ombudsman might be interested in. So, the Financial Services Commissioner is keen, the Government are not opposed provided this is not another body that has to be maintained at taxpayers expense. Provided the costs of operating the Financial Services Ombudsman is borne by the industry by some means or other not yet thought about still less decided the Government are not opposed and actually thinks that it is a good idea. I often receive letters in my office of people complaining about the treatment that they may have received. At the end of the day what can one do. The Government cannot get involved in quality of service issues. I think it is a good idea but there will be costs attached and the Government's present thinking is that those costs should be borne somehow by the industry itself.

**HON F R PICARDO:**

Can I urge the Chief Minister in that process of consultation as I will not be consulted further than I get a chance to put my little grain of rice in this particular forum, that if we are to have an Ombudsman we should not fall into the trap of having an Ombudsman again with no teeth and that this particular Ombudsman should have the power, as I say in my question, to provide redress and not simply to make recommendations like the present Ombudsman. The Financial Services Ombudsman would not be dealing with Government so the Chief Minister would have nothing to fear from him but the complainants to him would have the ability if the Ombudsman had teeth to also attain redress from him which I think is the important aspect of the question.

**HON CHIEF MINISTER:**

I am not sure that I could consult the hon Member in his professional capacity since I am led to believe that he is no longer the partner of any firm and that he is now a consultant.

**HON F R PICARDO:**

Will the Chief Minister give way. I am actually the one and only partner of Picardo and Co.

**HON CHIEF MINISTER:**

I see. Well, I understand that there is some sort of special consultancy arrangement with his ex-firm, I hope that that works very well. Speaking for myself I have never understood why people have to leave law firms simply because they are in politics but still that is a matter for the law firms themselves. Nor can I accept the premise of his question and to an extent the remarks that he has made that the Public Services Ombudsman lacks 'teeth'. He very much does not lack 'teeth'. He has very, very, very wide ranging powers to require production to him of almost every piece of Government paper. Indeed all pieces of Government paper that I do not certify, the public interest requires not to be sent to him. I have never exercised that power and I cannot envisage circumstances in which I might have to but I suppose they might. If by not having 'teeth', somebody who has the power to investigate, summon witnesses, require the entire public administration to open its files to him can hardly be said to lack 'teeth' unless by lacking 'teeth' what he means is that he is not a super privy council. So, that when he has formed a view about something he does not have the power to impose his view and require and the elected Government of the day to act according to his view. That would not be to give him 'teeth' that would be to elevate the Public Services Ombudsman, somebody that the Chief Minister designates to a position much more powerful than the combined power and authority of the elected Government and for that matter the elected Opposition in its parliamentary capacity as well. I am not aware of any Public Services Ombudsman anywhere in the democratic world, by which I do not suggest that they do have those powers in the non democratic world but rather that they do not exist at all, that has the power to cause his judgements and his views to be acted on. It is generally accepted in the Ombudsman's model which the Leader of the Opposition will remember is a Swedish creature that the Ombudsman's powers are limited to the powers of persuasion through the publicity that statute entitles him to give to the criticisms that he chooses to levy at the public administration and it forms no part of the role of an unelected Ombudsman that he should have the power to order the elected Government to do this or that if it is contrary to the policy of the Government. So, I do not accept that the Public Services Ombudsman lacks teeth nor am I aware in terms of the Financial Services Ombudsman what sort of powers they normally get into the UK. I would expect our Financial Services Ombudsman when we have one to be the same sort of creature with the same sort of powers and roles as is the norm in the UK which is what we did with our Public Services Ombudsman. We got all the legislation from comparable territories, we based ours on Malta, New Zealand and Ireland primarily to make sure that we were doing more or less what everyone was doing and I assume we will do the same for the Financial Ombudsman too.

**HON F R PICARDO:**

As the Chief Minister has said the Ombudsman has the power to investigate, summons witnesses and to obtain copies of pieces of papers to look at files. That is already a power which the Financial Services Commission has in relation to all of the issues which the complainant in my question would be bringing before the Financial Services Ombudsman and that is why I think it is important that we do concentrate on providing an Ombudsman that is able to provide redress and in that respect the Chief

Minister has spoken of a Super Privy Council. Well, then so be it. In fact, recently in the United Kingdom the Financial Services Ombudsman in its capacity as a Super Privy Council made an order against one particular bank where it ordered them to pay a substantial amount back to investors in a product that had been improperly advertised and I would urge that that be the level of power to provide redress that any creature of statute designated as a Financial Services Ombudsman has when the Chief Minister brings legislation to this House to that effect.

**HON CHIEF MINISTER:**

As I say, I have said that I was not aware the sort of powers wielded by Financial Services Ombudsman. I am familiar with the powers wielded by Public Services Ombudsman because we had to research it at the time that we created ours. I have also said that I am not aware because I am not familiar with the powers that are held by Financial Services Ombudsman but I have said that we would expect ours to have the same power. I presume that if the Financial Services Ombudsman has power to make awards it is limited to loss flowing from regulatory failures rather than contractual situations which are still presumably the province of the courts. We will find out when we get there.

**NO 447 OF 2004**

**THE HON F R PICARDO**

**COMPANIES REGISTER**

How many companies have been removed from the companies register in 2003?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The information the hon Member has requested is on the attached sheet which I now hand to him.

**Answer to Question No 442 of 2004**

The companies formed in Gibraltar in each month of 2003 were as follows:

|           |     |
|-----------|-----|
| January   | 334 |
| February  | 239 |
| March     | 176 |
| April     | 204 |
| May       | 304 |
| June      | 271 |
| July      | 272 |
| August    | 267 |
| September | 280 |
| October   | 255 |
| November  | 305 |
| December  | 235 |

Total for the year 2003 – 3142 (3470 in 2002)

**Answer to Question 447 of 2004**

The companies removed from the companies register in 2003 were as follows:

Struck off pursuant to Section 267 = 2167 companies

Wound up = 93 companies

Cessation pursuant of Section (10) 3 Re-domiciliation = 161 companies

Total = 2421 companies.



ORAL

NO 448 OF 2004

THE HON F R PICARDO

**TAX EXEMPT COMPANIES**

Are Government continuing to approve the grant of new Tax Exempt certificates?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos 449 and 450 of 2004.

ORAL

NO 449 OF 2004

THE HON F R PICARDO

**TAX EXEMPT COMPANIES**

Can Government state how many tax exempt company certificates were issued in 2003?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos 448 and 450 of 2004.

**NO 450 OF 2004**

**THE HON F R PICARDO**

**TAX EXEMPT COMPANIES**

How many tax exempt companies have terminated their tax exemption certificates in 2003?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Government continue to approve the granting of new tax exempt certificates. There were 1,022 new tax exempt certificates issued in 2003. A total of 989 companies have terminated their tax exempt certificates in 2003.

**SUPPLEMENTARY TO QUESTION NOS 448 TO 450 OF 2004**

**HON F R PICARDO:**

In relation to the answer to Question No 448 of 2004, the position as to the continuance of the issue of the certificates is as we discussed earlier in relation to the other question, that until the Commission proactively requires us to stop we shall continue to issue them unless we have a different system in place is that right?

**HON CHIEF MINISTER:**

Yes. If the hon Member had seen any of these recently he will see that they are all now issued under cover of a letter advising that the Government intends to reform company taxation in Gibraltar and that the validity of the certificate ends when the said reforms are implemented.

**HON F R PICARDO:**

Therefore there is no other date on the horizon apart from that which might be set by the Commission by which we have no alternative but to stop. There is no long stop date that we have to be careful of because of the existing aid provisions. We are really in the hands of the Commission in that respect. There is no objective long term date.

**HON CHIEF MINISTER:**

No. The only other date that might intervene is the code of conduct roll back date. This is one of the harmful tax measures identified by the Primorolo Group and as I said earlier in answer to a question by the Leader of the Opposition it is currently understood by the UK and accepted by them that we cannot be expected to roll back the exempt regime until we can replace it with another one. We cannot be without a regime but if that were to change then that is the only other date that might intervene on the horizon that the hon Member has painted.

ORAL

**NO 451 OF 2004**

**THE HON F R PICARDO**

**PROTECTED CELL COMPANIES**

Can Government state how many Protected Cell Companies are registered in Gibraltar as at 31<sup>st</sup> December 2003?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question No 452 of 2004.

**NO 452 OF 2004**

**THE HON F R PICARDO**

**PROTECTED CELL COMPANIES**

Are there any applications to form a protected Cell Company pending consideration, or has any application been rejected since the last Question Time in this House?

**ANSWER**

**THE HON THE CHIEF MINISTER**

As at 31<sup>st</sup> December 2003, one Protected Cell Company is registered in Gibraltar. There are currently no applications to form a Protected Cell Company pending consideration, to my knowledge none have been refused.

ORAL

NO 453 OF 2004

THE HON F R PICARDO

**QUALIFYING COMPANIES**

How many qualifying companies have discontinued their qualifying status in 2003?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question No 454 of 2004.

**NO 454 OF 2004**

**THE HON F R PICARDO**

**QUALIFYING COMPANIES**

Can Government state how many of the qualifying companies which remained as at the end of December 2003 are considered by it to be active or trading?

**ANSWER**

**THE HON THE CHIEF MINISTER**

As far as our records show during the year 2003 no qualifying company relinquished its status. As far as we can ascertain the majority of registered qualifying companies remain active.

**SUPPLEMENTARY TO QUESTION NOS 453 AND 454 OF 2004**

**HON F R PICARDO:**

Having had the opportunity of going back to the answer to Question Nos 330 and 331 of 2003 where the answer given by the Chief Minister's predecessor as Minister for Financial Services was White Rock Insurance Gibraltar PCC Limited is the only Protected Cell Company that is formed in Gibraltar up to the end of 2002. I suppose that explains the whole of the answer to those four questions. The answer to all of them is one.

**HON CHIEF MINISTER:**

Is the hon Member inviting me to repeat the answer that I have just given him? One is the answer that I have just given him.



**HON F R PICARDO:**

What I am inviting is comment on the fact that there is one Protected Cell Company in Gibraltar, there was one Protected Cell Company in Gibraltar, there is no application for any others and none have gone. It appears that one is the number that came and that is it.

ORAL

NO 455 OF 2004

THE HON F R PICARDO

**FINANCIAL SERVICES**

Can Government give the cost, with a breakdown, of attending all and any conferences which related or were considered to relate to financial services for the year 2003, giving the offices of those who might have attended as part of the Government delegation?

ANSWER

THE HON THE CHIEF MINISTER

The information the hon Member has requested is on the attached sheet which I hand to him.

Answer to Question 455/2004

| CONFERENCE                                                                                                                                                                                                                                                                      | SPONSOR/<br>REG. FEES | FLIGHTS | ACCOMM | SUBSIS<br>TENCE | EXPENSES | COURIER | ROOM HIRE/<br>CATERING | TOTAL      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|---------|--------|-----------------|----------|---------|------------------------|------------|
| <b>Institute of Directors' Seminar - 22nd January 2003</b><br>James Tipping - Finance Centre Director<br>Darion Figueredo - E-Business Officer                                                                                                                                  | 0                     | 197     | 330    | 102             | 294      | 0       | 0                      | £ 923.00   |
| <b>Gibraltar Insurance Conference - 5th February 2003</b><br>Keith Azopardi - MTIT<br>James Tipping - Finance Centre Director<br>Guy Canessa - Marketing & Liaison Officer<br>Claire Kelly-Federico - Asst. Finance Centre Director<br>Veena Purswani - Marketing/Admin Officer | 0                     | 1912    | 2364   | 615             | 1489     | 290     | 4520                   | £11,190.00 |
| <b>Euromoney 3rd International Trusts Forum<br/>20th-21st February 2003</b><br>James Tipping - Finance Centre Director<br>Darion Figueredo - E-Business Officer                                                                                                                 | 4000                  | 478     | 846    | 102             | 423      | 13      | 0                      | £ 5,862.00 |
| <b>Gibraltar Funds Conference - 9th April 2003</b><br>Keith Azopardi - MTIT<br>James Tipping - Finance Centre Director<br>Guy Canessa - Marketing & Liaison Officer<br>Maite Mir-Parody - Personal Assistant FCD<br>Brian Morris - Investment Services Supervisor               | 0                     | 1573    | 2243   | 461             | 635      | 145     | 3171                   | £ 8,228.00 |

Cont..

Cont.d Answer to Question 455/2004

| CONFERENCE                                                                                                                                                                                                                                                                                            | SPONSOR/<br>REG. FEES | FLIGHTS | ACCOMM | SUBSIS<br>TENCE | EXPENSES | COURIER | ROOM HIRE/<br>CATERING | TOTAL       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|---------|--------|-----------------|----------|---------|------------------------|-------------|
| <b>Gibraltar E-Business Conference - 25th June 2003</b><br>James Tipping - Finance Centre Director<br>Darion Figueredo - E-Business Officer<br>Veena Purswani - Marketing/Admin Officer<br>Paul Canessa - Chief Executive GRA<br>Ian Torrilla - Chairperson ICTA                                      | 0                     | 833     | 2124   | 307             | 188      | 125     | 3602                   | £ 7,179.00  |
| <b>Euromoney 4th Offshore Financial Services Summit<br/>26th June 2003</b><br>James Tipping - Finance Centre Director                                                                                                                                                                                 | 0                     | 153     | 374    | 0               | 99       | 0       | 0                      | £ 626.00    |
| <b>Vermont Captive Insurance Association<br/>5th - 7th August 2003</b><br>Guy Canessa - Marketing & Liaison Officer<br>Darion Figueredo - E-Business Officer                                                                                                                                          | 1805                  | 3514    | 1184   | 1112            | 856      | 1049    | 0                      | £ 9,520.00  |
| <b>Gibraltar Day in London - 20th October 2003</b><br>Keith Azopardi - MTIT<br>James Tipping - Finance Centre Director<br>Joe Macano - Director Licensing Unit<br>Darion Figueredo - E-Business Officer<br>Veena Purswani - Marketing/Admin Officer<br>Maite Mir-Parody - Personal Secretary FCD      | 0                     | 1661    | 1843   | 512             | 614      | 423     | 8561                   | £ 13,614.00 |
| <b>Private Clients' Conference - 12th November 2003</b><br>Keith Azopardi - MTIT<br>James Tipping - Finance Centre Director<br>Joe Macano - Director Licensing Unit<br>Darion Figueredo - E-Business Officer<br>Veena Purswani - Marketing/Admin Officer<br>Maite Mir-Parody - Personal Secretary FCD | 0                     | 1487    | 2248   | 563             | 601      | 175     | 4489                   | £ 9,563.00  |

**NO 456 OF 2004**

**THE HON F R PICARDO**

**FINANCIAL SERVICES COMMISSION**

In relation to financial services, can the Chief Minister give the dates from March 2003 to date when he or his predecessor with responsibility for Financial Services, the Hon Keith Azopardi, have been away from Gibraltar on Government business, giving the event or function attended, the venue, the city and the country visited, the names of any officials or other persons travelling with the Chief Minister or the Minister and a breakdown of the cost of each visit?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The information the hon Member has requested is on the attached sheets which I hand to him.

Answer to Question 456/2004

| DATE               | EVENT                                                                                                                           | CITY           | TRAVEL | ACCOMM. | SUBSIS. | EXPENSES | PRESS LUNCH | CONF. | VIP DINNER | TOTAL   |
|--------------------|---------------------------------------------------------------------------------------------------------------------------------|----------------|--------|---------|---------|----------|-------------|-------|------------|---------|
| 17-21 March 2003   | <b>Marketing Visits</b><br>The Hon K Azopardi<br>James Tipping<br>Claire Kelly-Federico                                         | Milan & Lugano | 2301   | 2313    | 625     | 969      | 0           | 0     | 0          | £6,808  |
| 7-10 April 2003    | <b>Gibraltar Funds Conference</b><br>The Hon K Azopardi<br>James Tipping<br>Guy Canessa<br>Maite Mir-Parody<br>Brian Morris     | London         | 1573   | 2243    | 461     | 780      | 877         | 3171  | 2119       | £11,224 |
| 11-14 May 2003     | <b>Marketing Visits</b><br>The Hon K Azopardi<br>Guy Canessa<br>Claire Kelly-Federico                                           | Lugano         | 5627   | 1795    | 708     | 592      | 0           | 0     | 0          | £8,722  |
| 10-11 June 2003    | <b>Meetings with Inland Revenue, FCO, HMT, DTI &amp; UK REP at DTI</b><br>The Hon P Caruana<br>Ernest Montado<br>John Reyes     | London         | 2392   | 440     | 0       | 160      | 0           | 0     | 0          | £2,992  |
| 22 September 2003  | <b>Meeting re State Aid Tax Reform at DG Competition</b><br>The Hon P Caruana<br>Ernest Montado<br>John Reyes<br>Michael Llamas | Brussels       | 1943   | 637     | 0       | 348      | 0           | 0     | 0          | £2,928  |
| 13-16 October 2003 | <b>OECD Global Forum Meeting</b><br>The Hon K Azopardi<br>James Tipping<br>Michael Llamas                                       | Ottawa         | 9210   | 962     | 252     | 287      | 0           | 0     | 0          | £10,711 |

Cont.d Answer to Question 456/2004

| DATE               | EVENT                                                                                                                                                             | CITY   | TRAVEL | ACCOMM. | SUBSIS. | EXPENSES | LUNCH | CONF. | VIP DINNER | TOTAL   |
|--------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|--------|---------|---------|----------|-------|-------|------------|---------|
| 19-21 October 2003 | Gibraltar Day in London - Financial Services Lunch<br>The Hon K Azopardi<br>James Tipping<br>Joe Macano<br>Darion Figueredo<br>Veena Purswani<br>Maite Mir-Parody | London | 1661   | 1843    | 512     | 1037     | 8561  | 0     | 0          | £13,614 |
| 1-14 November 2003 | Private Clients' Conference<br>The Hon K Azopardi<br>James Tipping<br>Joe Macano<br>Darion Figueredo<br>Veena Purswani<br>Maite Mir-Parody                        | London | 1487   | 2248    | 563     | 776      | 0     | 4489  | 1774       | £11,337 |

**NO 457 OF 2004**

**THE HON F R PICARDO**

**FINANCE CENTRE DIRECTOR**

What conferences, seminars or events does the Government expect that the Finance Centre Director, or any Member of his staff, will be attending in the next six months, by whom will he be accompanied and what is the expected cost of attendance at each event?

**ANSWER**

**THE HON THE CHIEF MINISTER**

One of the principal functions of the Finance Centre is marketing and the promotion of Gibraltar as a Financial Services Centre. As such and in close collaboration with the private sector the Finance Centre has over a number of years developed a rolling programme of events and marketing trips that it engages in. This year and more specifically over the next six months we would expect that the Finance Centre would be actively considering the following:-

- |             |   |                                                                                                  |
|-------------|---|--------------------------------------------------------------------------------------------------|
| Geneva      | - | marketing of private client products, funds and insurance                                        |
| Zurich      | - | marketing of private client products, funds and insurance                                        |
| Lisbon      | - | marketing of private client products, funds and insurance                                        |
| San Diego   | - | attendance at insurance conference                                                               |
| Scandinavia | - | insurance marketing                                                                              |
| Luxembourg  | - | attendance at insurance conference                                                               |
| UK          | - | various events including London and Manchester for the promotion of financial services generally |

The above illustration does not take into account specific requests from private sector firms for the Finance Centre to attend and to speak at or co-host events and conferences with them. One such example is an in-house insurance workshop at a major international insurance company in London – attendees would comprise international staff of the company. This is being held in late February. We would also expect to receive invitations from conference organisers inviting the Finance Centre to speak on financial services topics. Generally the personnel at the Finance Centre that are involved in marketing and travel are:-



|                  |   |                                      |
|------------------|---|--------------------------------------|
| James Tipping    | - | Finance Centre Director              |
| Joe Macano       | - | Director Licensing Unit              |
| Guy Canessa      | - | Marketing and Liaison Officer        |
| Veena Purswani   | - | Marketing and Administration Officer |
| Maite Mir-Parody | - | Personal Assistant                   |

The actual number of staff attending any one event depends largely on, inter alia, the level of expected attendees at any event, the complexity of the organisation, how many speakers we would wish to put forward, individuals to have available for networking etc. The involvement of staff in marketing travel is also used as a career development and motivation tool. It also provides for a pool of in-house resource and experience to be developed which is crucial for continuity purposes.

As regards costs, average costs have varied from circa £600 for attending as a speaker at a third party conference to approximately £11,000 for the organisation and development by Finance Centre staff of a large conference, for example, on insurance in London with approximately 75 attendees in total. However this does not take into account the fact that the Finance Centre would normally arrange for tag-on events at the same time such as a journalists lunch or similar. This is to ensure value is maximised in respect of the fixed costs such as travel and accommodation costs. Importantly, each and every event is discussed with the private sector on a case by case basis to ensure that broad based support is forthcoming prior to any event being staged.

#### **SUPPLEMENTARY TO QUESTION NO 457 OF 2004**

#### **HON F R PICARDO:**

I am very grateful to the Chief Minister for that answer which volunteers so much more information than my question sought but looking at my question the only conferences which are planned at this stage appear to be the Geneva, Zurich and Lisbon conferences and everything else is envisaged but not yet programmed is that right?

#### **HON CHIEF MINISTER:**

The hon Member is overlooking the width and depth of his question. I do not think that there is any extra information in the answer although I agree that if I had drafted the answer I would certainly not have made it so long. Still, I am not able to distinguish between the ones that are firm and the ones that are not, it is not disclosed to me.

**NO 458 OF 2004****THE HON F R PICARDO****FINANCIAL SERVICES**

Can Government state how much of the amount of the DTI Financial Services budget allocated to marketing, promotions and conferences has been spent as at 31<sup>st</sup> December 2003, giving a breakdown of the sums expended?

**ANSWER****THE HON THE CHIEF MINISTER**

The sum of about £148,000 has been spent from DTI Financial Services budget out of £200,000 which was allocated for the financial year 2003/2004. A breakdown of the sums expended is as follows:

|                                                 |                 |
|-------------------------------------------------|-----------------|
| Marketing Conferences and Promotional Materials | £104,143        |
| Travel and Accommodation                        | £ 34,780        |
| Subsistence                                     | £ 3,352         |
| Courier and other miscellaneous expenses        | £ 5,462         |
|                                                 | _____           |
| <b>Total</b>                                    | <b>£147,737</b> |
|                                                 | _____           |

**NO 459 OF 2004****THE HON DR J J GARCIA****VISAS**

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 since March 2003 inclusive?

**ANSWER****THE HON THE CHIEF MINISTER**

The total of visas for Gibraltar issued in Morocco to no-EU nationals is not available at the moment because the premises which accommodate the British Consular Offices in Tangier and Casablanca have been closed since 15 December 2003. The hon Member may have read in the press that indeed when the Foreign Office conducted a security analysis of its various diplomatic posts around the world these two were identified as being really exposed, high risk locations and therefore they were just closed down overnight. Both offices are pending relocation and officials are temporarily unable to access their records. For the time being, all applications for visas for Gibraltar are being handled by Rabat. The information sought can therefore only be provided in respect of visas issued by Rabat. The total number of visas issued by Rabat on a monthly basis since March 2003 is as follows:

|                                                                 |   |     |   |
|-----------------------------------------------------------------|---|-----|---|
| March 2003                                                      | - | 3   |   |
| April 2003                                                      | - | 7   |   |
| May 2003                                                        | - | 5   |   |
| June 2003                                                       | - | 12  |   |
| July 2003                                                       | - | 20  |   |
| August 2003                                                     | - | 5   |   |
| Sept 2003                                                       | - | 12  |   |
| Oct 2003                                                        | - | 6   |   |
| Nov 2003                                                        | - | 14  |   |
| Dec 2003                                                        | - | 21  |   |
| January 2003 (Up to and including 5 <sup>th</sup> January 2003) | - |     | 3 |
| Total No of visas                                               | - | 108 |   |

**NO 460 OF 2004**

**THE HON DR J J GARCIA**

**OFFSHORE BETTING**

Have there been any new applications for a licence to conduct offshore betting since the last question time in this House in March?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Since the end of March 2003, 26 enquiries have been received. Of these, seven, resulted in formal applications, three of which have been rejected and four are under consideration.

**NO 461 OF 2004**

**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 30<sup>th</sup> June 2003 and 31<sup>st</sup> December 2003, listing the companies where such persons are employed, how many are Gibraltarians, how many are EU nationals and how many are non-EU nationals?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Based on the available information supplied by the gaming operators themselves, as at the 30<sup>th</sup> November 2003, a total of 708 persons were employed by 10 companies. This compares very favourably to the 567 persons employed on the date of the previous detailed return from the gaming operators on the 3<sup>rd</sup> March 2003 which was provided in answer to Question No 387/2003. I hand the hon Member the information requested.

Answer to Question 461 of 2004

OFFSHORE GAMING COMPANIES - EMPLOYMENT STATISTICS AS AT 30 NOVEMBER 2003

|                                                                      | Gibraltarian | Other British | Spanish   | Other      | Total      |
|----------------------------------------------------------------------|--------------|---------------|-----------|------------|------------|
| Ladbroke (Gibraltar) Limited - Full Time                             | 8            | 32            | 3         | 0          | 43         |
| - Part Time                                                          | 1            | 0             | 0         | 0          | 1          |
| Sub-Total                                                            | 9            | 32            | 3         | 0          | 44         |
| Victor Chandler (International) Limited - Full Time                  | 41           | 98            | 7         | 40         | 186        |
| - Part Time                                                          | 34           | 30            | 7         | 8          | 79         |
| Sub-Total                                                            | 75           | 128           | 14        | 48         | 265        |
| Bet and Win International Limited - Full Time                        | 8            | 10            | 2         | 13         | 33         |
| (formerly <i>Simon Bold</i> ) - Part Time                            | 0            | 0             | 0         | 0          | 0          |
| Sub-Total                                                            | 8            | 10            | 2         | 13         | 33         |
| Stan James (Gibraltar) Limited - Full Time                           | 4            | 75            | 0         | 8          | 87         |
| - Part Time                                                          | 2            | 6             | 0         | 0          | 8          |
| Sub-Total                                                            | 6            | 81            | 0         | 8          | 95         |
| Trafalgar Betting and Gaming Limited - Full Time                     | 2            | 5             | 0         | 2          | 9          |
| - Part Time                                                          | 0            | 1             | 0         | 0          | 1          |
| Sub-Total                                                            | 2            | 6             | 0         | 2          | 10         |
| St Minver Limited                                                    | 4            | 9             | 0         | 1          | 14         |
| (formerly <i>Gala Interactive</i> ) - Full Time                      | 0            | 1             | 0         | 0          | 1          |
| - Part Time                                                          | 4            | 10            | 0         | 1          | 15         |
| Digibet Limited                                                      | 0            | 0             | 0         | 1          | 1          |
| Eurobet (Gibraltar) Limited                                          | 2            | 4             | 1         | 7          | 14         |
| Carmen Media Group Ltd (formerly <i>Demmysportsbet.com Limited</i> ) | 9            | 9             | 2         | 7          | 27         |
| Cassava Enterprises (Gibraltar) Limited                              | 53           | 73            | 3         | 75         | 204        |
| <b>Totals:-</b>                                                      |              |               |           |            |            |
| Full Time                                                            | 131          | 315           | 18        | 154        | 618        |
| Part Time                                                            | 37           | 38            | 7         | 8          | 90         |
| <b>Overall Total</b>                                                 | <b>168</b>   | <b>353</b>    | <b>25</b> | <b>162</b> | <b>708</b> |

Source: Office of the Financial & Development Secretary

**NO 462 OF 2004**

**THE HON DR J J GARCIA**

**MERCAMED GIBRALTAR**

Can Government say whether the Gibraltar Mercomed and Spanish Mercomed have now been incorporated in Gibraltar and Spain, and has the Joint Venture Agreement between them now been concluded?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Mercomed (Gibraltar & Los Barrios) Limited has been incorporated in Gibraltar and Mercomed (Gibraltar & Los Barrios) SA is in its final stages of incorporation in Spain. The Joint Venture Agreement remains to be concluded.

**SUPPLEMENTARY TO QUESTION NO 462 OF 2004**

**HON DR J J GARCIA:**

Once the Spanish company is formed and the agreement has been concluded, at what stage will the company be in a position to apply for some kind of special EU status which I think we discussed originally when this issue first came up?

**HON CHIEF MINISTER:**

Once they are both incorporated. The status to which the hon Member refers is known as by its acronym EEIG which stands for European Economic Interest Grouping.

**NO 463 OF 2004**

**THE HON DR J J GARCIA**

**IMPORT DUTY – BUILDING MATERIALS**

What was the amount of import duty paid on building materials on a monthly basis since March 2003 inclusive?

**ANSWER**

**THE HON THE CHIEF MINISTER**

I hand the hon Member the information requested

**Answer to Question No 463 of 2004**

|           | £         |
|-----------|-----------|
| March     | 31,163.18 |
| April     | 34,704.48 |
| May       | 36,595.39 |
| June      | 23,858.89 |
| July      | 33,427.59 |
| August    | 29,855.22 |
| September | 38,777.51 |
| October   | 49,530.68 |
| November  | 25,505.68 |
| December  | 18,268.18 |



ORAL

**NO 464 OF 2004**

**THE HON DR J J GARCIA**

**IMPORT DUTY – LAND FRONTIER**

How much import duty has been collected from persons entering Gibraltar through the non-commercial gate at the Land Frontier on a monthly basis from January 2002 to date?

**ANSWER**

**THE HON THE CHIEF MINISTER**

I hand the hon Member the information requested.

**Answer to Question No 464 of 2004**

| <b>2002</b>  | <b>£</b>           | <b>2003</b> | <b>£</b>           |
|--------------|--------------------|-------------|--------------------|
| January      | 8,202.26           | January     | 10,333.14          |
| February     | 8,289.06           | February    | 7,778.02           |
| March        | 8,779.14           | March       | 10,475.08          |
| April        | 9,376.86           | April       | 11,112.26          |
| May          | 10,887.73          | May         | 10,738.90          |
| June         | 8,127.65           | June        | 9,703.13           |
| July         | 9,447.72           | July        | 9,353.91           |
| August       | 7,166.69           | August      | 7,807.14           |
| September    | 10,279.06          | September   | 10,011.31          |
| October      | 10,370.81          | October     | 14,733.74          |
| November     | 11,293.57          | November    | 16,334.66          |
| December     | 15,686.50          | December    | 22,047.79          |
| <b>Total</b> | <b>£117,907.05</b> |             | <b>£141,429.08</b> |

ORAL

**NO 465 OF 2004**

**THE HON DR J J GARCIA**

**HEAD 8A, SUBHEAD 8(d)**

Can Government provide a breakdown of the £200,000 forecast out-turn for 2002/2003 at Head 8A, Subhead 8(d) in respect of private sector fees for legal drafting, showing in each case the legal firm that the amount was paid to, the work done, the date of payment and the amount paid?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos 466 to 471 of 2004.

ORAL

**NO 466 OF 2004**

**THE HON DR J J GARCIA**

**HEAD 8A, SUBHEAD 8(e)**

Can Government provide a breakdown of the £9,000 forecast out-turn for 2002/2003 at Head 8A, Subhead Head 8(e) in respect of publications, showing the amount paid to whom and for what?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos 465 and 467 to 471 of 2004.

**NO 467 OF 2004**

**THE HON DR J J GARCIA**

**HEAD 8A, SUBHEAD 13**

Can Government provide a breakdown of the £780,000 forecast out-turn for 2002/2003 at Head 8A, Subhead 13 in respect of private sector fees for legal advice, showing in each case the legal firm that the amount was paid to, the work done, the date of payment and the amount paid?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos 465 to 466 and 468 to 471 of 2004.

ORAL

**NO 468 OF 2004**

**THE HON DR J J GARCIA**

**HEAD 8A, SUBHEAD 14**

Can Government provide a breakdown of the £1,170,000 forecast out-turn for 2002/2003 at Head 8A, Subhead 14 in respect of Government Lobbying, Hospitality and Travel?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos 465 to 467 and 469 to 471 of 2004.

ORAL

**NO 469 OF 2004**

**THE HON DR J J GARCIA**

**HEAD 8A, SUBHEAD 22**

Can Government provide a breakdown of the £100,000 forecast out-turn for 2002/2003 at Head 8A, Subhead 22 in respect of Research, Development Studies and Professional Fees?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos 465 to 468 and 470 to 471 of 2004.

ORAL

**NO 470 OF 2004**

**THE HON DR J J GARCIA**

**HEAD 8A, SUBHEAD 23**

Can Government provide a breakdown of the £150,000 forecast out-turn for 2002/2003 at Head 8A, Subhead 23 in respect of National Day?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with question Nos 465 to 469 and 471 of 2004.



**NO 471 OF 2004**

**THE HON DR J J GARCIA**

**GIBRALTAR DAY IN LONDON**

What was the total cost, with a breakdown per event, of Gibraltar Day in London last October?

**ANSWER**

**THE HON THE CHIEF MINISTER**

**Answer to Question No 465 to 467 of 2004**

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

**Answer to Question No 468 of 2004**

|                 |             |
|-----------------|-------------|
| Official Travel | £213,460.96 |
| Invited Guests  | £ 16,957.77 |
| Political       | £960,573.39 |

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**£1,190,992.12**

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**Answer to Question No 469 of 2004**

|                    |            |
|--------------------|------------|
| Input/Output Study | £22,362.40 |
| IT Review          | £30,088.04 |
| Mr L Edmonds       | £ 8,400.00 |
| Misc               | £56,230.47 |

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**£117,080.91**

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**Answer to Question No 470 of 2004**

The information requested by the hon Member is too voluminous and too and too minutely detailed. The hon Member is in effect asking the government to publish a Nominal Ledger of all items charged to the general subheads. It is not appropriate. If he wants subtotals in respect of any particular item of expenditure I will endeavour the information for him.

**Answer to Question No 471 of 2004**

|                    |                    |
|--------------------|--------------------|
| Sea Cadets         | £ 265.00           |
| Piper and Drummer  | £ 140.00           |
| Catering           | £31,711.00         |
| Hire of Guild Hall | £ 6,682.00         |
| Floral             | £ 2,062.00         |
| Printing/Postage   | £ 2,651.55         |
|                    | —————              |
|                    | <b>£ 43,511.55</b> |
|                    | —————              |

Answer to Question 471 of 2004

ANSWER TO QUESTION 465

| <u>FIRM</u>                        | <u>DATE OF PAYMENT</u> | <u>DESCRIPTION</u>          | <u>AMOUNT</u>      |
|------------------------------------|------------------------|-----------------------------|--------------------|
| HASSANS                            | 30/04/2002             | Tax Reform                  | £19,375.70         |
| HASSANS                            | 09/10/2002             | Tax Reform                  | £10,367.95         |
| HASSANS                            | 09/12/2002             | Telecommunications Licenses | £1,568.47          |
| HASSANS                            | 19/03/2003             | Tax Reform                  | £2,420.05          |
| TRIAY & TRIAY                      | 10/05/2002             | New Tax Legislation         | £4,545.00          |
| BAKER TILLY                        | 27/05/2002             | Tax Legislation             | £8,025.00          |
| KPMG                               | 07/06/2002             | Reform Tax Legislation      | £7,087.00          |
| KPMG                               | 26/06/2002             | Reform Tax Legislation      | £6,902.22          |
| KPMG                               | 29/08/2002             | Reform Tax Legislation      | £7,275.00          |
| KPMG                               | 27/01/2003             | Reform Tax Legislation      | £10,842.37         |
| MICHAEL LLAMAS                     | 26/06/2002             | Eurovote                    | £10,710.00         |
| MICHAEL LLAMAS                     | 23/08/2002             | Advice icw ECHR             | £12,580.00         |
| MICHAEL LLAMAS                     | 11/12/2002             | Civil Aviation              | £15,300.00         |
| MICHAEL LLAMAS                     | 28/01/2003             | Eurovote                    | £2,890.00          |
| MICHAEL LLAMAS                     | 28/01/2003             | Consumer Credit             | £9,690.00          |
| CLEARY, GOTTlieb, STEEN & HAMILTON | 22/11/2002             | Tax Reform                  | £54,065.84         |
|                                    |                        |                             | <u>£183,644.60</u> |

Cont.....

ANSWER TO QUESTION 466

| <u>FIRM</u>                         | <u>DESCRIPTION</u>                                                                                                             | <u>AMOUNT</u>    |
|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|------------------|
| BUTTERWORTHS TOLLEY                 | Halsbury Statutes                                                                                                              | £764.50          |
| BUTTERWORTHS TOLLEY                 | Halsbury Statutes                                                                                                              | £144.50          |
| BUTTERWORTHS TOLLEY                 | Legislation Direct OnLine                                                                                                      | £2,500.00        |
| BUTTERWORTHS TOLLEY                 | Halsbury Statutes                                                                                                              | £149.00          |
| BUTTERWORTHS TOLLEY                 | Halsbury Statutes                                                                                                              | £229.00          |
| BUTTERWORTHS TOLLEY                 | Halsbury Statutes                                                                                                              | £149.00          |
| BUTTERWORTHS TOLLEY                 | Halsbury Statutes                                                                                                              | £149.00          |
| BUTTERWORTHS TOLLEY                 | Halsbury Statutes                                                                                                              | £149.00          |
| BUTTERWORTHS TOLLEY                 | Halsbury Statutes                                                                                                              | £555.00          |
| BUTTERWORTHS TOLLEY                 | Halsbury Statutes                                                                                                              | £289.00          |
| BUTTERWORTHS TOLLEY                 | Halsbury Statutes                                                                                                              | £159.00          |
| INTERNATIONAL MARITIME ORGANIZATION | SAR Convention (revised)<br>IAMSAR Vols 1 - 3                                                                                  | £134.00          |
| INTERNATIONAL MARITIME ORGANIZATION | Solas (Consolidated Edition 2001)<br>Solas Amendments 2000<br>Marpol 73/78<br>International Convention<br>1997 Marpol Annex VI | £181.00          |
| CONTEXT Ltd                         | Subscription Renewal                                                                                                           | £1,250.00        |
| W H EVERETT                         | Official Journal Of European Communities<br>Common Market Law Reports<br>Common Market Law Review                              | £2,130.05        |
| HAMMICKS BOOKS                      | Subscription Renewal                                                                                                           | £127.00          |
|                                     |                                                                                                                                | <u>£9,059.05</u> |

Cont.....

ANSWER TO QUESTION 467

| <u>LAW FIRM</u>                     | <u>DATE OF PAYMENT</u> | <u>DESCRIPTION</u>                                               | <u>AMOUNT</u>            |
|-------------------------------------|------------------------|------------------------------------------------------------------|--------------------------|
| CLEARY, GOTTLLIEB, STEEN & HAMILTON | 29/04/2002             | Tax Reform/State Aid<br>Aviation/Single European Sky             | £59,230.51<br>£32,913.49 |
| CLEARY, GOTTLLIEB, STEEN & HAMILTON | 27/06/2002             | The Licensing of Datatronics T/A Call Direct                     | £16,575.96               |
| CLEARY, GOTTLLIEB, STEEN & HAMILTON | 28/06/2002             | Tax Issues                                                       | £32,063.30               |
| CLEARY, GOTTLLIEB, STEEN & HAMILTON | 30/08/2002             | Professional Services icw Gib Telecommunications (Licensing) Reg | £8,264.32                |
| CLEARY, GOTTLLIEB, STEEN & HAMILTON | 15/11/2002             | CGSH Telecommunications Bill                                     | £11,572.37               |
| HASSANS                             | 30/04/2002             | Planning Appeal & Enforcement                                    | £4,895.51                |
| HASSANS                             | 10/05/2002             | Nautilus IV - Hearing costs                                      | £2,925.00                |
| HASSANS                             | 14/05/2002             | Gardiners House Management Ltd - appeal                          | £675.00                  |
| HASSANS                             | 20/05/2002             | Prata Ltd - appeal iro Trade Licensing Authority                 | £5,100.00                |
| HASSANS                             | 30/05/2002             | Waste Licences - advice                                          | £750.00                  |
| HASSANS                             | 07/06/2002             | Gibnet Ltd - Interim payment                                     | £2,575.00                |
| HASSANS                             | 06/12/2002             | Telecommunications Guidance Notes                                | £2,252.00                |
| HASSANS                             | 28/06/2002             | Telecommunications Legislation & Datatronics Licence Application | £5,016.00                |
| HASSANS                             | 20/08/2002             | Agrani Satellite Communications                                  | £2,150.00                |
| HASSANS                             | 29/10/2002             | 13/21 John Mac Square - Building Application appeal              | £4,125.00                |
| HASSANS                             | 25/10/2002             | Telecommunications - GECSJ Satellite Project                     | £8,605.00                |

Cont.....

Cont'd Answer to Question 467

|               |            |                                                                                     |                        |
|---------------|------------|-------------------------------------------------------------------------------------|------------------------|
| HASSANS       | 31/10/2002 | Advanced Business Comm (Europe) Ltd                                                 | £24,313.50             |
| HASSANS       | 17/12/2002 | Connect Iberia<br>16 Prince Edwards Rd - Dev & Planning Commission                  | £8,192.50<br>£5,992.00 |
| HASSANS       | 30/01/2003 | Gibraltar Homes                                                                     | £950.00                |
| HASSANS       | 05/02/2003 | The Agrani Project/Amendments Telecom (Licensing) Reg 2001/Licensing of Datatronics | £46,655.00             |
| HASSANS       | 01/03/2003 | 16 Prince Edwards Rd - Dev & Planning Commission                                    | £6,644.00              |
| ISOLA & ISOLA | 10/05/2002 | Nautilus IV - Costs awarded                                                         | £17,887.24             |
| ISOLA & ISOLA | 30/05/2002 | Nautilus IV - Costs awarded                                                         | £1,132.96              |
| ISOLA & ISOLA | 23/08/2002 | MTT & HM AG -v- Isola & Isola                                                       | £16,537.50             |
| WHITE & CASE  | 10/05/2002 | Professional Services Feb & March 2002                                              | £5,853.00              |
| WHITE & CASE  | 19/06/2002 | Professional Services April 2002                                                    | £4,626.00              |
| WHITE & CASE  | 16/07/2002 | Professional Services May 2002                                                      | £3,238.00              |
| WHITE & CASE  | 29/07/2002 | State Aid                                                                           | £89,537.87             |
| WHITE & CASE  | 29/08/2002 | Professional Services June 2002                                                     | £2,708.71              |
| WHITE & CASE  | 16/09/2002 | Professional Services July 2002                                                     | £3,480.24              |
| WHITE & CASE  | 11/10/2002 | State Aid Litigation                                                                | £7,319.36              |
| WHITE & CASE  | 22/11/2002 | Professional Services August 2002                                                   | £941.00                |
| WHITE & CASE  | 05/12/2002 | Professional Services Sept 2002                                                     | £4,287.00              |
| WHITE & CASE  | 17/12/2002 | Professional Services Oct 2002                                                      | £5,687.00              |

Cont.....

Cont'd Answer to Question 467

|                         |            |                                                              |            |
|-------------------------|------------|--------------------------------------------------------------|------------|
| WHITE & CASE            | 20/01/2003 | Professional Services Nov 2002                               | £4,368.01  |
| WHITE & CASE            | 31/03/2003 | Professional Services Dec 2002                               | £4,351.43  |
| L W TRIAY & PARTNERS    | 30/05/2002 | Vexatious Litigant Order & Bankruptcy - Mr D A Schiller      | £29,849.20 |
| TRIAI & TRIAY           | 19/09/2002 | GTA & Others Appeal against Transport Commission             | £39,201.20 |
| TRIAI & TRIAY           | 09/10/2002 | Tobacco - Public Interest                                    | £7,500.00  |
| TRIAI & TRIAY           | 29/10/2002 | Reorganisation Of Housing Dept                               | £28,913.00 |
| TRIAI & TRIAY           | 27/01/2003 | Mercomed Gib & Los Barrios SA/Mercomed,Gib & Los Barrios Ltd | £8,989.50  |
| TRIAI & TRIAY           | 13/02/2003 | M H Bland & Co Ltd - Cable Car Top Station                   | £4,810.00  |
| TRIAI, STAGNETTO, NEISH | 30/07/2002 | Sir Herbert Miles Road - Catalan Bay Plot                    | £1,000.00  |
| TRIAI, STAGNETTO, NEISH | 31/10/2002 | Toyota Gib Stockholdings Ltd                                 | £5,050.00  |
| TRIAI, STAGNETTO, NEISH | 29/01/2003 | Sale of Multi-let residential properties                     | £1,500.00  |
| ATTIAS & LEVY           | 25/10/2002 | Development & Planning Comm - 8 Bright Cottage               | £2,415.00  |
| ATTIAS & LEVY           | 13/12/2002 | Bahia Caterers Ltd -v- AG                                    | £6,636.25  |
| BUDHRANI & CO           | 29/07/2002 | Cotran (Gib) Ltd -v- Ship Agents Board                       | £1,200.00  |
| <b>MISCELLANEOUS</b>    |            |                                                              |            |
| THE HON M BELOFF QC     | 07/06/2002 | Gibraltar Tax -v- The UK                                     | £12,875.00 |
|                         |            | Gibraltar Open Sky -v- The UK                                | £935.00    |
| THE HON M BELOFF QC     | 28/06/2002 | Jury Service                                                 | £12,500.00 |

Cont.....

|                          |            |                                         |                        |
|--------------------------|------------|-----------------------------------------|------------------------|
| THE HON M BELOFF QC      | 03/10/2002 | Gib Olympic Comm & GFA -v- UEFA         | £18,930.00             |
| THE HON M BELOFF QC      | 06/02/2003 | Gib Olympic Comm & GFA -v- UEFA         | £9,500.00              |
| DR STEPHANIE PALMER      | 07/06/2002 | Gibraltar Tax -v- The UK                | £1,850.00              |
| MR JAVAN HERBERG         | 28/06/2002 | Jury Service                            | £3,500.00              |
| THE TOURISM COMPANY      | 10/07/2002 | Museum/Attractions Access               | £2,878.75              |
| MLLAMAS                  | 24/07/2002 | GOG -v- EC Commission/EC Aid Litigation | £19,890.00             |
| MLLAMAS                  | 03/10/2002 | Gib Olympic Comm & GFA -v- UEFA         | £9,690.00              |
| MLLAMAS                  | 06/02/2003 | GKC -v- FIG<br>GFA -v- UEFA             | £5,950.00<br>£3,740.00 |
| MLLAMAS                  | 18/03/2002 | M H Bland -v- HM AG                     | £12,170.00             |
| SARAH PELLET             | 31/07/2002 | Constitutional Law                      | £617.36                |
| MR A PELLET              | 31/07/2002 | Constitutional Law                      | £9,579.14              |
| MR NICOLAS GREEN QC      | 04/09/2002 | Gibnet Ltd -v- HM AG                    | £800.00                |
| MR ADAM LEWIS            | 09/10/2002 | Gib Olympic Comm & GFA -v- UEFA         | £17,983.00             |
| MR ADAM LEWIS            | 06/02/2003 | Gib Olympic Comm & GFA -v- UEFA         | £18,985.00             |
| DE PFYFFER & ASSOCIES    | 11/10/2002 | Gib Olympic Comm & GFA -v- UEFA         | £17,397.42             |
| GIB FOOTBALL ASSOCIATION | 18/11/2002 | Arbitration GFA -v- UEFA                | £10,852.81             |
| STEPHEN BOSSINO          | 20/01/2003 | S Harrison - Magistrates Ct Proceedings | £1,850.00              |

£791,828.41



**SUPPLEMENTARY TO QUESTION NOS 465 TO 471 OF 2004**

**HON DR J J GARCIA:**

In relation to the answer given to Question No 468 of 2004 which asked for a breakdown of the £1.17 m spent on Government lobbying, hospitality and travel, there is an entry in the answer which says political and the amount spent on that is £960,573.39, can the Chief Minister clarify or give an indication of the kind of political event or activity that would fall under that item of expenditure?

**HON CHIEF MINISTER:**

I cannot give him details of any specific event but that is the general head to which all politically related expenditure is booked.

**HON DR J J GARCIA:**

When it is travel it would presumably come under official travel which is £213,000, then there is another for inviting guests which has its own subheading which is £16,900 and then there is a third one which is political which is the largest of the three which is over £960,000, it is that third one that I am asking what kind of activity would come under that kind of expenditure?

**HON CHIEF MINISTER:**

Any Government expenditure in respect of Government lobbying, hospitality and travel. The breakdown that the hon Member has had is not broken down into hospitality, travel and lobbying but rather into official travel, invited guests and political. So, the breakdown does not coincide with the title of the subhead in the accounts expenditure. All expenditure that is political I cannot think what might be there as opposed to elsewhere but that is what the head is for and I am afraid I do not have a breakdown by events that I could glance at just to give the hon Member the flavour of the sort of expenditure that it might be but I will have it looked into and I will drop him a line just giving him an indication of the sort of things that are involved there.

**HON DR J J GARCIA:**

If the Chief Minister could do that I would certainly be very grateful. In relation to Question No 469 of 2004 which asks for a breakdown of the £100,000 forecast out-turn in terms of research, development studies and professional fees there is one entry of £30,088.04 and the name of the item is IT review can the Chief Minister give an indication of what that item of expenditure refers to?

**HON CHIEF MINISTER:**

I am afraid I cannot. A review of information technology but precisely of what and by whom I do not know.

**HON DR J J GARCIA:**

Could I ask the Chief Minister if he could perhaps write to us in the same way as he will do with the other subhead. In relation to Question No 470 of 2004 where the answer is that the information asked for is too voluminous but subtotals in respect of a particular item of expenditure would be given, can I ask them for that breakdown of subtotals if the Chief Minister has it or if not could he write to us with that information? This is the question in respect to the expenditure on National Day.

**HON CHIEF MINISTER:**

Yes.

**HON DR J J GARCIA:**

Moving on to the total cost with a breakdown per event of Gibraltar Day in London which is Question No 471 of 2004, the total cost shown here is £43,511.55 but I seem to remember other associated events which take place at the same time in London. One which is mentioned here which is paid by the Finance Centre budget of £13,614, and events organised by the Tourism Industry.

**HON CHIEF MINISTER:**

There were none last year.

**NO 472 OF 2004**

**THE HON DR J J GARCIA**

**LAND RECLAMATION WITHIN THE HARBOUR**

Has the final report on land reclamation within the harbour now been submitted to the Government?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Yes.

**SUPPLEMENTARY TO QUESTION NO 472 OF 2004**

**HON DR J J GARCIA:**

Can the Chief Minister tell the House what the general conclusions of the report are?

**HON CHIEF MINISTER:**

The report is an investigative works and conceptual design report on the project. It invites three options for the possible land allocation and usage within the reclamation areas that would be created. Government are presently considering which of these three options to choose based on economic and engineering considerations. The final choice is dependant on MOD negotiations as to the reprovisioning of facilities in the area. Not so much on the final choice it is between the three options but proceeding on any of them is dependant on the completion of negotiations with the MOD to reprovision the facilities in No 4 dock. It is no longer called the Army Watermanship Training Centre.

**HON DR J J GARCIA:**

Are Government in a position to elaborate as to the three options they are considering for land allocation and usage?

**HON CHIEF MINISTER:**

We are in a position to elaborate in the sense that we have the information with which to do it. We do not think it is appropriate at this stage simply to speculate. It is just different configurations and mixes of use, it is no greater deal. It invites the Government to just consider whether it just wishes to locate some of its projects here or elsewhere, for example, the hon Member knows that the Government have plans at some stage to build a new first and middle school in the area. It would be possible to do it on this site if that is what the government chose to do. It would be less for housing some of it would be part for the road as he knows the Government wants to drive through there to Queensway. I do not think it is really appropriate to set out in detail what various permutations for land use are.

**HON DR J J GARCIA:**

Can the Chief Minister say how many square metres of land they are talking about if this reclamation went ahead?

**HON CHIEF MINISTER:**

Depending on the option figures ranging from 21,000 square metres through to 34,000 odd square metres. The hon Member should bear in mind that some of that would have to be dedicated to reprovisioning the Yacht Club although we would then gain the area where the Yacht Club is presently situated.

**HON J J BOSSANO:**

The reclamation would take in the area in front of the Yacht Club and the No 4 Dock is that it?

**HON CHIEF MINISTER:**

The Yacht Club, Rooke and it would link up in effect with the existing reclamation where the Calpe Rowing Club and the Mediterranean Rowing Club are. So, it would link the Coaling Island reclamation where the skate park is straight across to the existing reclamation.

**NO 473 OF 2004****THE HON DR J J GARCIA****HEAD 8A, SUBHEAD 14**

Further to Question Nos 393 of 2003 and 1056 of 2002 can Government provide a breakdown of each of the following:

|     |                 |   |              |
|-----|-----------------|---|--------------|
| (a) | official travel | - | £133,288.51  |
| (b) | invited guests  | - | £ 8,718.10   |
| (c) | political       | - | £336,116.95? |

**ANSWER****THE HON THE CHIEF MINISTER**

This is the answer that I have given the hon Member on the last two occasions that he has asked this question. The information requested by the hon Member is too voluminous and too minutely detailed. The hon Member is in effect asking the Government to publish a Nominal Ledger of all the items charged to general subheads. It is not appropriate. If the hon Member wants sub totals in respect of any particular item of expenditure I will endeavour to obtain that information for him.

**SUPPLEMENTARY TO QUESTION NO 473 OF 2004****HON DR J J GARCIA:**

Question No 393 of 2003 was actually a different question in the sense that it asks who the money was paid to and the purpose of the expenditure which is what I have interpreted as being what made the question too voluminous to give an answer. That was why the question was narrowed down when it was presented this time thinking that perhaps this information could be provided without saying who it was paid to and what the purpose of the expenditure was.

**HON CHIEF MINISTER:**

That is not what the question asks. The question as asked in respect of those three items in effect requires the Government to hand over its accounting books for the hon Member, the Nominal Ledger, we might as well just give the hon Member the Government's books and ask them to look at them. I know that we practise enlightened policies of transparency and that certainly no House of Assembly in Gibraltar has ever received volume of detailed information that we provide but that would be taking it a smidgeon too far.

**HON DR J J GARCIA:**

If I ask for the information in terms of established subheading will that be a problem, because in order to arrive at these figures there must be subheading into which the expenditure items are placed, no?

**HON CHIEF MINISTER:**

The answer is intended to say to the hon Member, for example, if the hon Member wanted to know how much does the Chief Minister spend travelling? I would then try to find out the answer to that question. How much have Government spent in MP visits to Gibraltar? Then I would try to find it because that does not require me to just hand him over the books it means that I can just get specific information out of the books to answer whatever specific interests the hon Member may have as opposed to just giving him the books of the company for him to peruse it at his leisure which is not really answering questions, simply sharing the Government's financial accounts with him. So, the hon Member really needs to decide what is the information that he wants, formulate a question around it and then we will try to provide that information for him.

**NO 474 OF 2004**

**THE HON DR J J GARCIA**

**PROPOSED REFORM OF BUSINESS TAXATION**

Have the Government now received legal advice on whether it is possible to supply copies to the Opposition on a confidential basis of the submissions made by the UK and Gibraltar Governments to the European Commission regarding the State Aid investigation into the proposed reform of business taxation?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The Government are advised that it is free to provide its own submission. As to UK's submission, the Government do not feel at liberty to disclose it to the hon Member without HMG's agreement which we are seeking on his behalf. I hope to be able to write to the hon Member shortly on this matter.

**SUPPLEMENTARY TO QUESTION NO 474 OF 2004**

**HON DR J J GARCIA:**

Will the Chief Minister be supplying us with the Gibraltar Government's submissions independently of the UK's reply or will he wait for a reply from the UK before he does that.

**HON CHIEF MINISTER:**

We are going to wait if the hon Member does not mind because there may be a need to edit ours if the UK objects because I think there is an element of cross referral and that we refer in ours to some of the arguments. If the UK really says, "*No you may not tell him anything of what we have said,*" we may have to blank out one or two paragraphs and if they agree we will just send both.

**NO 475 OF 2004**

**THE HON J J BOSSANO**

**LAND MEMORANDUM**

Has there been any negotiation between Government and the MOD or HMG on the terms of the Lands Memorandum?

**ANSWER**

**THE HON THE CHIEF MINISTER**

No.

**SUPPLEMENTARY TO QUESTION NO 475 OF 2004**

**HON J J BOSSANO:**

Is the Lands Memorandum something that is on the agendas as having to be revisited or is it not a priority?

**HON CHIEF MINISTER:**

It is certainly a priority for the MOD who are very anxious that there should be a renegotiation of the Lands Memorandum.....

**HON J J BOSSANO:**

Are they?



**HON CHIEF MINISTER:**

.....Government remains in the position that the Leader of the Opposition is familiar with, however, we have indicated that we would be willing to take part in a wide ranging negotiation with the MOD were everything that we want from them is on the table and everything that they want from us is on the table and we can then take a sort of holistic approach and see what deals can be done regardless of a renegotiation of the Lands Memorandum and saving the principles of our position on the Memorandum.

**NO 476 OF 2004**

**THE HON J J BOSSANO**

**MOD PROPERTIES**

Which MOD properties or sites have been released to Government in the financial years 2001/2002 and 2002/2003?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The following properties/sites have been transferred by the MOD to the Government in the period 2001-2003.

- |   |                                                                                         |   |            |
|---|-----------------------------------------------------------------------------------------|---|------------|
| 1 | Northern Defence Tunnels                                                                | - | March 2001 |
| 2 | Parking Bays at entrance to Coaling Island<br>Queensway                                 | - | May 2001   |
| 3 | Strip of land at North Dispersal<br>(next to and for the extension to the Air Terminal) | - | June 2003  |

**NO 477 OF 2004**

**THE HON J J BOSSANO**

**MOD PROPERTIES**

Can Government state whether there are any MOD properties or sites pending transfer by the MOD to Government in respect of which the MOD is seeking payment?

**ANSWER**

**THE HON THE CHIEF MINISTER**

There are no pending transfers of MOD held properties in respect of which MOD is seeking payment. The MOD may have its own list of pending transfers but we have not been made aware of any.

**SUPPLEMENTARY TO QUESTION NO 477 OF 2004**

**HON J J BOSSANO:**

Have there been any properties then which have been discussed as possible sites for transfer where the transfer has not materialised because the MOD was seeking payment?

**HON CHIEF MINISTER:**

There are some notorious and historical examples of that, they date right back to the Leader of the Opposition's date of office. Cumberland Road and Tower Buildings the two properties that were demolished, there are still issues. Those lands I think are still not formally transferred. There used to be 'H' block or whatever it was called in the Old Naval Hospital Road but they have now developed that themselves for their own use. There is Edinburgh House which has been transferred and which on a technical and strict application of the Lands Memorandum requires a payment on the sum of £2.4 m which has not been paid pending a final resolution of all these sorts of matters.

**HON J J BOSSANO:**

Is that strict interpretation a reference to the continuing use, the criteria that there used to be in the 1985 memorandum?

**HON CHIEF MINISTER:**

No. The reference to strict interpretation is somewhat to overstate our case. By almost any interpretation the payment is due it is just that we have invited the Ministry of Defence to take the view that it would not be right to charge. They have not accepted that position but they nevertheless went on to transfer and left the matter of payment pending. Certainly, as far as the MOD is concerned and indeed I believe the UK Treasury that the payments were due, they have just been left in permanent abeyance until the memorandum can be restructured, hopefully on terms that will no longer require the payments even retrospectively.

**HON J J BOSSANO:**

As I recall the 1985 Lands Memorandum, there were two elements in it. One was the question of reclaimed land and freehold properties and the other was buildings which had an unexpired use and there was a formula related to the number of years left out of a potential 60 year, is that the one that produces this evaluation?

**HON CHIEF MINISTER:**

In the case of Edinburgh House yes. In the case of the other two properties, the one at Tower and Cumberland, that is a question of the freehold issue rather than the Lands Memorandum.

ORAL

**NO 478 OF 2004**

**THE HON J J BOSSANO**

**DEVELOPMENT AID**

Do Government believe that there is still a need to grant development aid to make residential property development in Gibraltar sufficiently attractive to investors?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Probably not, but Government have not addressed or studied the issue.

ORAL

**NO 479 OF 2004**

**THE HON J J BOSSANO**

**POBJOY MINT**

Has there been an increase in the cost of minting circulating coinage since the financial year 2001/2002?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question No 480 of 2004.

**NO 480 OF 2004**

**THE HON J J BOSSANO**

**POBJOY MINT**

Has there been a drop in the sales of commemorative coinage by Pobjoy Mint since the financial year 2001/2002?

**ANSWER**

**THE HON THE CHIEF MINISTER**

There has been no increase in the cost of minting circulating coinage since the financial year ended 31<sup>st</sup> March 2002. The increase in expenditure on the purchase of circulating coinage is attributable to the increase in the number of coins purchased. As regards sales of commemorative coins, information on actual sales value of commemorative coins has not been made available to the Government by Pobjoy Mint. Royalties paid by Pobjoy Mint have declined since the financial year 2001/2002. However, under the contract with Pobjoy Mint, these royalties are based on the number of coins sold irrespective of face value or sales price. This anomalous situation has been regularised under the terms of the revised contract with the current supplier of coins – Tower Mint, with royalties now being directly linked to the sales value of coins sold.

**SUPPLEMENTARY TO QUESTION NOS 479 AND 480 OF 2004**

**HON J J BOSSANO:**

So the decline since would be because there have been less coins sold even though they may have been of a higher value coin. In the case of the answer to Question No 479 of 2004 the answer given is that the purchase of the circulating coin reflects more coins, however if the Chief Minister looks at Appendix 'L' in the Approved Estimates of Expenditure Page 133 it shows that the issue of coins in 2001/2002 was £705,000 and the cost of the purchase of these coins was £85,000 and in the following year the issue of the coins is £700,000 that is £5,000 less and the cost is £175,000 which is £90,000 more. The actual figures in the account show £5,000 less

of coins and £90,000 more of cost that is why I asked whether the cost of minting had increased?

**HON CHIEF MINISTER:**

I can only speculate but it is only speculation that it is the configuration of the coins involved presumably £1 coins cost more than 20p coins so one can have higher value but lower cost depending on the volume of the coins that have been purchased. It can only be that if the answer that I have been given here that the cost has not increased is correct.

**HON J J BOSSANO:**

The Chief Minister has got his arithmetic the wrong way round because if one has the value of the coin the more £1 coins we produce (*INTERRUPTION*) therefore the gap between the cost and value of circulating coins is bigger for the higher value than the lower value so if that was indeed the explanation it would mean that we were minting lots of pennies and very few pounds. I put it to the Chief Minister that we lose money on the pennies and the five penny coins money is only made from 20p up from my recollection of what it used to cost and what the value was this is why I always encourage people to use English pennies and Gibraltar pounds in my time. A policy I recommend. Perhaps the Chief Minister would go back and check because it does not seem to tie up with the figures that we have got in the House.

**HON CHIEF MINISTER:**

I will.



ORAL

NO 481 OF 2004

THE HON J J BOSSANO

**GIBRALTAR DEVELOPMENT CORPORATION**

Can Government state what is the latest forecast out-turn for the Gibraltar Development Corporation?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question No 482 of 2004.

**NO 482 OF 2004**

**THE HON J J BOSSANO**

**SOCIAL ASSISTANCE FUND**

Can Government state what is the latest forecast out-turn for the Social Assistance Fund?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The forecast out-turn relates to a completed financial year. The latest Gibraltar Development Corporation and Social Assistance Fund revenue and expenditure for the year ending 31<sup>st</sup> March 2003 is set out in the schedule I now hand the hon Member. If the hon Member is intending to refer to expenditure during the current financial year, that will be published with the Estimates of Revenue of Expenditure for next year and as discussed yesterday this is the time of year were the forecast out-turn for the current year is just being calculated.

**Answer to Question 482 of 2004**

**GIBRALTAR DEVELOPMENT CORPORATION (EMPLOYERS INSOVENCY FUND)**  
**ACCOUNTS FOR THE YEAR ENDED 31 MARCH 2003**

**RECEIPTS**

|                        |                      |
|------------------------|----------------------|
| Miscellaneous Receipts | £2,085,247.74        |
| Interest Earned        | £37,795.88           |
|                        | <u>£2,123,043.62</u> |

**PAYMENTS**

|                        |                      |
|------------------------|----------------------|
| Miscellaneous Payments | (£55,579.72)         |
| Net Receipts           | <u>£2,067,463.90</u> |

**INVESTMENT ACCOUNT**

**INCREASE IN INVESTMENTS**

|                             |                      |
|-----------------------------|----------------------|
| Net Purchase of Investments | £2,029,668.02        |
| Interest Earned             | £37,795.88           |
|                             | <u>£2,067,463.90</u> |

**DECREASE IN INVESTMENTS**

|                             |                      |
|-----------------------------|----------------------|
| Net Increase in Investments | (£0.00)              |
|                             | <u>£2,067,463.90</u> |

**BALANCE SHEET AS AT 31 MARCH 2003**

**ASSETS**

|                                             |                      |
|---------------------------------------------|----------------------|
| Investments on 1 April 2002                 | £0.00                |
| Net Increase in Investments during the year | £2,067,463.90        |
| Investment Account on 31 March 2003         | <u>£2,067,463.90</u> |

**FINANCED BY**

|                                       |                      |
|---------------------------------------|----------------------|
| Account Balance on 1 April 2002       | £0.00                |
| Net Receipts during the year          | £2,067,463.90        |
| Fund Account Balance on 31 March 2003 | <u>£2,067,463.90</u> |

**Cont'd Answer to Question 482 of 2004**

**GIBRALTAR DEVELOPMENT CORPORATION**  
**ACCOUNTS FOR THE YEAR ENDED 31 MARCH 2003**

**EMPLOYMENT AND TRAINING**

**RECEIPTS**

|                                          |  |                      |
|------------------------------------------|--|----------------------|
| Training Levy                            |  | £2,082,125.52        |
| Contribution by the European Social Fund |  | £419,372.00          |
| Contribution from the Consolidated Fund  |  | £1,400,000.00        |
| Miscellaneous Receipts                   |  | £52,797.18           |
|                                          |  | <u>£3,954,294.70</u> |

**PAYMENTS**

**Personal Emoluments**

**Employment:**

|                          |                   |             |
|--------------------------|-------------------|-------------|
| Salaries                 | £385,446.37       |             |
| Overtime                 | £8,514.50         |             |
| Allowances               | £8,099.75         |             |
| Employer's Contributions | <u>£61,968.57</u> |             |
|                          |                   | £464,029.19 |

**Training:**

|                          |                   |                    |
|--------------------------|-------------------|--------------------|
| Salaries                 | £202,171.23       |                    |
| Overtime                 | £1,013.94         |                    |
| Employer's Contributions | <u>£26,867.48</u> |                    |
|                          |                   | <u>£230,052.65</u> |

Total Personal Emoluments £694,081.84

**Training and Development Courses:**

|            |                    |               |
|------------|--------------------|---------------|
| EU Funding | £348,851.69        |               |
| Others     | <u>£990,970.50</u> |               |
|            |                    | £1,339,822.19 |

**Vocational Cadets:**

|            |                   |             |
|------------|-------------------|-------------|
| EU Funding | £967,837.77       |             |
| Others     | <u>£14,674.20</u> |             |
|            |                   | £982,511.97 |

**Construction Training Centre Expenses:**

|            |                   |             |
|------------|-------------------|-------------|
| EU Funding | £121,682.23       |             |
| Others     | <u>£99,239.59</u> |             |
|            |                   | £220,921.82 |

**Wage Subsidies:**

|            |                   |            |
|------------|-------------------|------------|
| EU Funding | £23,481.44        |            |
| Others     | <u>£10,015.00</u> |            |
|            |                   | £33,496.44 |

**Our Lady Of Europe Training Centre Expenses**

|                      |
|----------------------|
| <u>£4,106.50</u>     |
| <u>£3,274,940.76</u> |

**Reimbursement of Consolidated Fund Expenditure:**

|                          |                    |
|--------------------------|--------------------|
| Annual Training Expenses | <u>£501,461.69</u> |
|--------------------------|--------------------|

(£3,776,402.45)

Net Receipts

£177,892.25

**Cont'd Answer to Question 482 of 2004**

**GIBRALTAR DEVELOPMENT CORPORATION**  
**ACCOUNTS FOR THE YEAR ENDED 31 MARCH 2003**

**OTHER**

**RECEIPTS**

|                                                          |                      |
|----------------------------------------------------------|----------------------|
| Contributions from the Consolidated Fund:                |                      |
| Tourism and Transport:                                   |                      |
| Tourism Sites                                            | £828,098.42          |
| Gibraltar Tourism Board                                  | £829,590.43          |
| Traffic Management                                       | £436,743.25          |
| Port                                                     | £58,891.93           |
| Apes Management                                          | £50,228.36           |
| Traffic Inspection                                       | £49,676.23           |
| Ship Registry                                            | £1,348.07            |
| Trade and Industry:                                      |                      |
| Finance Centre Division                                  | £231,818.73          |
| Business Advisory Unit                                   | £79,667.30           |
| Inward Investment and Land                               | £62,443.18           |
| Europa Business Centre                                   | £41,221.92           |
| Planning and Heritage Division                           | £23,456.00           |
| Housing:                                                 |                      |
| Housing Administration                                   | £102,984.40          |
| Environment:                                             |                      |
| Environmental Monitoring                                 | £70,359.99           |
| Social Affairs:                                          |                      |
| Social Security                                          | £79,823.95           |
| Disability Awareness                                     | £5,188.82            |
| Employment and Consumer Affairs:                         |                      |
| Community Advisory Service                               | £43,139.03           |
| Treasury:                                                |                      |
| Central Arrears Unit                                     | £29,624.62           |
| General Office                                           | £25,908.83           |
| Secretariat:                                             |                      |
| Personnel                                                | £29,244.21           |
| Urban Renewal Development Project                        | £25,262.46           |
| Madrid Office                                            | £18,536.29           |
| Legislation Support Unit                                 | £11,530.51           |
|                                                          | <u>£3,134,786.93</u> |
| Contributions from the Improvement and Development Fund: |                      |
| Trade and Industry: Small Business Board                 | <u>£28,009.89</u>    |
| carried forward                                          |                      |
| 3                                                        | <u>£3,162,796.82</u> |
|                                                          | Cont.....            |

Cont'd Answer to Question 482 of 2004

**GIBRALTAR DEVELOPMENT CORPORATION**  
**ACCOUNTS FOR THE YEAR ENDED 31 MARCH 2003**

|                          |                 |                    |
|--------------------------|-----------------|--------------------|
|                          | brought forward | £3,162,796.82      |
| <b><u>PAYMENTS</u></b>   |                 |                    |
| Personal Emoluments:     |                 |                    |
| Salaries                 | £1,995,433.60   |                    |
| Overtime                 | £246,135.01     |                    |
| Allowances               | £85,558.52      |                    |
| Gratuities               | £50,000.00      |                    |
|                          |                 | £2,377,127.13      |
| Wages:                   |                 |                    |
| Basic                    | £211,165.26     |                    |
| Overtime                 | £38,425.24      |                    |
| Allowances               | £11,512.67      |                    |
|                          |                 | £261,103.17        |
| Other:                   |                 |                    |
| Employer's Contributions | £292,348.52     |                    |
|                          |                 | (£2,930,578.82)    |
|                          | Net Receipts    | <u>£232,218.00</u> |

**BALANCE SHEET AS AT 31 MARCH 2003**

**ASSETS**

|                            |                  |
|----------------------------|------------------|
| Advance to Liquid Reserves | <u>£8,367.96</u> |
|----------------------------|------------------|

**FINANCED BY**

|                                       |                    |
|---------------------------------------|--------------------|
| General Fund Balance on 1 April 2002  | (£401,742.29)      |
| Net Receipts during the year          | <u>£410,110.25</u> |
| General Fund Balance on 31 March 2003 | <u>£8,367.96</u>   |

**Cont'd Answer to Question 482 of 2004**

**SOCIAL ASSISTANCE FUND**  
**ACCOUNTS FOR THE YEAR ENDED 31 MARCH 2003**

**FUND ACCOUNT**

**RECEIPTS**

|                                               |                      |
|-----------------------------------------------|----------------------|
| Transfer from the Consolidated Fund of Import |                      |
| Duty Collections                              | £6,600,000.00        |
| Interest Earned                               | £48,129.65           |
| Recovery of Maternity Allowance misallocated  | £120,752.85          |
|                                               | <u>£6,768,882.50</u> |

**PAYMENTS**

|                                                              |                        |
|--------------------------------------------------------------|------------------------|
| Contribution to the Gibraltar Health Authority in respect of |                        |
| Social Assistance to Unemployed Persons                      | £3,500,000.00          |
| Contribution to the Elderly Care Agency                      | £54,000.00             |
| Social Assistance Payment                                    | £821,649.86            |
| Child Welfare Grant                                          | £775,377.53            |
| Minimum Income Guarantee                                     | £466,195.85            |
| Rent Relief                                                  | £444,860.88            |
| Elderly Persons Allowance                                    | £96,682.60             |
| Retirement Allowance                                         | £38.30                 |
| Miscellaneous Expenses:                                      |                        |
| Management Charges                                           | £337,000.00            |
| Dr Giraldi Home Expenses                                     | £82,156.20             |
| Respite Care Services                                        | £32,775.21             |
| Employment Injuries Insurance Contributions                  |                        |
| in respect of Community Care Limited Officers                | £3,130.40              |
|                                                              | <u>£455,061.81</u>     |
|                                                              | <u>(£6,613,866.83)</u> |
| Net Receipts                                                 | <u>£155,015.67</u>     |

**INVESTMENT ACCOUNT**

**INCREASE IN INVESTMENTS**

|                             |                    |
|-----------------------------|--------------------|
| Net Purchase of Investments | £106,886.02        |
| Interest Earned             | £48,129.65         |
|                             | <u>£155,015.67</u> |

**DECREASE IN INVESTMENTS**

|                             |                    |
|-----------------------------|--------------------|
|                             | <u>(£0.00)</u>     |
| Net Increase in Investments | <u>£155,015.67</u> |

**BALANCE SHEET AS AT 31 MARCH 2003**

**ASSETS**

|                                             |                    |
|---------------------------------------------|--------------------|
| Investments on 1 April 2002                 | £121,846.72        |
| Net Increase in Investments during the year | £155,015.67        |
| Investments on 31 March 2003                | <u>£276,862.39</u> |

**FINANCED BY**

|                                       |                    |
|---------------------------------------|--------------------|
| Fund Account Balance on 1 April 2002  | £121,846.72        |
| Net Receipts during the year          | £155,015.67        |
| Fund Account Balance on 31 March 2003 | <u>£276,862.39</u> |

**SUPPLEMENTARY TO QUESTION NOS 481 AND 482 OF 2004**

**HON J J BOSSANO:**

Is it the forecast outturn for the financial year 2002/2003 the information that is being provided?

**HON CHIEF MINISTER:**

Yes, it is being handed to me in answer to the question of forecast out-turn for the year ended 31<sup>st</sup> March 2003 is the financial year 2002/2003, whether it is by now more than that or whether it has been confirmed .....by now I would expect those figures to be firm and not just forecast given that it is nine months on from the date.

**HON J J BOSSANO:**

Not just that but the law requires that the accounts should have been closed in December and handed over to the Auditor. The forecast out-turn for that year is already in the published estimates that we have got. There is no date in my question but obviously I am talking about the current financial year as an indication of what the expenditure is to-date perhaps I should have asked the Chief Minister for the actual expenditure up to December but certainly I cannot assume that this must still be the forecast out-turn because.....

**HON CHIEF MINISTER:**

No, I must assume it is firm by now.

**HON J J BOSSANO:**

I would have thought this were the figures that have been finalised and handed to the Audit.

**HON CHIEF MINISTER:**

Of course.



**NO 483 OF 2004**

**THE HON J J BOSSANO**

**DEVELOPMENT AID**

Can Government confirm whether it has been given any advice or indication by HMG that Development Aid could be in conflict with EU rules on state aid?

**ANSWER**

**THE HON THE CHIEF MINISTER**

No. Development Aid was originally listed by the Code of Conduct Group as a harmful measure, but that was not pursued.

**SUPPLEMENTARY TO QUESTION NO 483 OF 2004**

**HON J J BOSSANO:**

The fact that it was not pursued effectively is the same as if it got the green light?

**HON CHIEF MINISTER:**

No. They have never chased that up nor is State Aid Rules the only criteria for measuring harmfulness for the code purposes.

ORAL

**NO 484 OF 2004**

**THE HON J J BOSSANO**

**HOLIDAY ON 2<sup>ND</sup> JANUARY 2004**

Can Government confirm whether employees in Government-owned and Joint Venture Companies and public sector employees and other persons indirectly employed by Government received an extra days holiday on 2<sup>nd</sup> January 2004?

**ANSWER**

**THE HON THE CHIEF MINISTER**

All employees in Government-owned companies and Joint Venture Companies (by which I mean Gibtel, Nynex, and Aquagib) and public sector employees, were either released from duty on Friday 2<sup>nd</sup> January 2004, or were allowed to bank an extra day's annual leave to be included in their 2004 annual leave entitlement.

**NO 485 OF 2004**

**THE HON J J BOSSANO**

**HOLIDAY ON 2<sup>ND</sup> JANUARY 2004**

Can Government say whether employees providing services contracted out by the Government were entitled to a paid holiday on the 2<sup>nd</sup> January?

**ANSWER**

**THE HON THE CHIEF MINISTER**

In the previous question the Leader of the Opposition used the more correct phrase of received an extra holiday, here he uses the word entitled. There is no question of entitlement in either category but in any case I do not know, Government are not accountable for the decisions of other employers. These are not government employees directly or indirectly, they are the employees of contractual companies so I cannot say whether any followed the Government suit.

**SUPPLEMENTARY TO QUESTION NO 485 OF 2004**

**HON J J BOSSANO:**

I would imagine that if people have got contracted services into which the cost per worker that they provide takes into account the leave that they get anybody that is providing people permanently to the Government on a contract would pass on the bill to the Government so if Government do not know it has presumably not happened.

**HON CHIEF MINISTER:**

They pass on the bill to Government eventually not on the morning of the 3<sup>rd</sup> of January so we would not have found out yet. Certainly if they gave a days leave to which they were not entitled we might wish to query whether the contractor is entitled to recover the cost of it under its contract with Government. These are not employees that are provided to the Government by a contractor it is the service that is contracted not the staff to the Government.

ORAL

NO 486 OF 2004

THE HON J J BOSSANO

**SAVINGS BANK**

Can Government say whether the Savings Bank is still expected to have a surplus of £520,000 in the current financial year?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos 487 and 488 of 2004.

ORAL

NO 487 OF 2004

THE HON J J BOSSANO

**SAVINGS BANK**

Can Government say whether the actual out-turn of the Savings Bank for the financial year 2002/2003 was nil surplus?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos 486 and 488 of 2004.

**NO 488 OF 2004**

**THE HON J J BOSSANO**

**SAVINGS BANK**

Can Government say whether the level reserves in the Savings Bank as at the end of the financial year 2001/2002 was 10 per cent of the non-Government deposits?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The level of reserves in the Savings Bank as at 31<sup>st</sup> March 2002 was £9.04 m, representing 9.5 per cent of non-government deposits. Although there was a recurrent account surplus of around £1 m during the financial year 2001/2002 this was more than offset by a reduction of £1.2 m in the reserve account due to a decline in the market value of investments. The overall level of reserves therefore decreased during the year by £0.2 m. During the financial year ended 31<sup>st</sup> March 2003 the recurrent account surplus was £0.6 m and there was also an increase in the reserve account of £1.4 m as a result of an increase in the market value of investments. The total increase in the reserve account during the financial year was, therefore £2 m bringing the level of reserves to £11 m. However, because of the increase in non-government deposits during the year, which stood at £112 m at the year-end – representing an increase of 18 per cent over the previous year – none of the surplus was transferred to the Consolidated Fund. The £520,000 expected to be available for transfer to the Consolidated Fund during the financial year 2003/2004, is not now expected because of the downturn in the value of investments and the continued increase in the level of non-government deposits – currently at around £128 m compared with £112 m at the beginning of the year (a further increase in deposits of 14 per cent).

**SUPPLEMENTARY TO QUESTION NOS 486 TO 488 OF 2004**

**HON J J BOSSANO:**

Is there any surplus expected in the current financial year available for transfer or will it all be required for the reserve on the basis of the figures that the Chief Minister has given us?

**HON CHIEF MINISTER:**

It is not clear it does not say whether all of the £520,000 that will be available or none of it. I suppose that the Leader of the Opposition is hoping that there will be none of it so that there will be less to spend on other things.

**HON J J BOSSANO:**

That is totally uncalled for Mr Speaker I keep on telling the Chief Minister how to do things to get more money and he accuses me of the opposite.

**HON CHIEF MINISTER:**

Yes but the Leader of the Opposition wants me to get more money and leave it there and not be able to spend it so this is why he was smiling when I was telling him that there were increasing reserves but we could not use it because of the increase in deposits I will find out if it is all or part of the £520,000.

**HON J J BOSSANO:**

No. The Chief Minister is attributing a motive which is totally unjustified and incorrect. I was smiling because the figures that the Chief Minister gave reflected the seesaw in the value of the investments which went down by £1 million, up by £2 million and then down by £1 million. It reminded me of the lottery and that is why I was smiling. Nothing to do with wanting him to spend money or not spend money. I want the Chief Minister to spend money on some things and not on others.

**NO 489 OF 2004**

**THE HON J J BOSSANO**

**RGP – OVERTIME PAYMENTS**

Can Government confirm that it has received a claim for the recalculation of overtime by Police Officers, based apparently on an incorrect application of the parity agreement with UK in the early eighties and if so, when was the claim received and what steps have been taken to establish whether there has been underpayment?

**ANSWER**

**THE HON THE CHIEF MINISTER**

It is not government policy to comment on outstanding claims. Government are in receipt of several claims by the Royal Gibraltar Police and these are under consideration. There is a claim which more or less meets the description in the question.

**SUPPLEMENTARY TO QUESTION NO 489 OF 2004**

**HON J J BOSSANO:**

Given that in the month of November the information that reached us which we were not able to confirm as we were no longer Members of this House, was that officers were being told in the police force following the election of a new Government the claim would be met and officers were being given order of back payments that they were likely to get, is this a reflection of an imminent announcement by the Government or not?

**HON CHIEF MINISTER:**

I do not think so. There are discussions taking place between the Chief Secretary and the Police of which I am actually not aware where the negotiations are at this point and I am certainly not aware of it before the elections. I am aware that the hon Member met with someone with a recent link with the RGP and that all sorts of promises were made to them. Perhaps they thought that they were just mirroring the promises that he assumed that we had made. We had not made any such promises,



there was none. Anything that the Leader of the Opposition has heard was being calculated and said was certainly not by us or on our behalf. Government have resisted the claim as it has been formulated which regardless of how it is arrived at is contrary to pay agreements that have been signed off by the Police Council in the past. There are several claims, they are being looked at, they are being discussed, the Chief Secretary is to put to me things for policy decisions shortly but I am not aware now so I could not have been aware before the elections what the basis of the negotiations are still less have promised any offer in the event of there not being a change of Government which we did not think would depend on saying things of that sort.

**HON J J BOSSANO:**

Apparently some people thought that they did depend and that they were being told those things. I can tell the Chief Minister that when that information was passed onto me by some officers still within the force who claimed to have had first hand knowledge of what was circulating within the force, I made an attempt to obtain a correct version before I reacted in anyway from the Police Council and the Police Council were not interested in a meeting to tell me what the correct version of events was and therefore we just ignored what had reached us because obviously we were not going to react to something that could not be established and therefore this is the first opportunity in this House to establish because frankly, I was surprised that something going back to the initiation of parity should have been there sort of accumulating as a potential liability with us passing heaven knows how many budgets and no inkling that this was ticking away in the background. That is how the story reached me. I am trying to get some confirmation or denial of the versions that have reached me since I could not get it from the Police Council because they were not interested in giving us their version of things so I ask the Government.

**HON CHIEF MINISTER:**

I can certainly reassure the Leader of the Opposition that no pre-electoral offer was made to the Police Council and indeed has not been made. The opposite is true. The Government have resisted this claim it has not been going on for that long. A new or recent last but one committee before this one spotted it and raised it back. It is not really our style to make specific pre-electoral offers of this sort and I think we are justified in the view that we were right to think that the election outcome would not have depended on that. I think that the elections have shown that targeting tailor made offers of this sort to individual sector groups in the community does not have the effect of altering the results of elections as the last two elections have demonstrated.

**HON J J BOSSANO:**

I do not know perhaps it is the question on the basis of the information that reached me of whether there is too much targeting or too little targeting because the information that reached me was that the targeting was down to the last penny and the individual's name saying, "*Mr so and so you would get £x,000.*" So that is how targeted I was told it was. Maybe it worked after all.

**HON CHIEF MINISTER:**

I regret that the Leader of the Opposition was misled by people who were perhaps hoping to extract a commitment from him in the forlorn hope that he might have won the election and then been saddled with the commitment around his neck. *[INTERRUPTION]* It is certainly not what I heard and it is certainly not the story that was circulating. If we are talking about *[INTERRUPTION]* circulating stories let me tell him that the stories that are reaching us was that he had promised to meet the claim down to the last penny. I hope somebody has told him how much meeting the claim down to the last penny will cost because he will not be in a position to honour it.

ORAL

NO 490 OF 2004

THE HON J J BOSSANO

**WIDOWS AND ORPHANS PENSION SCHEME**

Have civil servants currently in employment given any indication to Government that they wish to reinstate the Widows and Orphans Pension Scheme?

ANSWER

THE HON THE CHIEF MINISTER

No.

ORAL

**NO 491 OF 2004**

**THE HON J J BOSSANO**

**GOVERNMENT PENSIONERS' ASSOCIATION**

Have the Government received representations from the Government Pensioners' Association seeking the reinstatement of the Widows and Orphans Pension Scheme?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos 492 and 493 of 2004.

ORAL

NO 492 OF 2004

THE HON J J BOSSANO

**GOVERNMENT PENSIONERS**

Have the Government received representations from the Government pensioners who retired before the pay parity with the UK for their pensions to be reassessed on the basis of pay on the introduction of the parity rate as opposed to their actual pay pre-parity?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos 491 and 493 of 2004.

**NO 493 OF 2004**

**THE HON J J BOSSANO**

**GOVERNMENT PENSIONER'S ASSOCIATION**

Have the Government received representations from the Government Pensioners' Association seeking the revaluation of their public service pensions retrospectively by the difference between 2 per cent and the rate paid in the years when inflation was below 2 per cent?

**ANSWER**

**THE HON THE CHIEF MINISTER**

During the General Election campaign the party of Government, the GSD, received the same letters from this new Association as were received, I believe, by all parties contesting the Election. I am not aware that any claims or representations have been submitted to the Government as such since the election.

**NO 494 OF 2004**

**THE HON J J BOSSANO**

**ELECTRICITY AUTHORITY**

Can the government state whether the new accounting arrangements for the Gibraltar Electricity Authority now being put in place and, if so, what is the forecast out-turn for the revenue for the sale of electricity, Head 6 subhead 23?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The new accounting arrangements are not yet in place.

**SUPPLEMENTARY TO QUESTION NO 494 OF 2004**

**HON J J BOSSANO:**

So for the figures that appear at the end of this financial year at the end of March it will still be as was provided in the original Approved Estimates, is that correct?

**HON CHIEF MINISTER:**

Some employees technically have transferred to the Authority during the financial year so a way would have to be found to reflect the fact that those salaries were paid out by the Authority and not as emoluments to civil servants but what I mean by the accounting arrangements not being in place is that the revenue and the other items of expenditure have not been desegregated from the Consolidated Fund. We hope to do that as from the 1<sup>st</sup> April so all the planning work has been done during this last quarter so that we can start the financial year on the right footing. Now, whether that is going to be done quickly enough for it to be reflected in the estimates we cannot be certain but what we can do is if we are not ready for the estimates so that the estimates once they have to be published by the end of April are not yet ready, we could during the course of the year Table in the House a proforma reassessment as from the date when this might happen. We are trying for to be ready in time for the publication of the estimates booklet which is due by the 30th April.

**NO 495 OF 2004**

**THE HON J J BOSSANO**

**IMPORT DUTY**

Can Government state whether it still expects to achieve a £2.5 million increase in receipts from import duty in the current financial year compared to the financial year 2002/2003?

**ANSWER**

**THE HON THE CHIEF MINISTER**

No, the latest estimate of import duty revenue for financial year 2003/2004 is £29 million.

**SUPPLEMENTARY TO QUESTION NO 495 OF 2004**

**HON J J BOSSANO:**

Is there a particular explanation for this because it is a repetition of what happened last year. There was £29 million nearly £30 million in 2001/2002. In the 2002 budget Government was projecting £31 million which perhaps might not have been unreasonable because it might have been going up from £30 million but the outcome turned out to be £29 million and I remember that at the time of the budget given that they had not achieved the £31 million the year before and that normally the Treasury works on the basis of what is achieved in terms of projecting what is anticipated, why the £2.5 million extra now we seem to have repeated the exercise of the previous year. We put in £2.5 million and then we finish up not getting it and it has been done two years in succession which is not normal. Normal estimating in this area is reasonably accurate.

**HON CHIEF MINISTER:**

I cannot say whether it is just wishful thinking on the part of the estimators or whether there is a genuine hope and expectation that with inflation in prices and the increase price in goods that they can factor some level of increase given that duty is charged



against the landed cost of the item. Whether there is an assumption that in a growing economy the receipts from import duty can be expected to increase I cannot say why but certainly I agree with him that what he has just described is correct. It has happened two years in succession. It very much depends on one or two particular commodities I am sure the Leader of the Opposition can imagine and it is just coincidental that it has come in again at the same figure. Unless the Government were to introduce or announce some increase in the duty rate on significant items I think they will probably now accept that the £29 million is the correct estimate.

**NO 496 OF 2004**

**THE HON J J BOSSANO**

**SALE OF LAND AND PROPERTIES**

Can Government state how much was raised by sales of land and properties and credited to Government owned property companies in the financial years 2001/2002 and 2002/2003?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Revenue raised by sales of land and buildings, credited to Government owned companies were as follows:

|           |              |
|-----------|--------------|
| 2001/2002 | £1.1 million |
| 2002/2003 | £9.3 million |

**SUPPLEMENTARY TO QUESTION NO 496 OF 2004**

**HON J J BOSSANO:**

Is the £9.3 million a reflection of the sale of the Government in 50/50.

**HON CHIEF MINISTER:**

Entirely. There may be one or two flats that were sold in Sir William Jackson Grove I cannot remember on which side of the Financial Year. I remember some flats were of people who had been re-housed, four or five flats, they might be included. All the others were certainly 50/50.

**NO 497 OF 2004**

**THE HON J J BOSSANO**

**SALE OF LAND AND PROPERTIES**

Can Government state how much was raised by sales of land and properties and credited to the Improvement and Development Fund in the financial years 2001/2002 and 2002/2003?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Revenue raised by sales of land and buildings, credited to the Improvement and Development Fund was as follows:-

|           |              |
|-----------|--------------|
| 2001/2002 | £2.6 million |
| 2002/2003 | £1.6 million |

**SUPPLEMENTARY TO QUESTION NO 497 OF 2004**

**HON J J BOSSANO:**

In this case are we talking about predominantly land for development or are we talking about sales of residential properties.

**HON CHIEF MINISTER:**

I think it should be predominantly the latter. I cannot imagine there is any significant development premium in that. There might be some lease extensions, the 99 year extension of expiring long leases, but from the figures it does not seem that there is any significant development premium there.

**NO 498 OF 2004**

**THE HON J J BOSSANO**

**PUBLIC DEBT**

Can the Government confirm whether it has been told by HMG that the level of Gibraltar's public debt has to be agreed to by the UK?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The Gibraltar Government have not been told these things specifically in relation to Gibraltar, but the Gibraltar Government are aware that this is HMG's position in respect of all Overseas Territories. Chief Ministers were reminded of this at the recent meeting of the Overseas Territories Consultative Council.

**SUPPLEMENTARY TO QUESTION NO 498 OF 2004**

**HON J J BOSSANO:**

Are Government aware that in Gibraltar's case, I do not know what it was like in the case of the other territories, this was not the case when the £100 million existing ceiling was legislated by this House when the decision was entirely that of the Gibraltar Government there was no question of agreement by the UK.

**HON CHIEF MINISTER:**

I do not think that is strictly true. The £100 million ceiling which cannot be exceeded is in effect the level that HMG has approved for Gibraltar.

**HON J J BOSSANO:**

That is the whole point. It was not approved by the UK for Gibraltar, is the Chief Minister aware of that?

**HON CHIEF MINISTER:**

It is the de facto level that has been approved whether it was or not at the time because to change that now would require new legislation from which they could either withhold Royal assent or exercise the powers of disallowance. So, de facto now we could not borrow more without some sort of understanding with HMG. Let me say to the Leader of the Opposition that the Treasury who is leading on this area because of their concerns about contingent financial liability are not just saying, "*We have to agree the levels and so apply to us...*" there are guidelines and they are actually quite normal guidelines, the sort of borrowing guidelines that one might expect to see in a prudent independent country. The same sort of criteria. Because they think that in some territories GDP is not very well calculated where it says 35 per cent of GDP they have invented another formula to prevent that. Gibraltar could borrow substantially more even within the guidelines that they have established for approved and borrowing limits for the Overseas Territories, much more.

**NO 499 OF 2004**

**THE HON J J BOSSANO**

**NEW CONSTITUTION**

Can Government state whether it has now taken a policy decision on how it intends to proceed with regards to the establishment of a process of negotiation with HMG to agree a new Constitution for Gibraltar?

**ANSWER**

**THE HON THE CHIEF MINISTER**

No, but I hope to invite the hon Member to take tea or coffee with me at No 6 Convent Place shortly in order that we might discuss this very issue ahead of Government making a decision. I do hope that he will accept my invitation.

**SUPPLEMENTARY TO QUESTION NO 499 OF 2004**

**HON J J BOSSANO:**

I am quite happy to meet the Chief Minister anytime as happy as he is to meet the Spanish Foreign Minister provided there are no strings attached and we can reach an agreement. I think having agreed the Constitution my view is that we should pursue the matter together but we will have to see to what extent we are both in tune.

**HON CHIEF MINISTER:**

He will get at the very least a cup of tea or coffee and for the rest of it it depends on whether his expectations are realistic but he knows what my thinking is on that in terms of involvement of the Opposition.

ORAL

**NO 500 OF 2004**

**THE HON J J BOSSANO**

**GDP FIGURE**

Can Government explain why the calculation of the value of imports and exports in the GDP calculation for 1999/2000 using the expenditure method differed from the value obtained for the same year using the input/output methodology?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos 501 to 503 of 2044.

ORAL

**NO 501 OF 2004**

**THE HON J J BOSSANO**

**GDP FIGURE**

Can Government state whether the method of calculating the value of imports and exports in the expenditure method of calculating GDP was changed in the year 1996/1997 and if so how did it differ from the method used in prior years?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos 500, 502 and 503 of 2004.



ORAL

NO 502 OF 2004

THE HON J J BOSSANO

**GDP FIGURE**

Can Government give a breakdown of the composition of GDP using the income and expenditure methods for 1994/1995 and 1995/1996?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos 500, 501 and 503 of 2004.

**NO 503 OF 2004**

**THE HON J J BOSSANO**

**GDP FIGURE**

Can Government state what was the calculation for GDP using the expenditure method for the financial year 1994/1995 and 1995/1996?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The calculation of the value of imports and exports for GDP and for Input/Output purposes can never be identical. For the purposes of GDP, the calculation regarding the value of goods is based on the trade statistics produced by the Customs Department and that for the value of services is based on Family Expenditure Surveys and other secondary data. The Input/Output Estimates are calculated by grossing up the imports recorded by each business sector. The calculation takes account of the split between the value of goods and services. The method of calculating the value of imports and exports in 1996/1997 was changed to that used previously as a result of the recommendations of the Mansell review on the compilation of the accounts. These changes basically encompassed the following:

- (a) The deduction of the value of notes, coins and monetary gold from the import figures.
- (b) An adjustment to take account of the value of tobacco and cars re-exported.
- (c) The inclusion of financial and maritime services as export income.

Finally I will hand over to the hon Member a schedule containing the GDP breakdown using both the income and expenditure methods for 1994/95 and 1995/96.

**Question Nos: 502/2004 to 503/2004**

| INCOME METHOD                                   | * 1994/95 | 1995/96 |
|-------------------------------------------------|-----------|---------|
| INCOME FROM EMPLOYMENT                          | B 185.29  | 167.94  |
| INCOME FROM SELF-EMPLOYMENT                     | C 28.66   | 28.24   |
| GROSS TRADING PROFITS OF COMPANIES              | C 55.83   | 40.93   |
| GROSS TRADING SURPLUS OF GOVERNMENT ENTERPRISES | A 5.62    | 8.37    |
| RENT                                            | C 51.74   | 51.88   |
| TOTAL DOMESTIC INCOME                           | B 328.93  | 328.06  |
| LESS STOCK APPRECIATION                         | C -0.32   | -0.33   |
| GDP (FACTOR COST)                               | B 328.61  | 327.73  |
| NET PROPERTY INCOME FROM ABROAD                 | C -3.33   | -2.43   |
| NET FACTOR INCOME FROM ABROAD                   | B -12.77  | -13.98  |
| GNP (FACTOR COST)                               | B 310.61  | 311.32  |

| EXPENDITURE METHOD              | * 1994/95 | 1995/96 |
|---------------------------------|-----------|---------|
| CONSUMERS' EXPENDITURE          | B 221.94  | 226.43  |
| GOVT. FINAL CONSUMPTION         | A 47.62   | 58.91   |
| GROSS DOMESTIC FIXED CAP. FMTN  | C 20.61   | 21.64   |
| TOTAL DOMESTIC EXPENDITURE      | C 290.07  | 306.98  |
| EXPORTS OF GOODS AND SERVICES   | C 367.06  | 408.26  |
| IMPORTS OF GOODS AND SERVICES   | B -401.77 | -406.76 |
| RESIDUAL ERROR                  | 113.62    | 57.29   |
| GDP (MARKET PRICES)             | B 368.98  | 365.78  |
| SUBSIDIES                       | C 5.15    | 5.22    |
| TAXES ON EXPENDITURE            | A -47.52  | -43.27  |
| GDP (FACTOR COST)               | B 328.61  | 327.73  |
| NET PROPERTY INCOME FROM ABROAD | C -3.33   | -2.43   |
| NET FACTOR INCOME FROM ABROAD   | B -12.73  | -13.98  |
| GNP (FACTOR COST)               | B 310.65  | 311.32  |

**SUPPLEMENTARY TO QUESTION NOS 500 TO 503 OF 2004**

HON J J BOSSANO:

From the answers that I have been given I deduce that in the expenditure method that I am being provided with for 1994/1995 and 1995/1996 the figures that will be shown there for exports and imports of goods and services will therefore be before the changes of the months of review, that is to say it will include the things that I have been told have been excluded and it will exclude what is now being included which was the inclusion of financial services and maritime activities, is that the case?

**HON CHIEF MINISTER:**

Deduction of notes, coins and gold from the import figure, adjustment to take account of tobacco and cars re-exported and the inclusion of financial and maritime services as export income. I say yes, I do not know, but it would be extraordinary if these figures had been recalculated ex postfacto applying the new principles to previous years without that having been noted in the answer that I gave the hon Gentleman. He should assume that the premise of his question is correct unless I confirm to him tomorrow differently.

ORAL

NO 504 OF 2004

THE HON J J BOSSANO

**INPUT/OUTPUT STUDY**

Can Government say whether the Input/Output model is now available for access by interest parties in the business community?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos 505 to 507 of 2004.

ORAL

**NO 505 OF 2004**

**THE HON J J BOSSANO**

**INPUT/OUTPUT STUDY**

Can Government confirm that the continued training of civil servants via internet on the Input/Output model has taken place and is this available to others outside the civil service?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos 504, 506 and 507 of 2004.

ORAL

NO 506 OF 2004

THE HON J J BOSSANO

**INPUT/OUTPUT STUDY**

Can Government state when it will provide the unpublished parts of the Input/Output study report to the Opposition on a confidential basis?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos 504, 505 and 507 of 2004.

**NO 507 OF 2004**

**THE HON J J BOSSANO**

**INPUT/OUTPUT STUDY**

Can Government state what has been the cost of the Input/Output Study report to date?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The process of updating the Input/Output Study on a bi-sector basis will commence shortly as originally agreed with the consultants. This will entail conducting further business expenditure surveys together with the inclusion of more recent data currently available to Government to ensure that the model's forecasting capability is maintained. There will also be a revision of classification by industry to make the model more user friendly and relevant to Gibraltar's particular circumstances, for example, the reclassification of financial services. The hon Member will recall that the model uses United Nations sector classification which puts some of the things that we regard as financial services in the business and real estate United Nations category so that when one actually wants to know and extract financial services measures from the model one cannot just look at the financial intermediation section. One has to look at the financial intermediation section and bits of the business and real estate section and that is going to be restructured so that the categories better follow without destroying the model as a sub report representing the same information but by classifications that better follow the local labelling rather than the United Nations. Once this process is underway persons and organisations within the business community who wish to make use of the applications of the model will be able to submit in writing relevant enquiries for subsequent evaluation and reply. It is not the intention at present to make the model itself openly available for general use, by which I understand that one will have indirect access to the calculations that the model is able to throw up rather than access directly to the model in terms of here it is take it and use in one's own office. As the model is updated and developed further training will become available to the civil servants charged with the running of the model. Government can confirm that the statisticians have already undergone a period of training in the United Kingdom in July last year. Training will not be extended to others outside the civil service. As regards the provision of the full report to the Opposition the Chief Secretary in his letter of the 29<sup>th</sup> September 2003 invited the Leader of the Opposition at my suggestion to pursue this possibility directly with



my office. I have not yet received any such request from the Leader of the Opposition. The cost of the Input/Output Study was £46,335. I should add that the hon Member should not think that there are different versions of the report, one of which he has, the published version and the other which he has not which is markedly different. The real difference is in the transaction tables and technical coefficients which are not contained in the published version but which he has already had confidentially. Those are the main differences between the published and unpublished versions of the report. So, getting the bits that the hon Member thinks he has not yet seen is actually I believe a very, very small element. If the hon Member thinks that there are very large chunks of the report et cetera, et cetera mainly to things that he has already had confidentially from us, the coefficients and transaction tables, there are more detailed transaction tables that give away information of the sort that he knows we avoid publicising.

#### **SUPPLEMENTARY TO QUESTION NOS 504 TO 507 OF 2004**

##### **HON J J BOSSANO:**

Yes I do not want the Chief Minister to make publicise things that it is better not to but when I wrote to the Administrative Secretary in the course of the previous correspondence I was told that he only had authority to give me the table of the transactions and I asked him to obtain the authority from the Chief Minister who is only two yards away from him and the reply was that I should write to his Office. As far as I am concerned if one is only two yards away from the other I would have thought I was already writing to his office. Given the fact that the Chief Minister volunteered to provide this in the budget of 2002 and said that it was the Government's intention to publish the report in full and that if there were any bits that they thought it was better not to publish in full they would be provided. I would have thought that since I do not know what bits have not been published it is not very easy for me to ask for this or that other bit. I would have thought that when I was being provided with the transactions tables it would mean that that was the only thing there was to provide me with and would the Chief Minister not accept that subsequent to that I started asking if there was something else that I had not been provided with because the published report gives the effects of changes in the tourist industry, financial services and in different sectors of the economy and the impact of employment. Nothing the Chief Minister has given me and nothing that is published explains at how one arrives on the impact on employment and I therefore asked what for me is a natural question, Is there such a thing as an employment multiplier table which there was in the two previous studies and was made public in the two previous studies?

##### **HON CHIEF MINISTER:**

That does not fall into the category of things that the Government would have wished to suppress publication of either publicly or still less to give it to the hon Member confidentially. So, I will double check before giving him a categorical answer but if it is not in the public version it must be that there is not but I will check and tell him authoritatively. On the question of writing to me directly there is a view which I am told is based on convention which I think is worth preserving is that when Members of the Opposition want things out of the Government they should write at a political level

to the Minister rather than dealing directly with officials. In this issue of the model the Chief Secretary had my authority to answer the hon Member's technical question which he has been doing in correspondence which frankly I have not been following in detail but I suppose he has been giving the hon Member answers to the technical questions that he has been asking. I think that the Chief Secretary has been correctly taking the view that publication or provision to him of documents that have not been published is not the provision of technical details but requires a political issue that he should write to me about and I see I have here a copy of the letter from the Chief Secretary to him saying I suggest therefore that you should address your request for a full copy of the report to the Chief Minister direct. That was in September last year it might have been overtaken by elections and things of that sort. I would prefer it if it is not too inconvenient to the hon Member that he should just drop me a two line letter just asking for that because that gives me the opportunity to send it to him under cover of a letter which will make clear what the constraints attached to it and in relation to what because there may be things in the report which I would not mind if he used them publicly and I would not wish him to feel bound by confidentiality except in respect of issues that we specifically identified in that reply which are things that relate to things that he knows that they will relate to.

**HON J J BOSSANO:**

I am grateful for that. In relation to some other questions, when the report was made public and there was a press conference, there was no indication given that the model would require further work on it before it was accessible to people who might want to use it in respect of their business activities. It said, "*The model built following United Nations standards to make it universally accessible and understandable to any economist.*" That is what they said in the press conference and they went on to say that the local business would be given the opportunity. All I wanted to know was whether that had already happened. Apparently it has not happened.

**HON CHIEF MINISTER:**

I do not think it has happened, I do not think anybody has written to the government from private businesses saying "*please may I use the model?*" The point that is being made is that there are two aspects of the model that perhaps make it less useful than it might be to private business as opposed to economists. One is that it is based on information from 2000 or 1999 and whilst the model contains the ability to project, that forecasting capacity is more accurate the more recent the data that it contains. The second which I think is probably a more relevant one, given that in respect to the first one the accurate forecasting capacity one will recall probably stretches to five or six years forward that the forecasting becomes less reliable and we are not into that area of time yet. The other aspect that makes it a little less useful to business is that the categorisation is not recognisable so if one is in financial services and one wants to know the effect that this or that investment is likely to have it is not very useable in that sense because one is stuck with UN categorisation that may not correspond with the sort of categories that local businessmen will find useful. That is why they have decided to restrike a version of the model which, leaving the original version intact, which is not UN categorisation compliant but maybe notwithstanding that more useful to businessmen locally who will be able to recognise the labels and the sectors that we tend to follow in Gibraltar in our economic and commercial debating but in strict answer to the hon Member's question I am not aware that there is anything in the model as it is at the moment that

would prevent it from being used albeit indirectly by somebody who wants to use it now. In its present condition, and with its present vintage of information and with those drawbacks of labelling of categories, the answer is no.

**HON J J BOSSANO:**

He has used twice the example of the categorisation of the Financial Services which I think was made clear initially in the report. It said in the press release conference that was used when the report was made public, if this point was particularly drawn attention to where it said that people like accountants and lawyers and so on that we might normally think of as being part of the activities of the finance centre were not classified as such in the model. I am thinking more as for example, the retail trade, which is a very big chunk of our economy and if the model does what is expected of it people might be interested to find what shifts in either the pattern of origin of tourists or the levels of expenditure might be an indicator of possible demands for goods which they would be interested in exploring in terms of their business development. That presumably would not be altered by what we have been told by UN classification I would imagine no?

**HON CHIEF MINISTER:**

The model does precisely that. I do not suppose a small shopkeeper might want to do it but if a large retailer in Gibraltar wanted to know whether his type of business is better served by more cruise passenger and less cross frontier visitors or more British cross frontier visitors this is precisely the sort of economic management, forecasting and planning tools that the model works. I cannot tell him the extent of the re-classification, what I know is that they are re-classifying the industries to make the model more user friendly and relevant to Gibraltar's particular circumstances. The reclassification of the financial services is cited to me only as an example which leads me to believe that it is not the only one that they are doing but as to the extent of the reclassification I could not tell him indeed it is that they have not made their decisions themselves again.

**HON J J BOSSANO:**

In terms of what is available on the internet in order to become conversant with what needs to be done to use the model when the Chief Minister says that it will only be available on the internet in order to become conversant with what needs to be done to use the model. When the Chief Minister says it will only be available to civil servants is he saying that the Government will not pay for the use of this or is the Chief Minister saying that it is not available to anybody who may want to have access to it from Bournemouth University.

**HON CHIEF MINISTER:**

I do not know what the Government decides what distant learning or courses are available but when I say access I am not sure whether the hon Member is referring to access or training?

**HON J J BOSSANO:**

Training.

**HON CHIEF MINISTER:**

Training for use of. There is a distinction to be drawn there between training in the actual hands on operation of the model which I think is what is being said is going to be limited to those who are actually going to be doing the actual operation of the model as opposed to a sort of training which I think at some stage if this is going to be useful in the private sector has got to be made available. That is not training as how to actually operate the model but at least courses or seminars "training" as to private sector businesses and others so that they understand the potential uses that this has for them. The sort of questions that they can ask it albeit indirectly through the Government operators because otherwise no one is ever going to make a use of this is there is not some sort of coaching to familiarise people with what it can do for their business, how they can access it being done for their business, whether they have or do not have to pay for something, unless that happens no one is ever going to use this model and it will just be limited to an in-house Government public sector economic forecasting tool and it would be a pity because we would then be giving away a large amount of the potential value of this exercise.

**HON J J BOSSANO:**

In terms of the cost of this exercise can the Government say what has been the cost of asking Dr Fletcher to provide the answers to my questions which the Government at one stage said they were prepared to pay for and I thought should not have a cost attached but I am interested to find out if there has been?

**HON CHIEF MINISTER:**

Without wishing to encourage the Chronicle to repeat this morning's headlines I think it would be unrealistic for the hon Member to think that Dr Fletcher will work free of charge for the Government answering as many as the hon Member's questions and for as long as the hon Member chooses. I may have a duty to stand here debating these issues with the Leader of the Opposition but Dr Fletcher does not and he takes the view that if he has to he is entitled to be paid for his time. I know it is not an excessive amount but there is a charge. I could not tell him what it is but I can find out.

**HON J J BOSSANO:**

I am certainly interested because it is my view that since the questions were all of a technical nature dealing with things that I think people were entitled to ask the person that constructed the model and I can tell the Chief Minister that if I had been able to meet up with Professor Fletcher here he would probably have been able to deal with them on the spot. The questions that I had were all designed to clear up things that by themselves are not clear from reading the published report or indeed the additional information the Government was good enough to provide me with. So, I am interested in finding out what he has charged because I do not think that he should have charged.

ORAL

NO 508 OF 2004

THE HON J J BOSSANO

**MOD**

Can Government state what is the MOD budget for Gibraltar in the current financial year?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question No 509 of 2004.

**NO 509 OF 2004**

**THE HON J J BOSSANO**

**MOD**

Can Government state what is the MOD complement in the current financial year in respect of (a ) military posts and (b) civilian posts, giving a breakdown for UK based and locally entered?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The hon Member will understand this is not Gibraltar Government information and therefore all I am doing is providing to the Leader of the Opposition the information provided to me by the Ministry of Defence.

I am advised by the Command Secretary that the MOD budget for Gibraltar in financial year 2003/2004 is £92.177 million. There are, as at 31 December 2003, 418 Military Service posts plus 389 Royal Gibraltar Regiment posts, the latter includes TA. United Kingdom based posts total 58 and there are 1027 Locally Entered Civilians.

**SUPPLEMENTARY TO QUESTION NOS 508 AND 509 OF 2004**

**HON J J BOSSANO:**

Have Government been given any advanced notice by the MOD or by Her Majesty's Government of any reduction in the budget in the next year or so?

**HON CHIEF MINISTER:**

No. The Government have only seen a press release or bulletin to its employees I am not quite sure which that was put out several weeks ago by the Ministry of Defence itself alluding to their need to work to an increasingly tight budget in future

years. We have had not information and we have no reason to believe that there is. We know that the MOD generally not just in Gibraltar that all MOD budgets across the MOD worldwide are operating to increasingly budgetary limitations. The impact that that may have on the Gibraltar budget over the immediate future years is not something that the MOD has yet raised with the Gibraltar Government.

**HON J J BOSSANO:**

Government will of course be aware about the public exchanges that have taken place in relation to the proposed cut of part of their TA and that is apparently an economy move, is that something that the Government have raised with the MOD?

**HON CHIEF MINISTER:**

It is obviously something that Government raised with the MOD when we saw the press reports and we have asked the MOD to confirm whether or not the reports of the imminent cutting of the TA Company is true, to which we have had a response, that no such decision has yet been made, that is what they have confirmed to us in writing.

**HON J J BOSSANO:**

Which is the same as they said publicly is that not the case, when the Government asked was it after they had come out saying that no decision had yet been made?

**HON CHIEF MINISTER:**

Simultaneous, the day before, same morning came out in the afternoon that sort of thing.

**HON J J BOSSANO:**

Are Government aware that they are engaged in a policy regarding the civilians in which they have invented a new concept which they call regeneration of the workforce in which they say they [INTERRUPTION]. Apparently from the information that has come back to me it is not intended to replace one for one, have Government any knowledge of that, that is I have got fairly reliable sources telling me that when they are talking, for example, of introducing early retirement which makes sense if they have got as they claim to have and that is probably the case because they have not recruited people for a very long time, they may have a lot of people who if no action is taken would all be retiring at the same time and that therefore rather than have say for example, 200 people leaving in one year they may want to take action to give early retirement to some people in order to phase the regeneration of the workforce over a number of years but it appears that what is intended in the process is not to replace one for one but to maybe retire two and recruit one, has the Government any knowledge of that because that would of course involve a reduction in the numbers and that would not be good news for Gibraltar or for Government finances?

**HON CHIEF MINISTER:**

The Government are aware of the existence of the regeneration policy. It has no knowledge of the mathematics that applies to the process. If it were as the hon Member is saying then this is not so much a policy of regeneration but rather a process of staff cuts disguised as a policy of regeneration which the Government would obviously oppose. However, I have to say that I would not support a process of regeneration in principle. I can see that there may be a limited legitimate use for it to manage as the hon Member has said a particular agglomeration of retirees in one year. But, keen as we all are in this House to ensure that there are jobs for our youth and people at the bottom end of the labour market it is not the policy of the Government and therefore I would not wish it to be the policy of the MOD either that this should be at the expense of removing people from the labour market at the top end before they are ready to be removed from it. A lot of these people still have the need to earn money. When the rest of Europe is talking about extending the working life of people as a means of controlling the pension bills and the social security bills it would not be helpful that we were here moving in the opposite direction, in other words, dumping people into the labour market at a time when they still have a need for earned income and at a time when they are at their most vulnerable in terms of their ability to find alternative employment because people do not normally like employing people aged 53 or 54 years old. In terms of social engineering it is in principle a non desirable policy for wide application without prejudice to the fact that in limited it may be a valid tool for limited application to specific and restricted factual circumstances such as the ones as the Leader of the Opposition described in his question.



**NO 510 OF 2004**

**THE HON J J BOSSANO**

**WESTSIDE 1 PHASE 2**

Can Government say whether it has proved necessary to apply the alternative method of charging the market value as lower than 4 per cent annual increase on the original cost price to the sale of the Government's share of any co-ownership flats at Westside 1 Phase 2?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Yes, out of a total of 180 sales in Westside 1 Phase 2 there were two cases where the "*50 per cent of Market Value*" option was lower than the "*4 per cent annual increase*" option and this was applied accordingly.

**NO 511 OF 2004**

**THE HON J J BOSSANO**

**EU SAVINGS TAX DIRECTIVE COMMITTEE**

Can Government state how many times since March 2003 the joint working committee formed between Government, the Finance Centre Division, people in the Government and representatives of the Finance Centre Council and the Banker's Association has met, providing the names of the individuals who make up the committee, the dates on when the committee has met and whether it has now completed the review on listing the bits of the EU Directive on Disclosure of Information on the Income from Savings that would apply and the business that would be affected?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The EU Savings Tax Committee met five times in 2003. It met on the following dates:

Wednesday 26<sup>th</sup> February 2003  
Wednesday 5<sup>th</sup> March 2003  
Wednesday 18<sup>th</sup> March 2003  
Tuesday 25<sup>th</sup> March 2003  
Monday 14<sup>th</sup> July 2003

Outside of these formal meetings the Committee has kept in regular contact by e-mail. In addition, Paul Tipping, a Director of the British Bankers Association gave a lecture on the EU Savings Tax directive at the Finance Centre conference room on the 19<sup>th</sup> March 2003. the lecture was open to the whole industry. The members of the Committee are as follows:

Chairman of the Bankers' Association, Chairman of the Bar Council, a representative of the Gibraltar Society of Chartered and Certified Accountancy Bodies and of the Society of Trust and Estate Practitioners. A second representative of the Bankers Association, representatives of Barclays Bank, Credit Suisse, Lombardi Odier Hentsch, Jyske Bank, the Finance Centre Director Mr James Tipping and the Finance Centre Officer Mr Guy Canessa. This Committee has completed the review of the situation as it stands and is monitoring on-going developments. In particular,

the EU Savings Tax Directive will not commence until agreement is reached between the EU and third countries. The Committee was scheduled to meet again on Tuesday 13<sup>th</sup> January 2004.

### **SUPPLEMENTARY TO QUESTION NO 511 OF 2003**

**HON J J BOSSANO:**

The Chief Minister has covered everything except the last bit of the last sentence the business that will be affected. I take it that that has also happened?

**HON CHIEF MINISTER:**

The directive is clear as to what it applies and what it does not apply to. Whether business of the sort that it applies to is being done in Gibraltar or not and will therefore be affected by it depends very much on an operator by operator basis. Some operators will be doing a lot of business that is affected and others will be doing less of it. There is no way of assessing what the overall effect will be. It is bound to affect some more than others but depending on the kind of profile of the business being done would each operator be able to assess that now. But everybody understands in detail the scopes and bits of application and non application of the directive and are now able to run this past their own business base and assess for themselves the extent to which they are going to be affected by it whether the bits of their business that is affected by can somehow be restructured in a way that may put it on the right side of the line and not be affected by the extent to which the business that is affected and cannot be saved the extent to which it is going to be lost altogether, they will keep it notwithstanding the impact of the directive, all those things are now clear in people's minds and each business will be making their own assessments of the situation. I personally have no doubt that there will be an impact, that there will be overall in the Finance Centre a loss of business, I think that the impact will be strongest in what I call the unstructured small depositor business. Small to medium sized bank deposits where placing the asset inside a corporate or trust structure is uncost effective or cost and ineffective one or the other.

**HON J J BOSSANO:**

I take it that this exercise is being done on the assumption that we are stuck with the situation where we will have to follow the UK and not be able to be taking advantage of the transition alternative of deducting at source which is going to be available to other competitors and that that has been factored into the effect as well by the people who have done the work?

**HON CHIEF MINISTER:**

Yes, it has been done on that basis.

**NO 512 OF 2004**

**THE HON J J BOSSANO**

**EU – DISCLOSURE OF INFORMATION**

Can the Government now confirm that for the EU Directive and Disclosure of Information on the Income from Savings to apply between Gibraltar and the United Kingdom, it would require a policy decision on the part of the Gibraltar Government to enter into a reciprocal arrangement between Gibraltar and the UK, as if the UK and Gibraltar were separate Member States?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The directive itself only applies as between different Member States. It cannot therefore apply as between the United Kingdom and Gibraltar except pursuant to some arrangements extraneous to the directive itself.

**SUPPLEMENTARY TO QUESTION NO 513 OF 2004**

**HON J J BOSSANO:**

So the answer is yes to the question is that correct?

**HON CHIEF MINISTER:**

The answer is drafted as it is because a policy decision of the Gibraltar Government are not the only conceivable way in which the result can be brought around. The others would be extremely constitutionally difficult but theoretically possible.

**HON J J BOSSANO:**

I am taking it as read that the policy decision to which the question referred would not be a policy that would enjoy the support of the Government?

**HON CHIEF MINISTER:**

It is not something that the Government would do as a matter of policy choice.

**NO 513 OF 2004**

**THE HON J J BOSSANO**

**OCCUPATIONAL PENSION SCHEMES**

Can Government now say, in respect of the period since the first of April 2003, how many private sector employers were operating approved occupational pension schemes and give a breakdown into money purchases and final salary schemes and the number of employees in each category in the last tax year?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The position remains as stated in answer to Question No 421 of 2003. The information requested is unavailable and would require considerable manual administrative effort to produce which is not being invested.

**SUPPLEMENTARY TO QUESTION NO 513 OF 2004**

**HON J J BOSSANO:**

At the last meeting I asked this question and was given this answer. The exchanges ended with my suggesting that given the problem of finding the historical position as a matter of policy it might be a good thing for the Government to instruct the tax office to do it from a current date and the answer from the Chief Minister was yes.

**HON CHIEF MINISTER:**

I am sorry I do not follow, do what from a current date?

**HON J J BOSSANO:**

Do the monitoring of this because if in the tax returns that employers make and in introducing schemes of this nature, where the Commissioner of Income Tax has got to approve the scheme and approve the tax relief that goes with it, I could understand

that going back in time would be an expensive and time consuming exercise but given that it is the policy of the Government to have occupational schemes I would have thought that it would be desirable in furtherance of that policy to find out what there was already in the market because the Government have said previously that they would move down the route of legislating for this if the voluntary efforts did not produce results and I do not see how one can come to a conclusion whether the voluntary efforts have produced results unless one is monitoring the results and therefore I suggested to the Government acknowledging the difficulty that the Chief Minister has mentioned that it might be desirable to introduce the monitoring from a current date and the answer the Chief Minister gave me was yes.

**HON CHIEF MINISTER:**

I understand. The Leader of the Opposition means in terms of how many occupational schemes he has approved this year, for example, by just keeping a tally. I suppose he might be able to say how many schemes he has approved as opposed to saying how many people are actually participating in the scheme as at which would introduce a historical context and the question does say in respect of the periods since the 1<sup>st</sup> April. Whether that is intended to exclude all the pre April schemes I do not know that might be the purpose of the question. I will have to ask the Commissioner of Income Tax whether he can at least say how many new schemes have come into existence since 1<sup>st</sup> April.

**HON J J BOSSANO:**

If I may remind the Chief Minister, what I said to him in the last House of Assembly was, *"Can I ask whether it could be possible to try and monitor given that it is not practical to try and find out the historical position to try and monitor new ones from say the 1<sup>st</sup> April 2003 and then we will see what is happening during the year and we will be able to ask periodically?"* and the Chief Minister answered "yes" and now I am asking periodically.

**HON CHIEF MINISTER:**

His excellent advice has not yet been put into effect.

ORAL

**NO 514 OF 2004**

**THE HON J J BOSSANO**

**HEAD 8B, SUBHEAD 6**

Have any payments been made in the financial year 2002/2003 and 2003/2004 as a result of the Group Life Cover for which premiums are provided under Head 8B Subhead 6?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question No 515 of 2004.



**NO 515 OF 2004**

**THE HON J J BOSSANO**

**HEAD 8B, SUBHEAD 6**

Can Government now confirm if and in what amount the two claims referred to as pending in the answer to Question No 426 of 2003 have now been settled?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The following are the payments effected as a result of the death in service Group Life Cover relating to civil servants and employees of Government related companies and agencies:

2002/2003

- 4 claims paid amounting to £83,470.36

Current financial year to 31<sup>st</sup> December 2003

- 5 claims paid amounting to £261,259.85.

The two outstanding claims from financial year 2002/2003 have been paid during the current financial year as follows:

|                             |   |                                       |
|-----------------------------|---|---------------------------------------|
| 14 <sup>th</sup> April 2003 | - | £25,704.64 (includes £47.88 interest) |
| 6 <sup>th</sup> May 2003    | - | £26,409.88                            |

All claims to-date have been settled.

**SUPPLEMENTARY TO QUESTION NO 515 OF 2004**

**HON J J BOSSANO:**

Are these two part of the five claims in the present financial year that he mentioned in the first part of the answer?

**HON CHIEF MINISTER:**

Yes.

ORAL

NO 516 OF 2004

THE HON J J BOSSANO

**CONSOLIDATED FUND**

What was the final balance of the Consolidated Fund as at 1<sup>st</sup> April 2002?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question No 517 of 2004.

**NO 517 OF 2004**

**THE HON J J BOSSANO**

**CONSOLIDATED FUND**

What was the balance of the Consolidated Fund as at 1<sup>st</sup> April 2003?

**ANSWER**

**THE HON THE CHIEF MINISTER**

**Answer to Question No 516**

The balance of the Consolidated Fund as at 1<sup>st</sup> April 2002 was £32.8 million.

**Answer to Question No 517 of 2004**

The balance of the Consolidated Fund as at 1<sup>st</sup> April 2003 was £31.3 million.

**SUPPLEMENTARY TO QUESTION NOS 516 AND 517 OF 2004**

**HON J J BOSSANO:**

In terms of Question No 517 of 2004 where the figure is higher than the original balance for this year is this the final given that we have now gone past the closing date for the account as it closes in December?

**HON CHIEF MINISTER:**

Some book-keeper would have some explaining to do if it were not the case.

**NO 518 OF 2004**

**THE HON J J BOSSANO**

**I & D FUND**

Have Government now borrowed any funds from their loan facilities in the current financial year and if so give a breakdown by date and amount?

**ANSWER**

**THE HON THE CHIEF MINISTER**

A total of £10 million was drawn on the 17<sup>th</sup> December 2003 from the revolving loan facility with Barclays Bank PLC and it was credited to the Improvement and Development Fund.

**SUPPLEMENTARY TO QUESTION NO 518 OF 2004**

**HON J J BOSSANO:**

Is this likely to be the amount for this current financial year or does the Government anticipate that between now and the end of March there is going to be any borrowing?

**HON CHIEF MINISTER:**

I really cannot tell the Leader of the Opposition as a matter of day to day or even week to week cash flow management whether that would be required. I believe of the sources of funding to the Improvement and Development Fund I think that the figures that I gave him yesterday confirm this. The proceeds of sale from Government properties is probably lower than is estimated the other balancing figure is the draw down from the reserves from the Consolidated Fund. I do not know whether there will be some massaging of one figure against the other that is if they prefer to draw more borrowing and less from the reserves I do not know. It would be for that sort of reason if more money were borrowed. I am not aware of any need to borrow any more money.

**HON J J BOSSANO:**

I just wondered because the fact that it has been borrowed so recently would be an indication that it has not been needed earlier in the year. In the estimates the sum of £10 million was put in at the beginning of the financial year and therefore we are talking about a situation where having put in the estimates a requirement to have £10 million for a period of 12 months it is not until nearly the end of nine months that they have actually gone for it and that would give me an indication that having borrowed it so late in the year is why I am asking?

**HON CHIEF MINISTER:**

It probably will be that the expenditure of the Improvement and Development Fund will be less than it always is by 20 or 25 per cent less than estimated. It depends on the coincidence of projects coming, payments due perhaps a cluster towards the end of the year I do not know but it is a cash management situation rather than an expenditure driven situation in terms of over expenditure. There is certainly not going to be any over expenditure in the Improvement and Development Fund.

**NO 519 OF 2004**

**THE HON J J BOSSANO**

**GOVERNMENT DEBENTURES**

As at the end of December 2003, 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**

|                                     |             |
|-------------------------------------|-------------|
| Monthly Income Debentures           | £23,241,700 |
| Pensioner Monthly Income Debentures | £53,526,200 |

ORAL

**NO 520 OF 2004**

**THE HON J J BOSSANO**

**EU – EXTERNAL FRONTIERS CONVENTION**

Can the Government explain what reply it has received from the UK in respect of Spain's objection in November to Gibraltar's participation to a future external frontiers convention/regulation of the EU and when was the reply received?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question No 521 of 2004.



**NO 521 OF 2004**

**THE HON J J BOSSANO**

**EU – EXTERNAL FRONTIERS CONVENTION**

Can Government explain how it is that it was not made aware of Spain's objection in November to Gibraltar's participation to a future external frontiers convention/regulation of the EU?

**ANSWER**

**THE HON THE CHIEF MINISTER**

As stated in the Government's press release of the 22<sup>nd</sup> December 2003, the Government have sought clarification from HMG regarding Spain's objection in November to Gibraltar's participation in a future external frontiers regulation, including an explanation as to why Gibraltar had not been duly informed of this matter at the time. A letter was sent to the Foreign and Commonwealth Office on the 22<sup>nd</sup> December 2003 to this effect but to date no substantive reply has been received. I am informed that this is due shortly and that the delay has been caused by the intervening Christmas break.

**SUPPLEMENTARY TO QUESTION NOS 520 AND 521 OF 2004**

**HON J J BOSSANO:**

On the assumption that shortly means that the reply will arrive before the next Question Time arrives will the Chief Minister mind informing me of the reply if it arrives before there is another Question session when I can raise the matter again?

**HON CHIEF MINISTER:**

I can certainly inform him as to whether or not we receive a reply. I have not undertaken even in answer to this question to tell him what the reply would have been. The hon Member has to respect that the Government are entitled to confidentiality in correspondence if it chooses to do so. My policy is, if it is possible

to do so without destroying the conduct of business between governments to be as frank and open in this House as to HMG's position on issues as put to GOG but I would not wish to undertake to publish the content of the letters before I have seen what they are but I would certainly tell him if I get a reply or not and let him know what it is if it is appropriate to do so. This issue goes to the heart. The Leader of the Opposition has seen the public statements on the issues that arise from the draft treaty negotiations. Most recently the full document full analysis. One of the issues that we have been highlighting with HMG is precisely whether the borders language enables Spain to continue to object to an exclusion. On the one hand the United Kingdom is telling us that our concerns are over-egged and on the other hand the Spaniards is giving notice that they object in the knowledge that any such regime external frontiers regulation is likely to emerge after the new convention is in force. So, they must think that the new convention.....

**HON J J BOSSANO:**

Has an effect.

**HON CHIEF MINISTER:**

.....yes, they must think that it has the effect of giving them the right to object so that is the circle that needs to be squared in the United Kingdom's response. It cannot be true, both, our concerns are over-egged and that Spain is free to consummate her objection.

**HON J J BOSSANO:**

Can Government explain how is it that the Brussels Office did not pick this up before it became public?

**HON CHIEF MINISTER:**

This is not in a public document. This has only entered the public domain because the Spaniards have boasted about it. But the meetings of that sort are not available on the public domain. These are Coreper meetings. These are not occasions which are reported in public so the fact that Spain has made this observation in this meeting is not something that is findable anywhere, British Government would know because they would have had a representative at the meeting in which this was said.

**HON J J BOSSANO:**

I believe the report in the Chronicle to which the Government reacted which apparently was the first they heard of it from the text of the Government press release. From memory their reaction was that they had contacted the Commission or whoever and that it had been confirmed obviously it was something that the pertinent institution in the European Union was not treating it as a confidential matter that there was a Spanish objection. They were willing to confirm it to the press.

**HON CHIEF MINISTER:**

Yes, but before one asks for something to be confirmed one must be aware of its existence. The fact that they are willing to confirm or deny it, I am not assuming that the report did carry the element that the Leader of the Opposition has described does not mean that it is available publicly. These are not available publicly.

**NO 522 OF 2004**

**THE HON J J BOSSANO**

**COMMUNITY CARE LTD**

Can Government state when they intend to Table in this House, the audited accounts of Community Care Limited for the years since 1996?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Although I seem to recall that the accounts for Community Care were Tabled in this House for a year or two before 1996, Government believe that Tabling the accounts of Community Care Limited in this House may encourage others to argue that the arrangements are not private and non-Governmental and this is not in the interests of Gibraltar. Government are however provided with copies of the accounts by way of information by the Trustees. The Government are happy to provide copies to the hon Member outside of this House after clearing it with the Trustees.

**SUPPLEMENTARY TO QUESTION NO 522 OF 2004**

**HON J J BOSSANO:**

I will be glad to receive a copy after the Government have cleared it with the Trustees. The reason for the question is that the Chief Minister will remember that he actually said during the course of the elections in a debate on radio that the audited accounts of Community Care were Tabled every year in the House and the last year in respect of which they have been Tabled by this Government was for the year 1996 but I think that was in 1997 or 1998 and nothing has happened since then. The Chief Minister actually said only in November that they were being tabled regularly and we checked and we have found that 1996 was our last year.

**HON CHIEF MINISTER:**

If I did say that which I do not recollect but if the Leader of the Opposition recollects that I did say it then I am happy to rely on this occasion on his recollection. It must

have been that I had forgotten that at some point in the late 90's when it became clear that Community Care was being challenged on the basis that it was the Government in disguise as opposed to a genuinely private arrangement the decision was taken that to continue Tabling in the House would have tended to confirm that because at the end of the day the only things that are Tabled in this House are the accounts of public bodies. The accounts of the Trustees of the John MacIntosh Trust are not Tabled here, the accounts of other private trusts are not and their investment companies are not Tabled here. It must have been that in that debate I forgot that that assessment had been made and that we had stopped Tabling. Government do not regard themselves as the owner of those accounts and it has not objection to the Leader of the Opposition seeing them but in a way that does not enable somebody in the future to say, *"Ah, you see they are the Government in disguise why else would they be Tabled every year in the House?"*

**HON J J BOSSANO:**

I think the answer to that is that they are Tabled in the House because they receive money from the House. We have in this year's budget an amount which the Chief Minister will recall I asked should be dealt with in a particular way precisely for the reasons that he is saying and he actually agreed to change the subhead so that the money went into the Social Assistance Fund and the Approved Estimates shows a different place from the Draft Estimates. The Approved Estimates we have seen here today. Distancing the charity from the Government was the reason for keeping the Social Assistance Fund going that he gave way back in 1996 but when accounts have been Tabled here of other entities it has been because they have received money from the Government that is why the MacIntosh Homes used to be Tabled here before the Elderly Care Agency existed and nobody was suggesting then that they were owned by the Government or were part of the Government. But that was the rationale, that they received money from the Government.

**HON CHIEF MINISTER:**

Government are not saying that it would necessarily have a lethal effect it is just that it seems to us not worth taking a risk with and as the hon Members can continue to have access to them by another means I am sure the Tabling is not of any importance to the hon Member. The advice that Government have is that actually whether it is done directly from the Consolidated Fund or from a special fund and whether it is funded from one type of Government revenue or another is actually in all legal likelihood and probability irrelevant to the question of the determination of the issue if it came to be determined. I understand why but the advice is that given the test that it would have to meet the distinction is too much of a nuance to be relevant.

ORAL

NO 523 OF 2004

THE HON J J BOSSANO

**COMMUNITY CARE LIMITED**

Can the Government state when was the £5 million grant provided for in this year's estimates from the Social Assistance Fund paid to Community Care Limited?

ANSWER

THE HON THE CHIEF MINISTER

The £5 million grant to Community Care Limited from the Social Assistance Fund was effected on 1<sup>st</sup> October 2003.

ORAL

NO 524 OF 2004

THE HON J J BOSSANO

**CONSOLIDATED FUND**

Can Government state what is the latest forecast of revenue and expenditure for the Consolidated Fund for the current Financial Year?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos 525 and 526 of 2004.

ORAL

NO 525 OF 2004

THE HON J J BOSSANO

**CONSOLIDATED FUND**

Can Government state what has been the estimated expenditure from the Consolidated Fund in the current financial year to the 31<sup>st</sup> December 2003 by head of expenditure?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos 524 and 526 of 2004.



**NO 526 OF 2004**

**THE HON J J BOSSANO**

**RECEIPT OF REVENUE**

Can Government state what has been the estimated receipt of revenue in the current financial year to the 31<sup>st</sup> December 2003 by head of revenue?

**ANSWER**

**THE HON THE CHIEF MINISTER**

I do not have that information to hand available at the moment, Question Nos 525 and 526 of 2004 which are estimated revenue and estimated expenditure to the end of the year could be put together with just a few more days notice and I can send that on to the hon Member. I would ask the Leader of the Opposition to await for the actual forecast outturn on the basis that it is calculated now for the estimates but if there is a management account of a revenue and expenditure I would send it on to him in the next few days.

**NO 527 OF 2004**

**THE HON J J BOSSANO**

**ESTIMATES OF REVENUE AND EXPENDITURE**

Can Government say when they expect to be in a position to provide this House with copies of the approved Estimates of Revenue and Expenditure for the current financial year?

**ANSWER**

**THE HON THE CHIEF MINISTER**

I am not aware that there has been any change in the long-established practice whereby copies are circulated by the Clerk and not the Government. When I saw this question I could not for the life of me work out what it was that the Leader of the Opposition was getting at. I have never been aware of how those copies are circulated, by whom and when, and who generates them nor was I aware that there had been a difficulty in this year within the arrangements. So, I have to say that the answer reflects what I was told in response to the hon Member's question rather than reflecting any knowledge that I might have had of what the mechanics have been in the past which I do not know. I did not actually know whether this was sent by the Government or by the Clerk but I am told that they have always been sent by the House and not by the Government.

**NO 528 OF 2004**

**THE HON J J BOSSANO**

**GOVERNMENT ACCOUNTS**

Can Government state when the Principal Auditor finalised the audit of the Government accounts for the financial year 2001/2002 and when will this be Tabled in this House?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The Principal Auditor forwarded the Audited Accounts to His Excellency the Governor, as he is required to do, on the 31<sup>st</sup> day of July 2003. The constitutional requirement is that the Governor then writes to the Financial & Development Secretary directing him to lay the accounts in this House. Due to an oversight in the Office of the Governor they overlooked doing so, until prompted to do so by the hon Member's question.

ORAL

**NO 529 OF 2004**

**THE HON J J BOSSANO**

**GDP FIGURE**

Can Government now confirm that the published pre 1996/1997 GDP figures did include MOD and that therefore the answer given by him in this House to supplementary questions arising from Question No 440 of 2003 were therefore incorrect?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos 530 to 532 of 2004.

ORAL

NO 530 OF 2004

THE HON J J BOSSANO

**GDP FIGURE**

Can Government state what is the estimated percentage of GDP contributed by MOD in each financial year since 1994/1995?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question Nos 529, 531 and 532 of 2004.

ORAL

**NO 531 OF 2004**

**THE HON J J BOSSANO**

**INPUT/OUTPUT STUDY**

Have the Government now had an opportunity “to sit down analyse and consider” the response provided by Professor Fletcher prior to March 2003 as to why the MOD is calculated as 3 per cent of the economy, even though it is accepted to be more than that?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos 529, 530 and 532 of 2004.

**NO 532 OF 2004****THE HON J J BOSSANO****INPUT/OUTPUT STUDY**

Can Government now explain how the initial result of the Input/Output study put the MOD share of National Income at 10 per cent and the final report places it as 3 per cent?

**ANSWER****THE HON THE CHIEF MINISTER**

I can confirm that the published pre 1996/1997 GDP figures included the MOD. Indeed when I saw the question on the Order Paper I looked up the file and actually found a letter dated May 2003 that I had drafted to send to the hon Member. I cannot find evidence because there is no photocopy of the original that it has been sent from which I conclude given that he is asking the question and there is only a draft on the file that it was never sent and that it stayed in draft. I can now confirm that I did look into it at the time as I said and indeed was able to establish that it was. Under the income method for measuring GDP, the income contribution of the MOD as a proportion of GDP for the period 1994/1995 to 2001 was as follows:

| Year      | MOD(£m) | GDP(£m) | per cent |
|-----------|---------|---------|----------|
| 1994/1995 | 21.31   | 326.61  | 6.5      |
| 1995/1996 | 21.98   | 327.73  | 6.7      |
| 1996/1997 | 19.82   | 352.12  | 5.6      |
| 1997/1998 | 16.94   | 364.51  | 4.6      |
| 1998/1999 | 17.84   | 392.33  | 4.5      |
| 1999/2000 | 15.95   | 409.89  | 3.9      |
| 2000/2001 | 17.16   | 433.61  | 4.0      |

The comparable estimate from the Input/Output Study for 1999/2000 was 3.8 per cent. However, the MOD generates other expenditure within the local economy. The Input/Output Study gave an estimate of around £17m in respect of such expenditure on goods and services. Adjusting for imports, this would increase the contribution of the MOD to the Gibraltar economy to a total figure of between 6 and 7 per cent. The

original estimate of the draft Input/Output Study had put the MOD share of GDP at around 10 per cent. This figure was revised subsequently when it was discovered that the data provided by the MOD had included MOD expenditure which, although allocated to the MOD's Gibraltar budget, had not been spent within the Gibraltar economy.

#### **SUPPLEMENTARY TO QUESTION NOS 529 TO 532 OF 2004**

**HON J J BOSSANO:**

The figure in the table the Chief Minister has provided which shows the MOD share coming down to 3.9 per cent for 1999/2000, from the sentence that preface's it suggests that that is using the Income method for measuring GDP because it says under the Income Measure of GDP. The Input/Output Study by putting 3.8 per cent for the year 1999/2000 shows a very close result to the other one. If one is saying for 1999/2000 in one method says that it was 3.8 per cent and the other method says that it was 3.9 per cent that would be indicative of a very high level of accuracy using the same argument that has been used for the figure of £409 million. The argument in the Input/Output Study was that if two different methods come up with a very close result one is for £409 million and the other is for £410 million then that is taken to be indicative of accuracy and therefore by implication that is also through to 3.9. I find that strange because when the Chief Minister answered the question last time in March the impression that he left me with was that it was generally recognised that the 3 per cent was an understatement and that it was likely to be corrected in an upwards direction, would he not agree that that is what he seems to be saying in March? He said in March, "*I think that he (Professor Fletcher) accepts that the figure of 3 per cent is an understatement of the current contribution of the MOD to the economy and he has an explanation of why it is...*" rather than an explanation as to why it is an understatement I think that what we have got in this answer is an indication that it is an accurate figure because if there was an explanation saying under the Input/Output method we have come up with a figure of 3 per cent but under the income, the traditional method the figure is higher but there is an explanation for the discrepancy I would understand it but what it seems I am being told today is that the 3.8 is a very accurate figure because the income one produces 3.9.

**HON CHIEF MINISTER:**

I agree with him. Adjusted according to the answer that has been prepared here for imports it would give a figure between six and seven. I cannot help the hon Member as to why that is mathematically so but as he has got the answer in front of him he might like to follow it there in print. In the end of the first paragraph it says, "*adjusted for imports, this would increase the contribution of the MOD to a total figure of between six and seven.*"

**HON J J BOSSANO:**

I am not sure what sense one can make of that answer because if what we are being told is that if we included what the MOD spends on imports the contribution would be six to seven per cent I can assure the Chief Minister is a nonsense answer because if the MOD is spending another £10 million on imports that is not a contribution to the



local economy. Precisely in every element in the Input/Output methodology what we do is we take imports out of the equation on the basis that they do not have a multiplier effect and there is no indirect and induced income generated by imports because those effects happen in the country which exports to us not in us so if what we are being told is that the MOD's spend in Gibraltar is of the order of six to seven per cent if one treats imports by the MOD as a contribution to the Gibraltar economy which I would not think of doing and neither would Professor Fletcher from the explanations in his book and neither would the Government Statistician from the figures in the table then I am afraid it does not explain anything. If the MOD imported an aircraft carrier presumably the contribution would then be 100 per cent.

**HON CHIEF MINISTER:**

Perhaps I ought to send the Leader of the Opposition this letter anyway, the one that was drafted in May, because it helps to explain the answer to this last point as to how they have split MOD into the bits that should be included and the bits that should not be included and this perhaps explain why the figure is lower than he and I might have expected because it reflects only the bit that they have decided should be included. Even though he has had the answer I will actually convert this letter with the current date and this will explain that and perhaps at a later Question Time it can be discussed again or write back if he is not satisfied.

**NO 533 OF 2004**

**THE HON J J BOSSANO**

**NATIONAL INCOME ESTIMATES**

When do Government expect to publish the National Income Estimates of the years 2001/2002?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Preliminary estimates of GDP and GNP for 2001/2002 are being finalised by the Statistics Office. Once these figures are available in their final form, hopefully by next month, they will be made available to Members of the House and published as were those in respect of the period 1996/1997 to 2000 /2001 in May last year. Since this was written I have been told that it may actually be before the end of this month.

**SUPPLEMENTARY TO QUESTION NO 533 OF 2004**

**HON J J BOSSANO:**

Is it the case that the Chief Minister from remarks made earlier on in response to another question had an indication that we may have achieved more than six per cent that year?

**HON CHIEF MINISTER:**

I have not actually seen figures but as I was rushing out of the office to go somewhere the Chief Secretary made a remark to me in the corridor saying there is a paper on its way to you. Yes, the answer to the hon Member's question , although I have not seen figures , I understand they show an improvement on the six per cent.

ORAL

**NO 534 OF 2004**

**THE HON J J BOSSANO**

**INCOME TAX - PAYE**

As at the end of December 2003, how many employers had not yet returned their 2000/2001 Employer's Declaration and PAYE Certificates and what is the estimated number of employees affected?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos 535 to 537 of 2004.

ORAL

**NO 535 OF 2004**

**THE HON J J BOSSANO**

**INCOME TAX - PAYE**

As at the end of December 2003 how many employers had not yet returned their 2001/2002 Employer's Declaration and PAYE Certificates and what is the estimated number of employees affected?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos 534, 536 and 537 of 2004.

ORAL

**NO 536 OF 2004**

**THE HON J J BOSSANO**

**INCOME TAX - PAYE**

As at the end of December 2003 how many employers had not yet returned their 2002/2003 Employer's Declaration and PAYE Certificates and what is the estimated number of employees affected?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos 534, 536 and 537 of 2004.

**NO 537 OF 2004**

**THE HON J J BOSSANO**

**INCOME TAX - PAYE**

As at the end of December 2003 how many employers had not yet returned their 2002/2003 Employer's Declaration and PAYE Certificates and what is the estimated number of employees affected?

**ANSWER**

**THE HON THE CHIEF MINISTER**

I now hand the hon Member a schedule with the information requested.

**Answer to Question No 537 of 2004**

Employer's Declaration and PAYE Certificate not returned as at end of December 2003.

|                           | <b>Q No 534</b> | <b>Q No 535</b> | <b>Q No 536</b> |
|---------------------------|-----------------|-----------------|-----------------|
| Tax year                  | 2000/2001       | 2001/2002       | 2002/2003       |
| No of employers           | 152             | 152             | 361             |
| Estimated No of employees | 190             | 236             | 5,151           |

Question No 537 of 2004 duplicates Question No 536 and is therefore ignored in the answer.

## SUPPLEMENTARY TO QUESTION NOS 534 TO 537 OF 2004

**HON J J BOSSANO:**

I have asked in supplementaries to questions seeking this information in the past that we find that it is the same employers given that the numbers always seem to finish up around the same figure. If it is the same 150 employers year after year who never do it should something not be done about these particular individuals if they happen to be the same all the time, if there are a different 152 in each year which might be rather surprising then it might be a different kettle of fish but if they are the same ones all the time and they just do not bother ever to return it if nobody ever does anything about it then presumably they never will?

**HON CHIEF MINISTER:**

I appreciate that the hon Member probably does not enjoy my New Year messages and that for that reason he may not listen to them too carefully but he will have heard me say, I hope, that arrears and those who do not pay for something that the Government are determined to tackle and this is precisely an instance of that sort. I believe it is usually the same rump who either do not pay or always pay much later than they should and if the hon Member reads the Auditor's Report attached to the account he will see that the Principal Auditor's criticisms for non-collection of arrears have risen in crescendo over the years and I think that it now needs to be tackled. There may be resources issues here but I think that probably what can be recouped would probably justify some additional resources. This is just one example of many areas of non or late payment of dues to Government that will now be much more firmly addressed than has been the case in the past.

**HON J J BOSSANO:**

In drawing attention to this particular instance where probably we are not talking about a lot of money because we are not talking about a lot of people, the point I am trying to make is that it seems in terms of seriousness, if they do not even bother to return it and nobody does anything about it, there are those who return and pay the lot, there are those who return and pay some, there are those who return and pay nothing and there are those who do not even return it. I would have thought that one needed to start at that end of the spectrum with the ones that are actually ignoring the existence of the system altogether and I think that one of the things that the Auditor has pointed out over the number of years is that this particular element is entirely unquantifiable because they do not return anything nobody really knows how much tax is involved or how many employers. The answer provided by the department in their case is entirely guesswork because they simply do not write back. What I am suggesting and asking the Government whether they agree that with the existing resources, certainly 150 people, it seems to me to start with the ones that are in the greatest breach of the law which is not even to answer.

ORAL

**NO 538 OF 2004**

**THE HON J J BOSSANO**

**INCOME TAX - PAYE**

As at the end of December 2003, how many employers had returned their 2000/2001 Employer's Declaration and PAYE Certificates and what was the total amount of tax deducted and the number of employees affected?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos 539 to 541 of 2004.



ORAL

**NO 539 OF 2004**

**THE HON J J BOSSANO**

**INCOME TAX - PAYE**

As at the end of December 2003 how many employers had returned their 2001/2002 Employer's Declaration and PAYE Certificates and what was the total amount of tax deducted and the number of employees affected?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos 538, 540 and 541 of 2004.

ORAL

**NO 540 OF 2004**

**THE HON J J BOSSANO**

**INCOME TAX - PAYE**

As at the end of December 2003 how many employers had returned their 2002/2003 Employer's Declaration and PAYE Certificates and what was the total amount of tax deducted and the number of employees affected?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos 538,539 and 541 of 2004.

**NO 541 OF 2004****THE HON J J BOSSANO****INCOME TAX - PAYE**

As at the end of December 2003 how many employers had returned their 2002/2003 Employer's 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**

I now hand the hon Member a schedule providing the information requested.

**Answer to Question No 541 of 2004**

| <b>Question No</b>                     | <b>538</b> | <b>539</b> | <b>540</b> |
|----------------------------------------|------------|------------|------------|
| <b>Tax Year</b>                        | 2000/2001  | 2001/2002  | 2002/2003  |
| <b>No of Returns received</b>          | 1,695      | 1,734      | 1,583      |
| <b>Total PAYE Deducted</b>             | £53.2m     | £57.5m     | £46.1m     |
| <b>No of employees/deduction cards</b> | 25,486     | 25,427     | 18,640     |

Question No 541 of 2004 duplicates Question No 540 and is ignored.

**SUPPLEMENTARY TO QUESTION NOS 538 TO 541 OF 2004**

**HON J J BOSSANO:**

The columns for 2001 and 2002 would indicate that most of the returns for those two years are now in, would the government not agree from the numbers, sums and the number of employees affected?

**HON CHIEF MINISTER:**

Yes.

ORAL

**NO 542 OF 2004**

**THE HON J J BOSSANO**

**INCOME TAX - PAYE**

As at the end of December 2003 how many of the employers who had returned the 2000/2001 Employer's Declaration and PAYE Certificate had not paid the full amount of PAYE deducted and what was the shortfall?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos 543 to 545 of 2004.

**ORAL  
WITHDRAWN**

**NO 543 OF 2004**

**THE HON J J BOSSANO**

**XXXXXXXXXXXX**

As at the end of December 2003 how many of the employers who had returned the 2001/2002 Employer's Declaration and PAYE Certificate had not paid the full amount of PAYE deducted and what was the shortfall?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos 542, 544 and 545 of 2004.

ORAL

**NO 544 OF 2004**

**THE HON J J BOSSANO**

**INCOME TAX - PAYE**

As at the end of December 2003 how many of the employers who had returned the 2002/2003 Employer's Declaration and PAYE Certificate had not paid the full amount of PAYE deducted and what was the shortfall?

**ANSWER**

**THE HON THE CHIEF MINISTER**

This question was withdrawn.

**NO 545 OF 2004****THE HON J J BOSSANO****INCOME TAX - PAYE**

As at the end of December 2003 how many of the employers who had returned their 2002/2003 Employer's Declaration and PAYE Certificate had not paid the full amount of PAYE deducted and what was the shortfall?

**ANSWER****THE HON THE CHIEF MINISTER**

The information requested by the hon Member is set out in the Schedule that I hand to him.

**Answer to Question No 545 of 2004**

|                                         | Q542      | Q543      | Q544      |
|-----------------------------------------|-----------|-----------|-----------|
| Tax Year                                | 2000/2001 | 2001/2002 | 2002/2003 |
| Total number of Returns received        | 1695      | 1734      | 1583      |
| No of Returns with PAYE tax outstanding | 210       | 224       | 274       |
| PAYE tax outstanding                    | £0.9m     | £2.7m     | £3.5m     |

Question No 545 duplicates Question No 544 of 2004 and is therefore ignored in the answer.



**NO 546 OF 2004****THE HON J J BOSSANO****INCOME TAX – SELF-EMPLOYED**

Can Government state as at the end of December 2003 what were the amounts assessed in respect of self-employed persons for each tax year 1995/1996 to 2002/2003 giving the amounts discharged, confirmed and paid and the number of taxpayers involved in each year?

**ANSWER****THE HON THE CHIEF MINISTER**

I hand the hon Member a schedule giving the information he has requested.

**Answer to Question No 546 of 2004**

|                 | 1995/1996    | 1996/1997    | 1997/1998    | 1998/1999    | 1999/2000    | 2000/2001    | 2001/2002  | 2002/2003  |
|-----------------|--------------|--------------|--------------|--------------|--------------|--------------|------------|------------|
|                 | £m           | £m           | £m           | £m           | £m           | £m           | £m         | £m         |
| Assessed        | 8.0          | 8.5          | 11.0         | 10.9         | 46.1         | 13.9         | 13.2       | 6.3        |
| Discharged      | 5.3          | 5.3          | 6.9          | 6.7          | 41.5         | 8.5          | 7.2        | 2.1        |
| Paid            | 2.7<br>2.0   | 3.2<br>2.4   | 4.1<br>2.8   | 4.2<br>3.0   | 4.6<br>3.4   | 5.4<br>3.3   | 6.0<br>3.3 | 4.2<br>1.6 |
| Outstanding     | 0.7          | 0.8          | 1.3          | 1.2          | 1.2          | 2.1          | 2.7        | 2.6        |
| No of Taxpayers | <b>1,212</b> | <b>1,188</b> | <b>1,222</b> | <b>1,194</b> | <b>1,216</b> | <b>1,128</b> | <b>983</b> | <b>700</b> |

**NO 547 OF 2004**

**THE HON J J BOSSANO**

**INCOME TAX - PAYE**

What is the current estimated amount of PAYE payable for the tax year 2001/2002 by area of employment and the number of employees as follows:-

- (a) MOD;
- (b) Gibraltar Government;
- (c) Government owned joint venture companies;
- (d) Private Sector?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question No 548 of 2004.

**NO 548 OF 2004****THE HON J J BOSSANO****INCOME TAX - PAYE**

What is the current estimated amount of PAYE payable for the tax year 2002/2003 by area of employment and the number of employees as follows:-

- (a) MOD;
- (b) Gibraltar Government;
- (c) Government owned joint venture companies;
- (d) Private Sector?

**ANSWER****THE HON THE CHIEF MINISTER**

I hand the hon Member a schedule giving the information he has requested.

**Answer to Question No 547 of 2004**

Based on the 2001/2002 Employers' Annual Statement, Declaration and Certificate submitted up to 6 January 2004 the information sought is as follows:

|                                                  | £m    | Approximate No of Employees |
|--------------------------------------------------|-------|-----------------------------|
| (a) MOD                                          | 4.3   | 2,600                       |
| (b) Gibraltar Government                         | 18.9  | 5,700                       |
| (c) Government owned and joint venture companies | 2.6   | 600                         |
| (d) Private Sector Employment                    | 31.7  | 16,500                      |
|                                                  | <hr/> | <hr/>                       |
|                                                  | 57.5  | 25,400                      |
|                                                  | <hr/> | <hr/>                       |

**Answer to Question No 548 of 2004**

Based on the 2002/2003 Employers' Annual Statement, Declaration and Certificate submitted up to 6 January 2004 the information sought is as follows:

|                                              | £m   |
|----------------------------------------------|------|
| (a) MOD                                      | 4.7  |
| (b) Gibraltar Government                     | 7.1  |
| (c) Government owned joint venture companies | 2.8  |
| (d) Private Sector Employment                | 31.5 |
|                                              | ———— |
|                                              | 46.1 |
|                                              | ———— |

The above does not include estimates of PAYE tax payable in respect of employers that have not returned the Employers' Annual Statement. Also the PAYE Deduction Cards for the year 2002/2003 are currently being processed and it is not possible at this time to provide details of the number of Deduction Cards returned.

**SUPPLEMENTARY TO QUESTION NOS 547 AND 548 OF 2004**

**HON J J BOSSANO:**

When I asked the question in March about the 2001/2002 tax year one of the things that I queried was the very low figure in respect of the Gibraltar Government which in answer to Question No 448 of 2003 showed £9.6 million being paid in respect of Gibraltar Government employees and only 3,100 persons affected. We had an exchange as to whether the explanation was a failure to submit in time the Employers' Declaration and PAYE statement. Given what we have just heard from the Chief Minister about whether I really knew his New Year message or not would he not agree that he is unlikely to impress those affected by the content of that message and by what we have said today if in fact in January 2004 Government Departments themselves have failed to make the return for the tax year ending in June 2002, will the Government agree with me that they are going to have a problem in persuading people that he is taking a tough line? The Chief Minister has just agreed with me that if people have not returned their statement and declaration then they ought to be pressed to do it but should the Government themselves not give an example?

**HON CHIEF MINISTER:**

I did not refer to delays in submitting Declarations I referred to delays or non payments of monies due to the Government. In the case of the Government itself this is financially academic. Since the Government are paying in effect itself it does not affect the availability to Government revenue given that if it has not received the revenue nor has it incurred the expenditure. In the case of Government it is entirely a book-keeping entry I am sure there is no exchange of cheques or anything it is just a book-keeping entry. There is a difference between what is an administrative entry

in the case of Government as an employer in respect of its employees and private sector employers whose failure actually results in the Government failing to collect money in a way which affects the amount of money available to the Government to spend on public services and in a way which is capable of affecting whether there are budget surpluses or budget deficits or in what amount. The hon Member must not misunderstand me I think it is in principle, desirable, that if there are time limits everyone should honour them but in the case of the failure on the part of the Accountant General to make the necessary book entries and to provide the necessary information to the Commissioner of Income Tax there is actually no net financial deterioration in terms of the Consolidated Fund. It is expenditure that would come out of the Consolidated Fund, would go back in to the Consolidated Funds since the same account pays so in terms of deadlines for making returns the hon Member's point is well made but it does not have the same financial implication to the public purse.

**HON J J BOSSANO:**

I accept that but in answer to the previous question when we were looking at the 150 people who never even bothered to answer we agree that even though there might not be a lot of money involved in that there was still a matter of principle. They are the ones who are breaking all the rules. In the answer the Chief Minister has given me to Question No 547 of 2004 we are told that the Gibraltar Government have as far as the tax office is concerned collected from its employees and pensioners £18.9 million in respect of £5,700. I would have thought normally that that would be the final figure for the tax year ending in June 2002 given that we are in January 2004. I note, for example, the private sector employment when compared to the answer that I was given in March of last year in answer to the same question shows that it has gone up by £800,000 and returns have been made in respect of another 500 employees and I would say that this probably means that there is very little extra. These figures are probably very close to being final. If the figure did not look on the low side compared to other years I would have assumed that the Government was up-to-date, is the Government able to confirm whether they are up to date or not in respect of the answer to Question No 547 of 2004? It is just that the figure looked low, that is why.

**HON CHIEF MINISTER:**

No, I cannot tell the hon Member what the position might be in that respect.

**HON J J BOSSANO:**

When I was making the point last year which was in March 2003 in respect of the return that should have been made by August 2002, the Chief Minister finished up agreeing that there was no reason why the Government should not be up-to-date in their paperwork. Given that it is now 11 months later there is even less reason now as to why they should not be up-to-date with their paperwork.

ORAL

NO 549 OF 2004

THE HON J J BOSSANO

**INCOME TAX - PAYE**

How much was collected in PAYE each month since February 2003?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with Question No 550 of 2004.

**NO 550 OF 2004**

**THE HON J J BOSSANO**

**INCOME TAX – CORPORATION TAX**

What was the amount of Company Tax collected in each month since February 2003?

**ANSWER**

**THE HON THE CHIEF MINISTER**

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

**Answer to Question No 549 of 2004**

The PAYE (net of refunds) collected since February 2003 is as follows:

|                | £m                |
|----------------|-------------------|
| February 2003  | 4.7               |
| March 2003     | 5.6               |
| April 2003     | 5.3               |
| May 2003       | 4.6               |
| June 2003      | 4.5               |
| July 2003      | 7.1               |
| August 2003    | 4.3               |
| September 2003 | 5.3               |
| October 2003   | 6.0               |
| November 2003  | 3.8               |
| December 2003  | Not yet available |

**Answer to Question No 550 of 2004**

The Corporation Tax collected (net of refunds) in each month since February 2003 is as follows:

|                | £m                |
|----------------|-------------------|
| February 2003  | 0.1               |
| March 2003     | 5.1               |
| April 2003     | 1.8               |
| May 2003       | 1.1               |
| June 2003      | 2.4               |
| July 2003      | 0.8               |
| August 2003    | 0.3               |
| September 2003 | 2.3               |
| October 2003   | 0.2               |
| November 2003  | 0.3               |
| December 2003  | Not yet available |



**NO 551 OF 2004****THE HON J J BOSSANO****INCOME TAX – PAYE**

What is the amount of tax collected in PAYE in the financial year 2002/2003 by area of employment as follows:-

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

**ANSWER****THE HON THE CHIEF MINISTER**

The total amount of PAYE collected in the financial year 2002/2003 is £60.2 million analysed as follows:

|                                                |      |
|------------------------------------------------|------|
|                                                | £m   |
| (a) MOD                                        | 4.6  |
| (b) Government of Gibraltar                    | 21.5 |
| (c) Government owned & joint venture companies | 2.8  |
| (d) Private sector employment                  | 31.3 |
|                                                | ———  |
|                                                | 60.2 |
|                                                | ———  |

**SUPPLEMENTARY TO QUESTION NO 551 OF 2004****HON J J BOSSANO:**

I remember asking at one stage I believe it was the last time or one before that about the composition of the statutory bodies and agencies and I think I was told that they were being moved in some cases from the 'C' category to the 'B' category, does the Chief Minister have any information on that because if we are looking at figures for

different years and there is movement from one to the other that we do not know about then it paints a misleading picture in terms of the breakdown?

**HON CHIEF MINISTER:**

I am not aware that there has been any movement but I will check that and let him know.

**NO 552 OF 2004**

**THE HON J J BOSSANO**

**INCOME TAX – CORPORATION TAX**

As at the end of December 2003 how many companies had been assessed by the Commissioner of Income Tax without having made a return of taxable profit (a) below £35,000 and (b) above £35,000 for the years 1998/1999 to 2002/2003, what was the tax assessed and paid in each case and for each category and each year and what were the amounts assessed and paid by qualifying companies?

**ANSWER**

**THE HON THE CHIEF MINISTER**

I hand the hon Member the information requested.

## Answer to Question 552 of 2004

### COMPANIES OTHER THAN QUALIFYING COMPANIES

| YEAR OF ASSESSMENT                      | 1998/1999 | 1999/2000 | 2000/2001 | 2001/2002 | 2002/2003 |
|-----------------------------------------|-----------|-----------|-----------|-----------|-----------|
|                                         | £         | £         | £         | £         | £         |
| <u>Under £35,000</u>                    |           |           |           |           |           |
| No of Companies assessed                | 829       | 688       | 471       | 531       | 609       |
| Total assessed (i.e. total tax payable) | 1.6m      | 1.1m      | 0.9m      | 1.1m      | 1.6m      |
| Total paid under                        | 0.4m      | 0.7m      | 0.3m      | 0.3m      | 0.3m      |

### Over £35,000

|                                         |      |      |      |      |      |
|-----------------------------------------|------|------|------|------|------|
| No of Companies assessed                | 48   | 41   | 15   | 29   | 36   |
| Total assessed (i.e. total tax payable) | 2.9m | 2.8m | 0.3m | 1.6m | 1.5m |
| Total paid over                         | 2.8m | 2.6m | 0.2m | 1.3m | 0.9m |

### QUALIFYING COMPANIES

#### Under £35,000

|                                         |     |     |     |     |     |
|-----------------------------------------|-----|-----|-----|-----|-----|
| No of Companies assessed                | 13  | 14  | 13  | 2   | 3   |
| Total assessed (i.e. total tax payable) | 13k | 14k | 9k  | 2k  | 5k  |
| Total paid                              | 1k  | 12k | NIL | NIL | NIL |

#### OVER £35,000

|                                         |     |      |      |     |     |
|-----------------------------------------|-----|------|------|-----|-----|
| No of Companies assessed                | 1   | 4    | 5    | NIL | NIL |
| Total assessed (i.e. total tax payable) | 18k | 0.3m | 0.4m | NIL | NIL |
| Total paid                              | NIL | NIL  | NIL  | NIL | NIL |

ORAL

**NO 553 OF 2004**

**THE HON J J BOSSANO**

**INCOME TAX – CORPORATION TAX**

As at the end of December 2003 how many companies had declared taxable profits (a) above £35,000 and (b) below £35,000 for each of the tax years 1998/1999 to 2002/2003, 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 the information requested.

**Answer to Question 553 of 2004****COMPANIES OTHER THAN QUALIFYING COMPANIES**

| YEAR OF ASSESSMENT | 1998/1999 | 1999/2000 | 2000/2001 | 2001/2002 | 2002/2003 |
|--------------------|-----------|-----------|-----------|-----------|-----------|
|                    | £         | £         | £         | £         | £         |

**Under £35,000**

|                                         |      |      |      |      |  |
|-----------------------------------------|------|------|------|------|--|
| No of Companies assessed                | 194  | 253  | 322  | 324  |  |
| Total assessed (i.e. total tax payable) | 453k | 507k | 760k | 767k |  |
| Total paid under                        | 423k | 473k | 729k | 725k |  |

**Over £35,000**

|                                         |      |      |       |       |   |
|-----------------------------------------|------|------|-------|-------|---|
| No of Companies assessed                | 60   | 72   | 91    | 94    |   |
| Total assessed (i.e. total tax payable) | 5.1m | 7.6m | 10.1m | 10.0m | 1 |
| Total paid over                         | 5.1m | 7.5m | 10.0m | 9.9m  |   |

**QUALIFYING COMPANIES****Under £35,000**

|                                         |    |    |    |    |  |
|-----------------------------------------|----|----|----|----|--|
| No of Companies assessed                | 5  | 7  | 6  | 4  |  |
| Total assessed (i.e. total tax payable) | 3k | 5k | 3k | 2k |  |
| Total paid                              | 3k | 5k | 3k | 1k |  |

**OVER £35,000**

|                                         |      |      |      |      |  |
|-----------------------------------------|------|------|------|------|--|
| No of Companies assessed                | 10   | 21   | 23   | 7    |  |
| Total assessed (i.e. total tax payable) | 869k | 1.7m | 1.4m | 312k |  |
| Total paid                              | 869k | 1.7m | 1.3m | 312k |  |

## **SUPPLEMENTARY TO QUESTION NO 553 OF 2004**

**HON J J BOSSANO:**

In answer to a previous question on qualifying companies we were told that none had stopped trading when we were asking about new ones being registered and existing ones going, I note that for some time now that we have been Tabling this question on drawing a distinction between normal companies shall we say for the sake of distinguishing them and qualifying companies, the number of qualifying companies actually paying any tax either by making a return or by being assessed without making a return is very low compared to the 140 odd that are supposed to be trading. In the light of the whole business of the qualifying companies is the Government going to do anything on the business of chasing them up?

**HON CHIEF MINISTER:**

Can the Leader of the Opposition remind me of the number of the question on qualifying companies to see whether there is a note there about the definition of active qualifying companies?

**HON F R PICARDO:**

Question No 454 of 2004.

**HON CHIEF MINISTER:**

Now that it has been revealed that Ministers have notes at the bottom of the answer papers I might as well refer to some of them myself. Qualifying companies remain registered as active for the purposes of the company's administrators, the Finance Centre Director, until such time as the company or its representative notifies the Finance Centre to the contrary. That means that the number that I gave the hon Member in answer to that question of 122 active companies means outstanding certificates in issue whereas if the better definition of active is whether they are declaring or being assessed then it would seem that the number of active companies by that definition is not a lot because even if they were active but not profitable they would still be obliged to submit returns or they would still be assessed and then negotiate a nil liability on the basis of demonstrating to the Commissioner that the assessment was not justified. So, by this definition either in reality there is a handful of genuinely active trading qualifying companies or it is the scenario described or insinuated by the hon Member in his last supplementary which is that there are more than this that are active, that they are not submitting returns, that they are not being assessed and that they ought to be targeted. Which of those two it is I do not know but I will certainly make it a point of interest to find out.

**HON J J BOSSANO:**

Presumably the Government will agree that given that they have got a privileged tax regime which is no longer available to newcomers the very least one would expect of

them is that they keep up with the little that they are expected to pay. So, I would think that it is in everybody's interest that we should know whether we are really talking about 20 or 120.



**NO 554 OF 2004****THE HON J J BOSSANO****INCOME TAX – CORPORATION TAX**

As at the end of December 2003 how many companies, in each tax year 1995/1996 to 2002/2003 had been assessed for company tax, and what were the amounts of tax payable and 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.

**Answer to Question No 554 of 2004**

|                 | 1995/1996 | 1996/1997 | 1997/1998 | 1998/1999 | 1999/2000 | 2000/2001 | 2001/2002 | 2002/2003 |
|-----------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
|                 | £m        | £m        | £m        | £m        | £m        | £m        | £m        | £m        |
| Assessed        | 15.7      | 15.5      | 18.5      | 25.0      | 88.0      | 26.3      | 22.7      | 22.0      |
| Discharged      | 5.3       | 4.8       | 7.7       | 11.9      | 73.2      | 12.6      | 8.8       | 9.4       |
| Paid            | 10.2      | 10.7      | 10.8      | 13.1      | 14.8      | 13.7      | 13.9      | 12.6      |
| Outstanding     | 9.5       | 10.3      | 10.2      | 12.5      | 13.6      | 12.5      | 12.7      | 10.5      |
|                 | 0.7       | 0.4       | 0.6       | 0.6       | 1.2       | 1.2       | 1.2       | 2.1       |
| No of Companies | 1,441     | 1,416     | 1,461     | 1,439     | 1,517     | 1,524     | 1,383     | 1,174     |

**NO 555 OF 2004****THE HON J J BOSSANO****INCOME TAX – CORPORATION TAX**

Can Government now confirm that, as a result of the issues raised in supplementary questions arising from Question No 455 of 2003, it has now obtained a different explanation from the Commissioner of Income Tax for the difference in the number of companies shown in answer to Question No 454 of 2003 as compared to the total number shown by adding the total number of taxpayers provided in answer to Question No 452 of 2003 and No 453 of 2003 and provide that explanation?

**ANSWER****THE HON THE CHIEF MINISTER**

Clarification has been sought from the Commissioner of Income Tax who confirms that the information provided in answer to Question Nos 452 to 454 of 2003 are correct. He further advises that:-

Question No 452 provided information on the number of companies (933 companies) on whom estimated assessments had been raised in the absence of returns.

Question No 453 provided information on the number of companies (248 companies) on whom assessments had been raised based on accounts submitted, **BUT DID NOT INCLUDE THOSE WHOSE ACCOUNTS SHOWED A NIL LIABILITY** as the Question sought information on **declared taxable profits**. Losses are not declared taxable profits therefore companies showing losses had not been included.

Question No 454 of 2004 included all three categories of companies assessed as follows:

|                                   |                 |
|-----------------------------------|-----------------|
| Based on estimated assessments    | 933 companies   |
| Based on declared taxable profits | 248 companies   |
| Based on losses (nil liability)   | 249 companies   |
|                                   | _____           |
|                                   | 1,430 companies |
|                                   | _____           |

**SUPPLEMENTARY TO QUESTION NO 555 OF 2004**

**HON J J BOSSANO:**

I take it that in the light of that explanation that applies to the three answers that we have been provided today?

**HON CHIEF MINISTER:**

I would hope so, yes.

**NO 556 OF 2004**

**THE HON J J BOSSANO**

**INCOME TAX - PAYE**

Can Government state on how many occasions since 1<sup>st</sup> July 1996, the penalties provided for in the Income Tax Ordinance have been invoked in respect of any employers who have failed to return the Employer's Declaration and PAYE Certificate?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The £10 per day per employee penalty that the Commissioner of Income Tax may impose on an employer for the failure to return the Annual PAYE Return has not been invoked systematically since 1990 and very rarely since. The department's main concern is to collect the tax payable once its efforts in making the employer lodge the Annual Return are successful.

**SUPPLEMENTARY TO QUESTION NO 556 OF 2004**

**HON J J BOSSANO:**

All I can say is that when an answer not too unlike that one but on a different subject was given in an earlier part of the House, the remark of the Chief Minister was either he did not know or he does not want to say. So, is this another example of he does not know or he does not want to say?

**HON CHIEF MINISTER:**

It is more likely to be the latter but not me but the Commissioner. There are reasons which ought not to be rehearsed in public why they do not use this power more often and if the Leader of the Opposition wishes we can have an aside about it which may explain why.

**HON J J BOSSANO:**

The last time I asked the Chief Minister could not tell me how often but he said that it had not been used systematically which is the same as he said today and we were trying to put a figure on what that meant, whether it meant that it had been used at all or not at all or there have been some cases.