

HOUSE OF ASSEMBLY  
MEETING OF 3 MARCH 1976

QUESTIONS

AND

ANSWERS

(43 TO 75)

NO. L 9/5(28)

7 April 1976

The Clerk  
House of Assembly  
Gibraltar

Sir

QUESTIONS AND ANSWERS: HOUSE OF ASSEMBLY MEETING - 3 MARCH 1976


Question No 74 of 1976. Page 2: penultimate para:

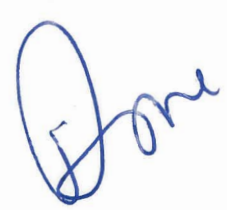

Delete the last 4 lines and substitute "when the Royal Navy, which from time to time send a ship which helps in these cases, would have been able to make a vessel available. We could not have got another vessel until then. Therefore, the Captain of the Port considered it expedient that there should be an immediate attempt to recover this anchor and cable."

Page 2: last para:

Delete the first word and substitute "This is a".

I have the honour to be, Sir,  
Your obedient servant

  
J K Havers  
Attorney-General

OFFICE COPY

QUESTIONS ASKED AT THE MEETING OF THE HOUSE OF ASSEMBLY HELD ON  
3rd MARCH 1976.

No.43 of 1976

ORAL

The Hon J Bossano

Can Government state whether the figures given in the employment surveys includes U.K. based workers and the income figures reflect the effect of U.K. wages and overseas allowances?

Answer:

The Minister for Labour and Social Security

Yes, Sir. Under the Employment Survey Order 1971, the Government Statistician is directed to collect information on all employees in Gibraltar.

SUPPLEMENTARY TO NO.43 OF 1976

HON J BOSSANO:

Mr Speaker, would the Minister agree that this is bound to create a distorted effect in the working out of averages in giving the impression e.g. that average income is higher for locally engaged workers than it really is?

HON A J CANEPA:

Mr Speaker because the number of U.K. based workers is such a small proportion of the total number of employees covered by the survey, in practice, the effect of the average earnings is small. In fact it is under a pound a week.

HON J BOSSANO:

Mr Speaker, would the Minister not agree that the effect is greater where the tables show the earnings in the public sector and where the tables refer to earnings of industrials and non-industrials separately?

HON A J CANEPA:

I haven't got that with me, Mr Speaker, The Hon Member may be correct in this sense, that he mentioned non-industrials and industrials separately. For the salaried staff ie, those who are monthly paid, the effect is slightly greater. The question of course refers to wages and I took that to be mainly directed therefore at weekly paid industrials and the effect there, as I say is not very significant.

HON J BOSSANO:

Would the Minister consider showing this information separately in future surveys?

HON A J CANEPA:

I will consider showing it but I cannot promise that it will be done. I don't want to give the impression when I say that we will consider it that I am necessarily in favour of doing so.

HON J BOSSANO:

Mr Speaker, if the Minister decides he is not in favour of making this information public would he make it available to Members of the House?

HON A J CANEPA:

I will consider that, Mr Speaker.

*I think, Mr Speaker, that some Hon. Members are in a privileged position.*

3.3.76

No.44 of 1976

ORAL

The Hon J Bossano

Can Government state what further negotiations have taken place in respect of each of the grades where offers had been made according to the answer given to Question No.13 of 1976 and whether any of these offers have now been either accepted or rejected by any of the groups concerned?

Answer:

The Financial and Development Secretary

The answer to the first part of the question is that further negotiations have taken place with each of the grades which I listed in answer to Question 13.

The answer to the second part is that none of the offers made has been formally accepted as a whole and none has been formally rejected, but agreement in principle has been reached with the Police and the Technical Grades.

SUPPLEMENTARY TO NO.44 of 1976

HON J BOSSANO:

Mr Speaker, would it be true to say then that in the other grades the matter is still under negotiation?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes Sir.

HON J BOSSANO:

And is it the case, Mr Speaker, that any improvements have been made on the original offers?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I would like notice of that question, Mr Speaker.

HON M XIBERRAS:

Isn't the Hon Financial and Development Secretary at all concerned at the dragging out of the negotiations?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

As I think was made clear from this side of the House at the last meeting not only I personally but the entire Government is concerned at the dragging out of the negotiations.

2.  
HON M XIBERRAS:

Mr Speaker, what prospect does the Hon Member see - I believe I asked him this question in respect of Question No.13 of 1976 - what prospect does the Hon Member see of some sort of move forward in relations to those groups of people who have not agreed on the Scamp Report?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, Sir, it is very difficult to give a factual answer to that I can only refer the Hon Leader of the Opposition to what I said in response to question No.13 at the last meeting of the House. I said then: "I can assure the House that the Government is as anxious as the other side to settle." But I also went on to say that "I would ask the Hon Member to bear in mind the complexity" - I am reading Sir, from my answer - "of introducing these structures in Gibraltar and the amount of detail requiring discussion with the various staff associations and so on and it is in such circumstances, in my own personal view, a question perhaps of making more haste at the expense of less speed in the end."

HON M XIBERRAS:

Mr Speaker, it is doubtful whether less speed could be attainable. Mr Speaker, does the Hon Member honestly see any chance of a settlement because of any new idea which either side may have in these negotiations?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I am not quite certain what I am supposed to answer to that question. I am not negotiating and this I think is getting us into the realms of the negotiations which are currently taking place between the two sides.

HON M XIBERRAS:

Would the Hon Member not agree that the settlement of the Scamp Report is something which concerns both this House and the community, generally, and in the light of this would the Hon Member answer my question which was intended to elicit from him as to whether there is any new idea which the Hon Member feels might induce something of a breakthrough in the negotiations?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, Sir, I have no new ideas.

3.3.76

No.45 of 1975

ORAL

The Hon J Bossano

Can Government state which Officers in their employ, if any, have not yet been offered revised salary scales?

Answer:

The Financial and Development Secretary

The following grades have not yet been made a formal offer -

Port Department Staff  
John Mackintosh Hall Staff  
Stores Supervisory Grades  
Consumer Protection Inspector  
Cemetery Keeper

The reason is that Government has not yet completed a study of the analogues.

Also, no offer has yet been made to officers covered by the Morgan Report. The following grades will be made an offer during the course of this week:-

Domestic Supervisory grades in the Hospital  
Messengers  
Hospital Porters  
Prison Officers  
Telephone Operators  
PBX Operators

SUPPLEMENTARY TO NO.45 OF 1976

HON J BOSSANO:

Mr Speaker, would the Financial and Development Secretary not agree that the length that it is taking to complete the negotiations is bound to be affected by the start that it made on the negotiations and particularly that the length of the time since the Scamp Report appeared to when first offers are going to be made to some grades is difficult to explain?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, Sir, I would not agree because negotiations are two-sided and it is not a question of one side making progress, the other side has also got to make similar progress and go along together.

HON J BOSSANO:

But, Mr Speaker, would the Hon Member not agree that until an offer is made it is impossible to start negotiating?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Of course I would agree but I would also ask the Hon Member to bear in mind that not everybody can open the batting, somebody has got to go in at Nos 9, 10 and 11.

HON J BOSSANO:

Mr Speaker, is the Hon Member suggesting then that a proper procedure for all those grades who have not yet been made an offer would be for a claim to be tabled by the union side?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Sir, I am not suggesting anything.

HON J BOSSANO:

Mr Speaker, would the Member not agree that an explanation is required as to why there are a number of grades that have not been made an offer and will he also confirm that there are a number of grades who have only been made an offer since the question has been tabled?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

There are two questions in that and I will answer the first one. The answer to the first one has already been given not only in response to the Hon the Leader of the Opposition's question but also at the last meeting of the House.

HON J BOSSANO:

Mr Speaker, can the Hon Member confirm that since the question was tabled an offer was made to postal workers, to workers in the Post Office ?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, Sir, I have no information on which I can answer that question.

HON J BOSSANO:

Mr Speaker, does he know whether an offer has been made to these workers or not?



HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, Sir.

HON J BOSSANO:

Well, Mr Speaker how can the Hon Member expect to be able to answer my question if I ask him which grades have not been made an offer and he doesn't know whether one particular grade has been made an offer or not?

MR SPEAKER:

The Hon Member has answered your question. You have asked him whether any offers have been made to other departments not included in the answer since the question has been asked.

HON J BOSSANO:

I am asking him whether he knows whether an offer has been made at all or not to postal workers and he says he doesn't know. Well if he doesn't know, Mr Speaker, how can I be sure that the list that he gave me is a comprehensive one if there is at least one grade he doesn't know?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, Sir, if the Hon Member had asked that in the first place he would have received the answer.

The Hon J Bossano

Can Government explain how the decision to equate certain officers in Government service with U.K. PTO 1 and SEO was arrived at and who was responsible for taking this decision?

Answer:

The Hon the Financial & Development Secretary

Sir, it would be convenient to answer questions Nos.46 and 47 together, and, with your permission, I shall do so.

MR SPEAKER:

Do you agree, Mr Bossano, since you are the questioner?

HON J BOSSANO:

Yes, Sir.

MR SPEAKER:

Mr Clerk, will you please call out No.47.

CLERK:

No.47 of 1976.

The Hon J Bossano

Can Government state which Officers have been equated to U.K. PTO 1 and SEO and can it further state how the new salary scales offered to such officers compares with their present scales?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

With two exceptions for which other specific analogues exist, namely, the Chief Medical Laboratory Technician and the Chief Public Health Inspector, the present Administrative and Professional Grade as a whole has been offered the corresponding UK grades of PTO 1 and SEO. This offer was arrived at on the usual basis of a comparison of duties and the decision to make such an offer was, of course, taken by the Government.

The present scale for the A & P Grade is £2148 x £75 to £2598 plus COLA and Interim Award. The scales offered for the proposed equations with SEO and PTO 1 are as follows:

SEO

From 1 October 1974	£3430 to £4130
" " " 1975	£3528 to £4248

PTO 1

From 1 October 1974	£3304 to £4150
" " " 1975	£3398 to £4270

## SUPPLEMENTARY TO NOS.46 and 47 of 1976

HON J BOSSANO:

Mr Speaker, will the Hon Member say whether the decision was taken by the establishment or the elected Government?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Sir, immediately after the acceptance by the Government of the recommendations in the Scamp Report, a small working party of officials was set up to obtain details of the duties and certain conditions of the service of the UK grades to study this information and to propose appropriate corresponding grades for all local grades other than those covered by the terms of reference of the independent commission. The working party's recommendations are vetted by a small committee of Ministers after scrutiny by the Treasury and the Establishment Officer. Approved offers are then made to the staff side.

HON J BOSSANO:

Mr Speaker, can the Hon Member say whether the members composing this committee were themselves the beneficiaries of the recommendations?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, Sir, the line has to be drawn somewhere and scales at any level clearly influence, scales both above and below. However, this question does not seem to arise because the rigidity created by the adoption of a direct relationship between UK grades and grades in Gibraltar and somebody has got to be in a position to examine the details and make proposals and I emphasize that the establishment - as the Hon Member chooses to call it - makes recommendations, it does not decide.

HON J BOSSANO:

Mr Speaker, will the Hon Member agree that the crucial element in arriving at a particular salary scale is the comparison with UK and therefore that it is very relevant for the House to know who was responsible for making those comparisons?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Sir, the comparisons are a matter of fact because the analogue in the UK is a factual matter and it is a matter of fact whether that analogue is taken as being the equivalent in Gibraltar or not. In any case I repeat Sir, that the establishment or the civil service makes recommendations to a ministerial committee.

HON J BOSSANO:

Mr Speaker, can the Hon Member explain why if it is a matter of fact he distinguished between the Chief **Medical** Laboratory Technician and the Chief Public Health Inspector which he said in his original answer to the question were the only grades where analogues could be found in UK?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I said with the exception of those two categories where specific analogues exist.

HON J BOSSANO:

Well, Mr Speaker, can he say what sort of analogues exist for the other officers if there are not specific analogues?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, I require notice of that question.

HON J BOSSANO:

Mr Speaker, can the Hon Member say whether the recommendations were made by officers who were themselves the subject of being studied by the so-called independent commission?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

The answer, I am advised, is no Sir.

HON J BOSSANO:

Then would it be true to say, Mr Speaker, that the recommendations came from officers who are themselves in the A & P grades?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, Mr Speaker, the officers were all above that point.

HON J BOSSANO:

Mr Speaker, if they are above the point of A & P grade and they are not covered by the commission, can the Hon Member say where they are?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I think, Mr Speaker, Sir, I may have misled the Hon Questioner. They are above the A & P grades and they are therefore covered by the independent commission.

HON J BOSSANO:

Mr Speaker, to get this clear for possible future reference, am I right in thinking that those members whose salary increases have been recommended by the independent commission were instrumental in recommending to the elected members of the Government the salaries of those below them?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, Sir.

No.48 of 1976

ORAL

The Hon J Bossano

Is Government prepared to assist financially to meet the running expenses of the old people's homes in view of the well publicised problems being encountered by the Board of Governors?

Answer:

The Minister for Labour and Social Security

Yes, Sir. In response to urgent representations made by the Board of Governors of the John Mackintosh Homes the Government has agreed to make an immediate grant of £20,000. The form and extent of Government assistance in the future, on a permanent basis, will have to be considered in detail by the Treasury and the Department of Labour & Social Security.

3.3.76

No.49 of 1976

ORAL

The Hon J Bossano

Can Government state why electricity and water bills do not show the date of the readings to which the Bill refers?

Answer:

The Financial and Development Secretary

Yes. It is regretted that because of a break-down of the old machines which were in use, the inevitable minor difficulties which have been experienced in implementing the new system with the new accounting machines and, to compensate for this, the endeavours which have been made to speed up the issue of demand notices, the machines have only so far been programmed to print out the month to which the bills refer. These difficulties are steadily being overcome and I hope that it will soon be possible to print out the exact dates and to issue the demand notices within a few days of actual meter readings.

SUPPLEMENTARY TO NO.49 OF 1976

HON MISS C ANES:

Mr Speaker, will the Hon Member not agree that if this is the case consumers should have been informed of what had happened rather than they should have been harrassed by having to go up the office to enquire what particular date the bills referred to and on occasion to have been attended with discourtesy. I say this because it happened to my mother.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, Sir, I think that the Hon Lady's question is fair comment and if there was discourtesy then it is certainly a matter of great regret and since the Treasury Department falls under my control then I can only say that I am sorry that she did not bring that to my notice immediately that it occurred.

The Hon J Bossano

Will Government introduce some measure of relief for pensioners in order to reduce the burden of taxation on occupational pensions particularly where these amount to fairly modest sums insufficient to allow a person to support himself?

Answer:The Financial and Development Secretary

I can only answer the question which ends with the word "Pensions"; the remaining words are a matter of opinion.

What the questioner is really asking is that the Government should consider treating income derived from an occupational pension differently from all other kinds of income for income tax purposes. The answer is that the Government is not prepared to do this. It should be borne in mind that as of April 1st persons over the age of 65 will pay no tax on the first £870 of income in the case of a single person or on the first £1305 in the case of a married couple. In addition, the elderly with small incomes - that is £3000 or less - will receive an additional personal allowance equal to 15% of the difference between £3000 and their actual income.

## SUPPLEMENTARY TO NO.50 OF 1976

HON J BOSSANO:

Mr Speaker, is the Hon Member not aware that many public servants who are pensioned off, particularly industrials, have to seek re-employment because they are unable to survive on their pension and that their earning capacity is reduced and consequently their ability to bring home an income is less than normal and this justifies some sort of special treatment for their pensions income?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, this is introducing an entirely new idea to the actual question which I have already answered.

HON J BOSSANO:

Mr Speaker, is the opinion of the Government that the amount of tax that is taken off a man's old age pension is not a burden?

MR SPEAKER:

Not the opinion, Mr Bossano, perhaps the policy of the Government.



HON J BOSSANO:

Mr Speaker, the Hon Member made a reference to the question in his own opening remark to say that a lot of it was a matter of opinion. If it is a matter of opinion then you know.....

MR SPEAKER:

You may therefore ask whether it is the policy, of the Government to do what you are saying.

HON J BOSSANO:

Well, does Government disagree then that the amount of tax that is being deducted of occupational pensions does constitute a burden on pensioners? Does Government agree that that is accurate or not?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, Sir, I can only remind the Hon Questioner that as far as the old age pensioners are concerned - over 65 - the £870 is quickly £320 more than the corresponding allowance to persons under that age.

HON J BOSSANO:

Mr Speaker, I am asking about occupational pensions and I have mentioned specifically, Mr Speaker, the need for individuals to seek re-employment because their pension from work is insufficient. Would the Hon Member not agree that if a public servant is retired at the age of 60 and he has got an occupational pension on which he cannot live, that the amount of tax that is taken off that pension when he seeks re-employment out of need does constitute a burden? Does he agree with that or not?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, we keep on advancing opinions. I have already answered the question quite clearly and conclusively that the Government is not prepared to do what is stated in the question.

HON J BOSSANO:

Well perhaps, Mr Speaker, will the Hon Member agree that the Government does not care about how much tax pensioners are paying?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Certainly, I would not agree with that.

HON M XIBERRAS:

Will, the Hon Financial and Development Secretary say whether this subject of occupational pensions was raised by the Pensioners Association in representations made to the Government and negotiations which were going on according to the Chief Minister's reply to my question at the last meeting and, if so, whether the negotiations which the Chief Minister said were going on then can be deemed to have broken down now in the light of his present statement?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, Sir, that is a very long question. I am not sure how many individual questions there are in it. There has not been negotiations with the pensioners. As the Hon Chief Minister made quite clear in this House on the last occasion representations have been made to him and as far as I recall he informed the House what those representations were about. I am not aware that any further representations have been made but I am aware that there is a continuing correspondence.

HON M XIBERRAS:

Mr Speaker, there is a great difference in the style with which the Hon and Learned Member answers his questions and the way in which the Hon and Learned the Chief Minister answers his. One is forthright the other one is extremely vague. I am not trying to find out in fact whether in making this statement in answer to Mr Bossano's question the Hon Financial and Development Secretary has taken account of what the Chief Minister said in reply to mine?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Of course, Mr Speaker.

HON M XIBERRAS:

Then would the Hon Member say since this is of course the case, whether the subject of occupational pensions was one of the subjects to which the Chief Minister alluded?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, Sir.

HON M XIBERRAS:

Then can I take it that that part of the talks, negotiations or what have you between the Chief Minister and the pensioners has broken down?

MR SPEAKER:

No I am not allowing that. That is out of order. You are now going into the negotiations conducted between the pensioners and the Chief Minister which has nothing to do with the original question.

HON M XIBERRAS:

Mr Speaker, one member of the Government told me that the matters which had been raised by the Pensioners Association were being discussed further. One of the subjects, it has been shown, was occupational pensions.

MR SPEAKER:

Yes, but all the question is asking is whether Government will introduce some measure of relief for pensioners in order to reduce the burden.

HON M XIBERRAS:

The answer has been no and therefore I am asking whether that part of the negotiations with the pensioners has broken down?

MR SPEAKER:

Fair enough.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, Sir, there were no negotiations. The Pensioners Association made representations to the Chief Minister and the answer is contained in what I have just said. Mr Speaker, they have made further representations and those representations are still a matter for consideration and undoubtedly will be discussed further with the Pensioners Association.

HON M XIBERRAS:

I am very glad to hear that, Mr Speaker, except this particular point that as far as occupational pensions and taxation are concerned, there is no further progress.

MR SPEAKER:

That question as I said before you don't have to answer.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Thank you, Mr Speaker.

HON M XIBERRAS:

Would the Hon Member then answer my previous lengthy question - if he doesn't mind informing members who do want to find out having asked two questions about this matter - would the Hon Member then say whether other talks or negotiations are still going on, on other subjects?

MR SPEAKER:

I will allow an answer of yes or no, but nothing else.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes.

HON M XIBERRAS:

How do you classify them? Are they negotiations, talks or what?

MR SPEAKER:

The answer has been yes to the question you asked.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, they are not formal negotiations. They are making representations firstly in correspondence and subsequently by discussion across the table with the Chief Minister.

HON M XIBERRAS:

I just want to establish, Mr Speaker, that the Government is speaking with one voice on these matters. I am just asking exactly what the Government is doing for pensioners in respect of this question. I think we have got one point clear that is that on the subject of occupational pensions and taxation there is no further progress as far as the pensioners are concerned

3.3.76

No.51 of 1976

ORAL

The Hon J Bossano

Will Government consider amending the Income Tax Ordinance to ensure that terminal gratuities received from employers in respect of years of service are not taxed?

Answer:

The Financial and Development Secretary

Retiring gratuities are already exempt from income tax under the legislation as it stands.

A terminal gratuity is not however always synonymous with a retiring gratuity but where it is in fact a retiring gratuity it is of course treated as such and is not subject to tax. The test is the person's intention at the time the gratuity is drawn: if he satisfies the Tax Authority that he has no intention of continuing in regular, full time employment he is regarded as having retired and his gratuity is not taxed.

SUPPLEMENTARY TO NO.51 OF 1976.

HON J BOSSANO:

Mr Speaker, would the Hon Member not agree that there are very many instances where a person has got no desire to continue in employment but is forced by virtue of the low level of occupational pension which are heavily taxed, to seek employment once more? Does he not consider that this is one of the cases where the law needs to be amplified to take account of the circumstances of pensioners?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, while the Government does not consider at this stage that it is necessary to amend the Income Tax Ordinance in this or any other respect in relation to retiring benefits, it is prepared to consider the wording of the relevant provision and to study the possibility of amending it or enlarging it or otherwise modifying it.

HON J BOSSANO:

Mr Speaker, would the Member confirm that Government considers it desirable that a person who has obtained a gratuity after very many years of service or, for example, who obtains a gratuity because they are discharged on medical grounds, should not be taxed?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

On retirement on medical grounds, Sir, the gratuity is not taxed.

HON J BOSSANO:

Will he confirm that this is so in spite of the fact that they may be able to find other employment?

HON CHIEF MINISTER:

One day they are sick and next day they are driving a lorry.

MR SPEAKER:

Next question.

No.52 of 1976

ORAL

The Hon J Bossano

Will Government consider increasing the allowance payable under the Income Tax Ordinance in respect of handicapped children, in the forthcoming budget session?

Answer:

The Financial and Development Secretary

Government is considering increasing the allowance granted to parents of handicapped children and a change will be made at the first available opportunity.

No.53 of 1976

ORAL

The Hon J Bossano

Can Government confirm that it is proposing to abolish some forms of stamp duty and if so will it state the estimated loss of revenue which will result?

Answer:The Financial and Development Secretary

The Hon Member can hardly expect me to reveal the Government's fiscal intentions in advance of their announcement to the House in the course of Budget sitting.

SUPPLEMENTARY TO NO.53 OF 1976

HON J BOSSANO:

Mr Speaker, can the Financial and Development Secretary explain how one particular section of the press has brought out that information?

MR SPEAKER:

No, the Government is not responsible for what the press publishes.

HON J BOSSANO:

But if there is a budget leak I imagine the Government is answerable for it or not Mr Speaker?

MR SPEAKER:

If there is a budget leak and representations are made to Government, I am sure the Government will take the necessary steps. If you are making a statement that there has been a budget leak and whether the Government will look at it, that is another matter

HON J BOSSANO:

Well, will the Hon Financial and Development Secretary try to look into this particular item of news published by a particular paper which is close to Government and see whether there has been a leak?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Certainly I will investigate.

MR SPEAKER:

Next question.



3.3.76

NO.54 of 1976

ORAL

The Hon J Bossano

Will Government consider introducing legislation to exempt from the payment of Import Duty buses intended to be used for the public service or for charitable purposes?

Answer:

The Financial and Development Secretary

No Sir, the Government is not considering the introduction of such legislation. I should say, however, that the Government is sympathetic in the case of any vehicle imported for charitable purposes.

Any application by a charitable organisation for financial assistance to meet the duty chargeable on importation would be considered by the Government on its merits. Although there is no provision under the Imports and Exports Ordinance for the waiving off duty, where the Government is satisfied that any vehicle is being imported for use exclusively for charitable purposes it would make an ex-gratia payment equivalent to the amount of the import duty paid.

SUPPLEMENTARY TO NO.54 OF 1976

HON J BOSSANO:

Mr Speaker, in the case of the buses would the Government consider granting something like a 1-year exception as was done previously to see whether this will encourage an improvement in the condition of the buses that people are subjected to having to use.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Sir, we might consider it but we might also be influenced by the fact that during that particular moratorium only one bus was, in fact, imported.

3.3.76

NO. 55 of 1976

ORAL

The Hon W M Isola

Is Government aware that Electricity and water Bills are being sent to consumers for up to three months in one delivery and this is causing hardship and will Government take appropriate action to ensure that this practice ceases?

Answer:

The Financial and Development Secretary

As I read and understand the question it is: why are consumers, or some of them, receiving by a single postal delivery electricity and water bills separately for more than one month's consumption and that the questioner is not alleging that more than one month's consumption is being refelcted in a single bill.

The answer to the question as I have read and understood it is that the Government is aware that consumers or some of them do receive by a single postal delivery separate bills for electricity and water for more than a single month's consumption. This has been caused by a temporary backlog due to the late arrival of the specialised stationery for the new accounting machines as a result of which the October and November accounts could not be machined and therefore issued until early in January 1976. This inevitably affected the preparation of the December and January bills and these have been issued simultaneously. It is these which I feel sure have given rise to the question.

I am informed that the work of preparing bills is now nearly on schedule and it is hoped to resume monthly billing in respect of February accounts.

SUPPLEMENTARY TO NO.55 OF 1976

HON W M ISOLA:

I am very grateful for the answer which the Hon Financial and Development Secretary has given to me but could not the Government have at least warned the public of the reasons why there was this delay and then people would not have complained of having received electricity and water bills for up to 3 months in one go. Now, the public do know the reasons why but I do feel, Mr Speaker, that a communique or press release should have been issued by the Government informing the public of the reasons why they were receiving the bills for January and February together. Will the Government ensure that when this sort of thing happens a press release will be issued to warn the public?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, I think that is fair comment and I think it should have been done

HON MISS C ANES:

Mr Speaker, Sir, will the Hon Financial and Development Secretary say whether the Government is intending to cut off the electricity and water supply of people who have received bills as far back as Oct, Nov, Dec and January, in the middle of February if they are not able to meet these bills which in some cases amount to £40 and £50? Will these people be given a chance to pay their bills by instalments without any hardship whatsoever?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, Sir, I can certainly give that assurance. There will be not cutting off of supplies because of the delay and because of the accretion of the amount payable.

HON M XIBERRAS:

Mr Speaker, just for the record. When did this change in the accounting machines begin? It seems to be my recollection that this practice of sending accumulated bills has been going on for quite some time. Is it something like 6 months?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, Sir, I am informed that the trouble began about six months in September or October with the shortage of the necessary special paper to use in these machines. That, I am informed, was the start of the trouble.

HON M XIBERRAS:

Then, Mr Speaker, it is not a question that meters are not read with regularity.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

To the best of my information, Sir, no it is not. Certainly there is no reason why they should not be read regularly.

HON M XIBERRAS:

Mr Speaker, I think the Hon Financial and Development Secretary will find if he looks through some bills that have been sent that there is no evidence that all meters are read with regularity and, in fact, some bills are inordinately low and some bills are inordinately high and this fact has been brought to the notice of the House before. Will the Hon Member look into that one as well, please?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Of course.

3.3.76

No.56 of 1976

ORAL

The Hon M Xiberras

Will Government give an assurance that they will introduce revised personal allowances for Income Tax by the beginning of the coming Financial Year?

Answer:

The Financial and Development Secretary

Yes, Sir. Revised personal allowances are being introduced as the result of the amendment of the Income Tax Ordinance passed by the House on 28 November 1975 as follows:-

Single Persons from £450 to £550  
Married Persons from £750 to £1050  
First child from £125 to £200

In addition the reliefs for elderly persons, of which I have already given details in answer to Question 50 will also be introduced with effect from April 1st.

The revised allowances will apply to all assessments raised for the year of assessment commencing 1 April 1976.

The pay-as-you-earn allowances certificates which will be issued to all employees to be operated by their employers as from 1 April 1976 will take account of the revised personal allowances.

A new set of tax tables will also be issued to employers to be operated as from 1 April 1976 incorporating the revised allowances and rates of tax.

SUPPLEMENTARY TO NO.56 OF 1976

HON M XIBERRAS:

Mr Speaker, I am most grateful for that reply which Hon Members know would be in the affirmative, of course, because Hon Members have been pressing for these changes for quite a considerable amount of time and of course the House has also passed the legislation sometime ago. Would the Hon Financial and Development Secretary considering that it is since November that the legislation has been on our books, inform the House what the decrease in income tax yield would be as a result of the introduction of these allowances?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, Sir, with great respect to the Hon the Leader of the Opposition this is an entirely different question of which I would like notice.

HON M XIBERRAS:

Mr Speaker, would the Hon Financial and Development Secretary not agree that in taking the very responsible and very welcome step of increasing these personal allowances, Government must have made allowance for the reduced yield of income tax?

MR SPEAKER:

The Hon Member has not said that it has not been done. He said that he requires notice of the question to be able to obtain the information.

HON M XIBERRAS:

Mr Speaker, I am not asking for the last penny, I am asking the Hon Member to say more or less by how much the income tax would be reduced?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I think that will come out in the budget speech.

HON M XIBERRAS:

Mr Speaker, the Hon Financial and Development Secretary is not prepared to give Hon Members some clue as to whether the reduction is significant or not significant.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Clearly, Sir, the Hon Member does not play poker.

Can Government state whether a person asking for legal aid has an element of choice in the selection of a legal adviser?

Answer:

The Hon the Attorney-General

Although the question only refers to legal aid I will assume it is intended to refer also to legal assistance. I should perhaps explain that under the relevant Ordinance legal aid is granted in criminal cases and legal assistance in civil cases.

On application for legal assistance, whether the case is to be heard in the Supreme Court or the Court of First Instance, the applicant has the statutory right to choose a solicitor or barrister from the panel of barristers and solicitors willing to act for persons granted legal assistance. A barrister or solicitor so chosen, however, has the statutory right to refuse the case on reasonable grounds.

On application for legal aid, both in the Supreme Court and in the Magistrates Court, there is statutory provision that, upon the grant of legal aid, the body granting aid shall take into account any representations made by the person granted aid as to who shall represent him and shall then assign a barrister or solicitor from the panel. If the body considers there is substance in the representation then effect is given to it - if no representation is made or one of no substance is made then the body will appoint the barrister or solicitor who is next on the list.

SUPPLEMENTARY TO NO.57 of 1976

HON J BOSSANO:

Mr Speaker, can the Hon Member say whether the body responsible for appointing the solicitor has got any obligation to give an explanation to the person seeking legal assistance if the person expresses a desire to have a different solicitor appointed?

HON ATTORNEY-GENERAL:

Is the Hon Member talking about legal aid or legal assistance?

HON J BOSSANO:

Legal assistance.

HON ATTORNEY-GENERAL:

If the barrister or solicitor chosen is not willing to act for the particular person then there will not be a direct appointment from the panel as I understand it but a choice will be given again to the person whose first choice has not been able to be fulfilled.

HON ATTORNEY-GENERAL:

Mr Speaker, can the Hon and Learned Member say what is the avenue open to a person who is given a name of a solicitor without having been asked to exercise a choice?

MR SPEAKER:

I think you are talking at cross purposes. I think the Hon Member has said that in legal assistance the person being legally assisted has a right to choose from the panel the barrister that he wishes to be represented by. What he subsequently said is that if that particular choice is not available for good reason, then he is asked to choose another one, so he has got a choide. It is the legal aid one which is different.

HON J BOSSANO:

What I am asking, Mr Speaker, is that if this doesn't happen, in the legal assistance....

MR SPEAKER:

In the legal assistance the person has got a choice at all times.

HON J BOSSANO:

In theory, Mr Speaker, I am asking the Hon and Learned Member what a person should do if that choice is not given to that person. That is what I am asking.

MR SPEAKER:

He has a choice. In legal assistance the person asking for the assistance is entitled to choose the barrister he wants of those in the panel.

HON J BOSSANO:

That is the answer that has been given, Mr Speaker, but since I asked I have reason to believe that at least on one occasion this has not happened. I am asking the Hon and Learned Member what advice he should give that person as to what they should do about it. I mean if the procedure is departed from what should a person do about it? Who should that person contact.

HON ATTORNEY GENERAL:

I think the person should state quite firmly to the body responsible for the appointment that he, the person, has the right to choose and he cannot be given a barrister or solicitor whom he hasn't chosen. That is his right under the provisions of the Legal Aid and Assistance Ordinance.

HON J BOSSANO:

I know, Mr Speaker, but who should the person address himself to? Is it a Government function to protect him or is it the Court?

HON ATTORNEY-GENERAL:

It is the Registrar of the Supreme Court, both for the Supreme Court and for the Court of First Instance in cases of legal assistance. He does both.



NO.58 of 1976

ORAL

The Hon Miss C Anes

Will Government state why the tenants of certain blocks of flats at Laguna are being charged rent for communal television aeriels when they have not had the use of them for many months?

Answer:The Minister for Sports and Housing

T.V. aerial defects are immediately attended to by the Public Works Department and, if the defect is found to be a major one, it is referred to the Agents for necessary action.

The Housing Unit is not aware of any aerial having been out of action for months, but in any case, it would be impracticable, administratively, to adjust rents in respect of the small element incorporated in rents for T.V. aeriels every time there is a defect and subsequent repair.

SUPPLEMENTARY TO NO.58 OF 1976

HON MISS C ANES:

Sir, is the Minister aware that in the Glacis Complex practically nobody can use the communal areal because they do not get a service and they are being charged rent. In Blackwatch House which is next to Maidstone House, the block where I live, the communal aerial has been ineffective since it was put up and people have been paying rent for years. In fairness, as far as Maidstone House is concerned the communal aerial has been giving good service regularly except when it was blown away last week during the gale and I hope it will be repaired soon. But really is it the Government's intention if it is not possible to repair these aeriels at all and therefore not give the tenants a service, to refund the money and adjust the rents accordingly?

HON H J ZAMMITT:

Sir, I sympathise with the Hon Member particularly as regards Blackwatch House. My information is, Sir, that the TV aerial at Rodney House has been replaced and the one at Devon House is being investigated. I apologise for not having had information about Blackwatch House. They are being looked at and it is true, Mr Speaker, that it is known that the aeriels have been in existence for something like 10 years and there is a need for looking into. Mr Speaker, my information is that whereas the black and white reception provided by the communal aeriels is good, it is not the case with colour TV, and of course quite honestly we are not liable for colour television. I don't think it would be practicable to adjust the rent. I think what could be done is to adjust the aeriels and get them functioning.

HON MISS C ANES:

As far as Blackwatch House is concerned before the Hon Minister was Minister for Housing I have on occasions written on behalf of tenants there complaining - I seem to be a Perry Mason for people - and believe me they have had to instal private aerials because they have had no service from the communal aerial. On the question of colour TV we cannot expect the Government now to instal aerials for colour TV because they are not issuing colour television in Gibraltar and it would not be fair to ask Government to do that, of course.

HON M XIBERRAS:

Mr Speaker, I am surprised to hear that the Hon Member is not aware of the aerials being defective for such a long time. I think I have a copy of a letter sent to him by one of the residents of Laguna saying that his aerials have been out of action for 11 months because of some spare part or something which had been ordered some time ago. Would the Minister not agree that even though the sum is small the principle is an important one that over a considerable period of time the Government is under an obligation to provide this service and is not doing it, and is he not concerned about this?

HON H J ZAMMITT:

I am indeed very concerned about this. I cannot recall the correspondence the Hon Leader of the Opposition is mentioning. I have agreed that the matter requires looking into but equally, Mr Speaker, I would like to confess that I thought this question was a question for the Public Works Department. I thought that the aerial side wasn't a matter for the Minister for Housing. I thought it would be for the Minister for Public Works. But I am assured that we do collect a small amount of rent and I do commit myself to look into this very closely and get things organised.

HON M XIBERRAS:

I am very grateful for this, Mr Speaker, because had we known that it was a question for Public Works perhaps the question might have been deferred since the Minister for Public Works is not here.

MR SPEAKER:

The Hon Mr Zammitt has said that it is a matter for him and not for the Minister for Public Works. The Hon Minister has stated that it is a matter for him because it is a question of collection of rents.

HON M XIBERRAS:

Oh, I see. But the state of the aerials and the repair of the aerials, is that a matter for the Minister for Housing?

MR SPEAKER:

No, we are not going to go into that. We are not talking about how the aerials should be repaired. What we are asking is whether it is equitable for Government to collect rent for aerials that are not in order.

HON M XIBERRAS:

And we have established I feel, Mr Speaker, that there are many aerials which are in disrepair, and have been for some time. Now, would the Minister say what the prospects are of the service being resumed or started?

MR SPEAKER:

No, I am saying that that is out of order.

HON M XIBERRAS:

Then, Mr Speaker, would the Hon Member not agree that if there is no prospect of the service being resumed or studied then it is quite inequitable for the Government to charge rent for these aerials?

HON H J ZAMMITT:

Sir, I understand that it is something like 5p collected in the rent for this service but I do agree, Sir, and I apologise if there has been a breakdown of months. I will certainly make sure that they are brought back to normal.

HON M XIBERRAS:

Mr Speaker, would the Hon Member either prevail upon his colleague in Public Works to do a thorough check of all these aerials or would he reconsider the statement that he has made that there will be no reduction in the rent for the aerials?

HON H J ZAMMITT:

No, Sir, I have got to make this very clear. I cannot accept that we have a reduction in rent because this aerial isn't operational. What I do think ought to be done is to ensure that the aerials, in fact, work. If there are minor defects these can be seen to by the Public Works Department. If there are major defects then I think there is a standing contract with an agency in Gibraltar that deals with these communal aerials but I do apologise and I will certainly take it up and make sure that they are rectified.

ORAL

No.59 of 1976

ORAL

The Hon W M Isola

In order further to decongest traffic at Eastern Beach in the summer season will Government approach the Ministry of Defence to allow vehicles to circulate through North Gate at the RAF compound in a one direction during weekends and public holidays?

Answer:

The Minister for Sports and Housing

Government has approached the Ministry of Defence on several occasions in past years in an endeavour to allow vehicles to circulate through the Crash Exit Gate at Eastern Beach Road in a one way system to alleviate the Traffic situation in this area particularly during weekends and Public Holidays. There are difficulties in this matter which require further consultation and consideration. At present this suggestion cannot be accepted by the Ministry of Defence.

SUPPLEMENTARY TO NO.59 OF 1976

HON W M ISOLA:

Mr Speaker, can the Minister say whether the Government has taken this up with the Ministry of Defence locally or in the United Kingdom?

HON H J ZAMMITT:

This matter has been taken up with the Regional Estate Agent and with the Air Commander.

HON W M ISOLA:

Is the Minister aware - perhaps it might help him - that some time ago Dudley Ward Way was closed to the public and it took a question in the House of Commons for it to be opened to the public all through the year and if he doesn't get a satisfactory answer in Gibraltar, will the Government take up this question which I think is very important for the people who use Eastern Beach, in London and not in Gibraltar?

HON H J ZAMMITT:

Sir, quite honestly one does receive a certain amount of sympathy from the people one has approached. The matter is being investigated. If we get a blatant negative reply I certainly do not intend to sit back and allow it to continue. I will and make constant representations to try and obtain this but there are difficulties.

HON W M ISOLA:

Mr Speaker, does the Minister consider that the reasons put forward by whoever it may be in Gibraltar are sufficiently valid for him not to take up the matter further or is he satisfied with the answers which he has been given in Gibraltar?

HON H J ZAMMITT:

Sir, the reasons of course I can never accept as being completely valid and the moment I get these replies I obviously report back to the Chief Minister who may consider taking it up to His Excellency the Governor.

HON W M ISOLA:

Mr Speaker, do I understand that the Minister is still pursuing this matter and has not yet accepted the answers given by the MOD in Gibraltar. Is this right?

HON H J ZAMMITT:

Very right, Sir.

HON M XIBERRAS:

The Minister said at first that the MOD had given a negative answer to the request and then he said that the matter was being investigated. Does that mean that the negative of the MOD is final? Is it as final as the parking area behind the Mediterranean Hotel or is it final final?

HON H J ZAMMITT:

At present the suggestion could not be accepted by MOD, but the matter had to be further investigated. They could say no but we certainly do not accept the no and we have to investigate it further.

HON M XIBERRAS:

Mr Speaker, could I ask the Minister whether he personally is in favour of this circulation in one direction?

HON H J ZAMMITT:

Sir, I think I have been the greater instigator of this for the past years.

3.3.76

No.60 of 1976

ORAL

The Hon W M Isola

Will Government state what action has been taken to minimise the wastage of potable water now running at some 35%?

Answer:

The Hon the Chief Minister

By the end of 1975 the water section had established, through a systematic series of tests, that unaccounted water losses (ie that quantity of water which has passed through a meter but which had not been registered for various reasons such as defective meters and meter reading deficiencies) was responsible for approximately 20% of the "wastage" figure. The remaining 15% being made up of physical losses (water lost through leaks, pipe bursts etc) and legitimate losses (ie water used for the flushing and cleansing of mains, reservoirs and other waterworks).

2. An efficient method of leak detection has now been established whereby leaks can be traced and repaired within 24 hours. Since 1st January, 1976, ten bursts have occurred in the potable water distribution system and these were located and repaired with minimal amounts of water being lost, (ie approximately 4% of the water supplied on the particular day when each leakage arose). 3,000 new water meters at a cost of £24,000 are being ordered to replace defective units. The meter inspection and repair section in the Public Works Department is being increased in order to accelerate the replacement and repairs of defective meters.

SUPPLEMENTARY TO NO.60 OF 1976

HON W M ISOLA:

I am much obliged for that answer.

HON M XIBERRAS:

We are very glad to hear that all this action had been taken but apparently not very effectively because the figure was still 35% loss which is a very great loss. Now, would the Hon and Learned Member say whether the figure of 35% will be substantially reduced in the current year?

HON CHIEF MINISTER:

On information it would go down to about 15% which is considered to be a reasonable figure to most water authorities but it will not come immediately because the new meters have got to be installed and the section has got to be reappraised. But the whole of the economy cannot be said to be starting from now, it will be progressive until the whole system has been modified to such an extent that the meters are accurately accounting for the water consumers.

HON M XIBERRAS:

Then these very welcome and long overdue measures which the Government is taking will not have an effect in Government's consideration of the rates for potable water in the coming budget? I am asking the Honourable Member whether these measures that have been taken now will not have an effect on Government's consideration of the potable water rate in the coming budget?

HON CHIEF MINISTER:

I don't know whether it will have an effect or whether it will not have an effect but all I can tell Hon Members here is that the deficit of the water account is high whether with the leakages or without the leakages and there is still an element of subsidy to water in Gibraltar.

MR SPEAKER:

Yes, but we are going to go into that. Next question.

3.3.76.

NOS. 61 AND 62 OF 1976

ORAL

CLERK:

No. 61 of 1976. The Honourable W M Isola.

HON W M ISOLA:

Mr Speaker, as I see that the Minister for Public Works is not in the House I would like, with your leave, to withdraw question No.61 and question No.62.

MR SPEAKER:

The position, which I have to explain, is that you have given notice of a question. You have consulted me, and I gave you several ways out for the purposes of achieving your object. I have found no precedent established for the withdrawal of a question once it has been put in the Order Paper. The only thing that I can find is of course under Standing Order 16(2) that if the question is not answered for any reason then you are entitled to ask that it should be deferred to the next meeting otherwise you are going to be given a written reply. That is the position. This House can of course establish its rules of practice. If the House gives its leave for their withdrawal there is no reason why it should not be withdrawn.

HON W M ISOLA:

I am much obliged, Mr Speaker, I shall leave the Chamber then.

MR SPEAKER:

The question has not been called and you are entitled to do so.

HON CHIEF MINISTER:

Well, I am ready to answer the question. They are not put to any Minister, they are put to the Government.

MR SPEAKER:

The position under the Standing Orders is that a member gives notice that a question is going to be asked and when the time for asking the question comes up he is then called and then he asks the question and then Standing Order 16(2) comes into operation. Standing Order 16(2) is very clear, I think I have read it once or twice. "If any question remains unanswered when the Assembly adjourns on the last day of a meeting a written answer shall be sent to the Member who put the question. Provided that where the question has been set down for oral answer the Member who has put the questions ~~may~~ within ~~three~~ days exclusive of Sundays and public holidays, next after the adjournment of the Assembly require in writing that the question be postponed to a day at the next meeting of the Assembly."



HON CHIEF MINISTER:

But the Member was present when the question was called.

MR SPEAKER:

It has not been asked as yet. I said "next question" which requires the person asking the question to ask it. Until such time as the Member asks the question, the question has not been asked.

HON CHIEF MINISTER:

I would like to say Mr Speaker, if this is a publicity gimmick, that it has no substance at all. I had hoped that he would have asked the question and I was going to say that in the absence of the Minister for Public Works and since the question refers to a personal decision of the Minister I would suggest that the Hon Questioner might wish to leave the question to be answered when the Minister returned.

MR SPEAKER:

Which is basically what is going to happen.

HON CHIEF MINISTER:

That is right, without the gimmick.

3.3.76

No. 62 of 1976

ORAL

The Hon J Bossano

Can the Minister for Public Works state whether he is still considering the request from 42 residents of Flat Bastion Road for the use of a shelter as a car park made to him a year and one week ago?

Answer:

The Hon the Chief Minister:

This project is still under consideration. There are considerable technical problems involved in converting the shelter into a carpark particularly ventilation, fire hazard, provision of an adequate entrance and exit and the safety of the roof. The Scheme would be expensive and the shelter would be unsuitable for car parking unless extensive structural alterations were made.

SUPPLEMENTARY TO NO.63 OF 1976

HON J BOSSANO:

Mr Speaker, does the Hon and Learned the Chief Minister not agree that the residents who make these representations should have been told of the obstacles that the Hon Member says exist some time in the last year in view of the fact that they are still waiting for an answer.

HON CHIEF MINISTER:

Yes, I am inclined to agree with the Hon Questioner. It appears that the project has not been dropped completely but perhaps these difficulties could have been addressed to the people who made the representations. The project has not been dropped.

The Hon J Bossano

Will Government explain what has happened to the plant and equipment left over from the Glacis Estate development project referred to in paragraphs 19, 20 and 21 of the Auditor's Report for 1973/74?

Answer:

The Chief Minister

Despite enquiries from Crown Agents and from the ex-site manager of the Glacis Project it has not so far been possible to trace the missing plant. Receipts have not been produced except for one item, a hydraulic jack, collected by Public Works from Fabri against a receipt on the 21 February 1973.

When the construction of the Bayside Comprehensive School was about to commence the Contractor agreed to a reduction of the quoted price provided he would be allowed to use an excavator, a large concrete mixer and a quantity of scaffolding for a nominal hire charge. This plant and equipment was also from Glacis.

The excavator, the large concrete mixer and some scaffolding were also used on the Sports Centre project and was hired at the current market rates. These items were returned to Government at the completion of the works.

The Crown Agents were asked whether, among the papers which had been sent to them relating to the Glacis Contract, they could locate issue vouchers for the missing items of plant. These have not yet been traced. Unless such vouchers can be produced, the responsibility for the missing plant will lie with the Crown Agents and the matter will then have to be resolved between them and ODM who, of course, paid for the plant as part of the project. I would add that the total estimated present value of the 11 missing items, which ranges from £30 to £200, is £930.

## SUPPLEMENTARY TO NO.64 OF 1976

HON J BOSSANO:

Mr Speaker, the present value of course will account for depreciation I take it, and of course the use to which the equipment has been put in that year is not taken into account in the present value, is that right?

HON CHIEF MINISTER:

Yes, it is taken into account because some of it has been used as a result of the contract for the Boys Comprehensive Bayside School which I took into account the fact that there was that available plant for hire at a reasonable rate and that, of course, added to the estimated depreciation of the plant.

HON J BOSSANO:

Mr Speaker, but the use to which the items that are missing have been put has not been to the benefit of the Government or of the community for all we know. We do <sup>not</sup> know who has got the plant.

HON CHIEF MINISTER:

Well, it is very difficult to say. Some of it has obviously been put to the benefit of the community since some of it was used for the Bayside Comprehensive School and subsequently for the Sports Centre. There has come a time when certain items were looked for and could not be found, but the items have been used whilst works have been going on there. Unfortunately and this is a matter which is also well known I am sure to Members opposite - the take over by the Crown Agents when Humphreys stopped from carrying on the Glacis Contract was a rather hurried and not a very elaborate one and this may well have given rise, to the loss of the vouchers and so on. It should be recalled that the Glacis complex was being dealt by a big firm which stopped work because of financial difficulties and the Crown Agents came in to do the rest of the work.

HON J BOSSANO:

May I ask the Hon and Learned the Chief Minister whether the Police have been involved in trying to trace where the missing items have got to?

HON CHIEF MINISTER:

I am not aware of it. I would not be surprised if they have but I am not aware of it. But I would like to say ~~it~~ and I hope this is accepted with a ll sincerity - that I am very glad that the Hon Member has brought this matter to a head because at least it has had a proper airing which I think is in the public interest that it should have.

HON J BOSSANO:

Does the Hon and Learned Member not agree, Mr Speaker, that it is rather peculiar that item such as plant which cannot very well be carried under one's arm away from the building site, should disappear in Gibraltar without trace?

HON CHIEF MINISTER:

Yes, I recall when tyres were very short in Gibraltar during the war a certain Dockyard lorry was found tyreless in Devil's Tower Road. Everything is possible in Gibraltar.

3.3.76

No.65 of 1976

ORAL

The Hon J Bossano

Will Government confirm that it is their policy to give up the exercise of a measure of control over the wages paid in Gibraltar to different grades of industrial workers?

Answer:

The Minister for Labour and Social Security

I regret that the question is couched in such terms that I am unable to ascertain precisely what information the Hon Member is seeking to elicit, If he wishes to ask a supplementary in order to clarify his question I may be able to answer in a general way or I may then ask for separate notice.

SUPPLEMENTARY TO NO.65 OF 1976

HON J BOSSANO:

Well, Mr Speaker, I am talking of the Government as an employer, primarily, the wages of workers in the public sector.

HON A J CANEPA:

Sir, if the Hon Member is referring to the fact that insofar as once there has been a settlement of the Smap Recommendations once analogues have been established for the present rounds of negotiations as it were, that in future Government will virtually be giving up any element of control in the sense that adjustments in the wages of industrial workers will become almost automatic, then of course the answer is yes.

HON J BOSSANO:

Mr Speaker, I am not in fact referring to what will happen after the present rounds of negotiations end, if they ever do, I am talking about what is happening in the present rounds of negotiations. If the Hon Member, for example, aware that the view has been expressed on behalf of the Government in JIC is that the grades occupied by industrial workers at present have got to be altered according to a rigid interpretation of UK equivalent grades. Is he aware of that?

HON A J CANEPA:

Oh, yes, I think what he is referring to is what is termed in the parlance of the negotiators as "band slippage". I think that is what he is referring to. I am aware of that, yes.

HON J BOSSANO:

What I am asking, Mr Speaker, is whether it is the policy of the Government to give up the measure of control in negotiating grades for workers within the banding structure which would be possible if the trade union view were acceptable?

HON A J CANEPA:

What we would want, Mr Speaker, would be to have the right banding established through negotiations and through agreement.

HON J BOSSANO:

Mr Speaker, is Government of the view that the right banding should not be arrived at by a process of agreement and negotiation that it would be arrived by a rigid interpretation of what the right banding is in UK?

HON A J CANEPA:

I think, Mr Speaker, we should try and get the right banding agreed to and then the process whereby we arrive at that banding, I think ought to be the subject of agreement. The policy of the Government is that the objective should be to have the right bandings established once the Scamp recommendations are fully implemented and that the process of arriving at that objective is a matter for ~~the~~ agreement.

HON J BOSSANO:

But, Mr Speaker, the definition of what is the right banding is at the heart of the question. Would the Minister say that the right banding for a particular grade of worker is the banding that is acceptable to both sides or is the right banding what is claimed to be the band in UK?

HON A J CANEPA:

Mr Speaker, Government, and by that I mean elected members, are here in an even greater difficulty perhaps than what was the subject of an earlier question where my Honourable colleague, the Financial and Development Secretary, was explaining the process of decision making in arriving at analogues. The bandings of industrial workers in Gibraltar is a technical matter, is a highly complex matter. Elected members of the Government can only act on the basis of the advice and recommendations made to us.

MR SPEAKER:

I think - and I am directing this to both Hon Members - that we are getting away from the question. I think the Minister is entitled to say, one way or the other, whether the policy that Government is following in these negotiations are such as to warrant a statement to the effect that they are giving up a fair amount of measure of control over the negotiations. Do you follow what I mean?

HON A J CANEPA:

Yes, Sir. The policy is to arrive at the UK analogue and once we have established that we are giving up any measure of control.

HON J BOSSANO:

Mr Speaker, I am afraid that is not the answer because what I am trying to establish is that it is the Government's wish that this should be so. Is the Honourable Member aware, for example, that certain public comment has been made about the inevitability of Government giving up this measure of control and if he is aware of that, is he also aware that there is nothing inevitable about it because the Trade Union side is fighting against it?

MR SPEAKER:

You are not going to get information from this question.

HON J BOSSANO:

Perhaps, Mr Speaker, the Honourable Member is not fully conversant with the question of the negotiations how much responsibility he has on this matter.

HON AJ CANEPA:

No, the difficulty of course, is that JIC is now resolved, as I understand it, into a committee. They are working within a committee of JIC. In that sense minutes of the full JIC are not being circulated to me as would normally be the case and, therefore, I am not so au fait with the day to day progress, or lack of progress, that may be made in this committee. In that sense I am at a disadvantage.

HON J BOSSANO:

Mr Speaker, the information that I am seeking to obtain does not really concern the detailed negotiations which are taking place but the policy decision that was taken initially. In fact, the Hon Member may be aware that what is taking place is consonant with what I am seeking to have confirmed because it has been the Government's avowed policy at the beginning.....

MR SPEAKER:

I think the Hon Minister has been very clear about that. I think that the Hon Minister has said that there was no policy decision taken by Government to give up its rights on negotiations but that the net result of the negotiations might be the fact that they have given up a certain amount of measure of control. Am I right?



HON A J CANEPA:

Yes Sir, the initial decision to accept Scamp for all intents and purposes meant a great loss of a say in the movement of wages and salaries in Gibraltar.

HON M XIBERRAS:

Mr Speaker, perhaps I can ask a question as an interested outsider in this. Has the Minister agreed in accepting Scamp has he agreed and has he signified this agreement to the people actually doing the negotiations that they are to find analogues rigidly related to the United Kingdom, or has he told his representative on the negotiating committee that they are to find the right analogue in the sense of the one within the Scamp recommendations which is best suited to Gibraltar?

HON A J CANEPA:

I don't think that is what Scamp said, Sir.

HON M XIBERRAS:

I am not saying it is.

HON A J CANEPA:

A general statement of government policy, in fact I think it was an identical statement, was made at the initial meetings with all the staff associations.

HON J BOSSANO:

Mr Speaker, could I ask the Hon Member whether he can confirm that he is aware that the Trade Union's view of the Scamp recommendations has differed from the official side view from the inception of the negotiations following the arrival of the Scamp Report?

HON A J CANEPA:

Perhaps that is the reason why there hasn't been a settlement. The Government was hoping that they were going to wave the flag of victory and accept the Scamp Report and we were being pressed back in August to accept, which we did, and of course, here we are.

MR SPEAKER:

I am going to wave my flag to say that we are not going to go into the policies of Scamp.

HON J BOSSANO:

Well, Mr Speaker, I want to know whether in fact it is the Government's policy, as I said in my original question, to give up a measure of control over local wages. Now, I still don't know whether it is the Government's policy or not because I don't know how much the Hon Member knows.

MR SPEAKER:

The answer has been that Government has not a fixed policy to do that but that the end result might be the fact that they will have to give up some measure of control over wages.

HON J BOSSANO:

But I am not talking about the future, Mr Speaker, I am talking about what is taking place now, the way the Scamp recommendations are being interpreted by the Government in their application to industrial workers is different from the way the Scamp recommendations are being interpreted by the Trade Union side. Now, the way the Government interprets it means giving up a measure of control. Does the Minister know this, does he agree with it, and is it Government policy?

HON A J CANEPA:

That is inevitable, Mr Speaker.

HON J BOSSANO:

It is not inevitable, Mr Speaker, if the Trade Union side don't agree with it.

MR SPEAKER:

Whether it is or not in the opinion of the Government, it is.

HON J BOSSANO:

The position then, Mr Speaker, is that the Government consider that the only possible interpretation of the Scamp recommendation is theirs.

HON A J CANEPA:

No Sir.

HON J BOSSANO:

Well then, Mr Speaker, would the Hon Member agree that it is not inevitable?

MR SPEAKER:

I think you are entitled to assume that if that is the way you interpret it.

HON A J CANEPA:

I think, Sir, that a reasonable interpretation of the Scamp recommendation is a matter which is subject to negotiation.

MR SPEAKER:

And that is what you are both differing on. Next question.

3.3.76

No.66 of 1976

ORAL

The Hon Miss C Anes

Is Government satisfied with the contract it has with the firm of Undertakers responsible for burials of persons without means?

Answer:

The Minister for Medical and Health Services

We have received no complaints about this service but if the Hon Member has any information to the contrary I would welcome if she could provide me with such information and the matter will be investigated.

SUPPLEMENTARY TO NO.66 OF 1976

HON MISS C ANES:

Sir, according to my information there are two main complaints. One is that the coffins are not very well constructed and of very poor quality. They are made of any pieces of wood painted in black paint and nailed together and on occasion at the time when the coffin is being lifted from the hearse to be taken into the cemetery on occasions they crack and come apart and it was very difficult at the time of burial. On other occasions I have been told that the amount of money paid by Government is not sufficient to meet the rising cost of materials, wages, etc. I would like to know what kind of contract has the Government got with the undertaker? Is it a yearly contract or is it for individual funerals?

HON A P MONTEGRIFFO:

Sir, I believe it is a yearly contract but I stand to be corrected on that. The price is £45. Most of the so-called pauper's funerals never take place. The money is given to the family and the family make other arrangements. I must confess, and I will give credit to the Hon Lady for it, that because this type of funeral is few and far between no-one appears to have gone to the mortuary, to find out when this happens whether the coffin is up to the standard laid down in the contract. I have already given instructions that in the next funeral of this type that we get they should check the type and quality of coffin provided.

HON MISS C ANES:

Would it not be possible for Government to carry periodical inspections of the premises and see what kind of coffins are being made for the Government contract? As far back as last Monday the 17 February there was a funeral involving a person on social benefit and I was told by people attending another funeral at St Bernard's hospital that the state of the coffin was disgraceful. I find it very hard to believe that in this day and age, when we have got so much to spend on so many things, even sending a member of my sex to Mexico, that these poor persons should be buried any old how and that nothing has been done for them.

HON A P MONTEGRIFFO:

I wouldn't say nothing has been done for them. I wouldn't like to press the Hon Lady to give me the name of the person openly but I would certainly request that she give me the name outside the House so that we can investigate. I have already given an undertaking that I have caused instructions to be given in the Department that when we do get a pauper's funeral the coffin should be checked.

HON MISS C ANES:

I have the name in respect of the last burial and I will give the name to the Minister privately.

3.3.76

No.67 of 1976

ORAL

The Hon L Devincenzi

Will Government state what prospects there are of reaching a satisfactory outcome in their dispute with the Parents Association in respect of the proposed Girls' Comprehensive School?

Answer:

The Minister for Education

The Parents Association has maintained that the Mediterranean Rowing Club should not be given a site at Montagu Basin on the grounds that the Girls' Comprehensive School should have the use of the whole site. Every possible effort is being made to see whether another site can be found for the Mediterranean Rowing Club. In the meantime the planning of the school will not be delayed.

SUPPLEMENTARY TO NO.67 OF 1976

HON L DEVINCENZI:

Mr Speaker, I presume that the government has in a very energetic manner approached the Ministry of Defence for another site for the Mediterranean Rowing Club. Have they?

HON M K FEATHERSTONE:

Sir, I know my colleague the Minister for Economic Development has been approaching the Ministry of Defence over certain areas where it might be possible to move the Mediterranean Rowing Club, but without success. I believe he is still endeavouring with his efforts.

HON L DEVINCENZI:

Sir, can the Minister explain if negotiations are still going on with the Parents Association, why will the planning of the school not be delayed?

HON M K FEATHERSTONE:

The area where the school building is going to be is not affected by the area where it was proposed the Mediterranean Rowing Club might be sited. It is only the playing area that is affected.

HON L DEVINCENZI:

Mr Speaker, may I just add that I trust that if another site is not found fairly soon as far as the local Ministry of Defence is concerned, then perhaps as suggested by my colleague the Hon Mr Isoha the matter could be taken up in London and some pressure exerted to see whether they can release a suitable site. Sometimes these things are effective.

HON M XIBERRAS:

Mr Speaker, I have a letter of the 20 February from the Parents Association. Has the Honourable Member received a similar communication? I don't want to read the whole thing but it deals generally with a statement of the case of the Parents Association, and has the Association received a reply and, if so, what kind of reply?

HON M K FEATHERSTONE:

May I ask if that letter is addressed to the Minister for Economic Development?

HON M XIBERRAS:

It is, yes. Has the Honourable Member received a similar letter?

HON M K FEATHERSTONE:

No, Sir.

HON M XIBERRAS:

Is he aware whether the Minister for Economic Development replied or whether any Minister has replied to the substance of that letter? I am referring to a letter of the 6 December, 1975.

HON M K FEATHERSTONE:

I am not aware if he has replied or not.

HON M XIBERRAS:

And as far as he is aware there has been no other communication comparable to mine of the 20 February because it does seem, would the Minister not agree, that since the 20th February, the Parents Association appear to have stepped up their campaign. I was wondering in the sense of the question whether the negotiations have broken down or not?

HON M K FEATHERSTONE:

I wouldn't say that any negotiations have broken down. I have already said that we are still endeavouring to find some other site for the Mediterranean Rowing Club.

HON L DEVINCENZI:

Mr Speaker, can the Minister say that he had seen the letter addressed to the Hon Mr A W Serfaty on the 6th December?

HON M K FEATHERSTONE:

No, I have not seen it.

HON L DEVINCENZI:

Well, I must say that although this letter is addressed to the Honourable Mr Serfaty the same as questions here are asked, as the Chief Minister said, to the Government, I am surprised that this matter has not gone round Council of Ministers.

HON M K FEATHERSTONE:

The Minister for Trade and Economic Development has met the Parents Association. I was present at the meeting and since then I don't think there has been any meetings.

HON M XIBERRAS:

Would the Honourable Member perhaps ask his colleagues to re-examine the letter of the 6 December 1975 and I shall make it available to him, if he wishes, my letter of the 20 February because I am concerned that if there is a chance that another suitable site for the Mediterranean Rowing Club might be found that there might be further action between the Parents Association and the Government on this matter. We would like to see a satisfactory solution to both problems and we are trying to assist towards that end.

HON M K FEATHERSTONE:

We should also be happy to see a solution to this. As I said, every effort is being made and I will pass your message to the Minister concerned.



Will Government give an indication of average daily attendance of patients at the Health Centre?

Answer:

The Minister for Medical and Health Services

To give the daily average number of patients attending the surgeries at the Health Centre would probably give a distorted picture as the Centre is open 7 days a week and the number of patients attending per day varies enormously. However, the weekly average of attendance for the year 1975 was about 1150, excluding of coursehouse calls.

SUPPLEMENTARY TO NO.68 OF 1976

HON MISS C ANES:

Sir, when I was Minister for Medical Services and the Health Centre was being constructed he made a remark as member of the Opposition that the Health Centre was a white elephant and more of a burden than a benefit to the community. Has he changed his views now that the Centre is working?

HON A P MONTEGRIFFO:

I am afraid it has been confirmed because now it is becoming too small as it was not intended originally to become the comprehensive health service but it was only meant to take the child welfare, the out-patients department from the hospital, the district clinic and the immunisation and vaccination. Now they are finding that the Centre is becoming quite small.

HON MISS C ANES:

Is the Minister satisfied when with the use of the Centre? It is more of a benefit than a white elephant for the community and it has perhaps become rather small now for the community.

HON A P MONTEGRIFFO:

Let us put it this way. It has become a very small elephant.

HON M XIBERRAS:

Would the Hon Member care to comment on the figure, whether it is in relation to the size of the community an excessive one? Does he feel that proper attention can be given to what appears to me to be quite a large number of people attending the Health Centre?

HON A P MONTEGRIFFO:

Sir, the Centre is becoming small and this has been found to be particularly the case during the last three months. It was already a little bit hard pressed from the very beginning. We had to take rooms which were meant for something else to convert them into doctors' clinics. I consider that people are really over using the Health Centre. In fact last week the figures jumped to nearly 2,000 including about 300 house calls. I think there is a tendency in Gibraltar to see the doctor too much. People do not seem to realise how dangerous it is to do that.

3.3.76

No.69 of 1976

ORAL

The Hon Miss C Anes

Is Government satisfied with the Ambulance Service and if not what plans does it have to improve it?

Answer:

The Minister for Medical and Health Services

Government is not dissatisfied with the running of the ambulance service as such but is not at all happy with the state of the vehicles. The House will therefore be invited to vote funds later on in the proceedings to buy more ambulances.

SUPPLEMENTARY TO NO.69 OF 1976

HON MISS C ANES:

Sir, is the Government concerned with the amount of criticism which has appeared in the press lately concerning the service rendered by the ambulance?

HON A P MONTEGRIFFO:

The criticism has been mainly directed to the breakdown of the ambulances and I have taken note of the criticism and two ambulances are being bought.

HON MISS C ANES:

Does the Minister think that perhaps properly trained persons - and I have no intention of criticising the service that is being given at the moment by those manning the ambulance - but does he consider it might be proper to have male or female nurses in attendance with the ambulances on certain occasions?

HON A P MONTEGRIFFO:

Sir, that would be very difficult because we haven't got all those many nurses about but most of the personnel attending the ambulances are trained. They are mainly people from the Fire Brigade who are trained in manning ambulances and also St John Ambulance people, and also members of the Police who have got some knowledge of first aid treatment and are also trained to deal with the oxygen. They are trained specifically on that.

HON MISS C ANES:

Are the personnel attending the ambulance tested periodically to see that they are up to date in new procedures and so on for any emergency that may occur?

HON A P MONTEGRIFFO:

They wouldn't have been put there in the first place if they didn't have these qualifications. I must confess that we don't check every <sup>nurse</sup> / and with every member of the staff as to whether they are still up to their training. One assumes that they are.

HON M XIBERRAS:

Are we to understand from what the Minister has said that in the coming estimates of expenditure for next year the Government is going to provide for new ambulances but that the Government on the other hand does not consider that any changes are required in the manner in which the ambulances are manned or the assistance given by the ambulance service.

HON A P MONTEGRIFFO:

There has been no criticism at all about the service as such. The criticism has been levelled mainly as I said before at the state of the vehicles and the breakdowns of the Ambulances. In that respect of course discussions are going on at the moment because the ambulance falls between stools, myself and the police who are the ones who do the maintenance. We are certainly looking into this because I must confess I am surprised that three years after buying two vehicles they should practically be scrapped. One has got to be careful and satisfied that it hasn't been due to neglect that money should be thrown down the drain that way.

HON M XIBERRAS:

One more question, Mr Speaker, will the ambulances be equipped in an up to date fashion?

HON A P MONTEGRIFFO:

They will be equipped with all that is necessary and we practically have the same equipment as the Royal Navy ambulances in order to standardise.

3.3.76

No.70 of 1976

ORAL

The Hon J Bossano

Will Government confirm that an increase in prescription charges under the Group Practice Medical Scheme is under consideration and if so will it state the estimated revenue yield of such increase?

Answer:

The Minister for Medical and Health Services

Government has under consideration the possibility of increasing the prescription charge to Group Practice Medical Scheme patients not as a fiscal or budgetary measure but as a means of stopping abuses. If such abuses were to continue and the number of items prescribed were to remain at the same level the extra revenue yield would be about £10,000 a year. However, the object of this measure, if it were to be introduced, would be that if the prescription fee is increased from 10p to 20p it would make it cheaper to the patient to buy certain low priced medicines over the counter rather than go to the Health Centre and obtain a prescription. This of course would decrease both the revenue yield to the Government and the work-load on the doctors and in some cases even be less expensive for the patient.

This point was recently raised with the GTC and both parties are looking further into the problem in an effort to find a satisfactory solution.

SUPPLEMENTARY TO NO.70 of 1976

HON J BOSSANO:

Mr Speaker, perhaps the Minister can confirm that the GTC has made it quite clear that they are opposed to any increase in charges.

HON A P MONTEGRIFFO:

That is why I have said that this point was recently raised and both parties are looking into the problem in an effort to find a satisfactory solution. I don't want to disclose here in this House what the GTC told me at the meeting. I accept that they are against the 10p prescription being increased and they came with other alternatives but that is a matter which is sub judice and we shouldn't jump the gun.

HON M XIBERRAS:

Has this proposal of increasing the fee been done sifting through the type of person who goes to the Health Centre but shouldn't really be going?

HON A P MONTEGRIFFO:

No, not at all, Mr Speaker. The reason is that people have got what the doctor's call "shopping lists" and they find it very difficult unless they have a row every five minutes not to prescribe laxatives, aspirin and some of the items which are not prescribed on the National Health service in Britain and which originally I was advised we should do it in Gibraltar and I said no as we were going to have trouble with the chemists and we let it go. I would like to find a solution, not because we want the money or for the scheme as such, but because I feel that this is a blatant abuse and if somebody can come up with some solution I would be very happy, short of increasing the top.

HON M XIBERRAS:

The "shopping list" syndrome is in fact as far as the Minister can see the main reason for the abuse or others which the Honourable Member would like to comment on?

HON A P MONTEGRIFFO:

Certainly on the question of drugs that is the main reason. There are other abuses of a different nature which has nothing to do with the question and on which I will of course expand at the Budget.

3.3.76

No.71 of 1976

ORAL

The Hon J Bossano

Is Government prepared to consider separating the District Medical Welfare Service from the Group Medical Service?

Answer:

The Minister for Medical and Health Services

Government regrets that it cannot agree to the principle of divorcing the district from the GPMS scheme for practical and administrative reasons which are for the benefit of so called District patients. The matter was fully discussed and understood at a meeting held with the GTC. At the moment, and following internal arrangements agreed to by doctors running the Group Practice Medical Scheme, most district patients do go to one particular doctor and in an effort to meet in part the Hon Member's suggestion and the representations made by the GTC on this matter, Government has agreed to look into alternatives in order to improve the facilities offered to senior district patients attending the Health Centre.

SUPPLEMENTARY TO NO.71 OF 1976

HON J BOSSANO:

Mr Speaker, could I just ask the Minister whether he would not agree that perhaps some of the congestion that he mentioned earlier might be alleviated if district patients were able to see their doctor which they show a preference for in a different area of the Health Centre?

HON A P MONTEGRIFFO:

Sir, I entirely agree and we are making some provisions to alleviate but I would sound a warning on the question of divorcing it completely, because then the district patients would again become the Cinderellas of the Medical service. If you just have one doctor looking after them no one wants to touch that service and hence we have in the past found that when the doctor is on leave or is sick or is somewhere else, we have found it very difficult to give coverage to the old folks who deserve it as much as everybody else. But I know at least what is in the mind of the GTC and we are going to try and do something to at least pass them much quicker.

HON J BOSSANO:

The Minister is aware, Mr Speaker, that in fact many of the patients in the district medical service do show a very clear preference for a specific doctor that in fact many of them avoid going to the Health Centre when that doctor is not available and nevertheless they are at present being made to wait because the doctor has to see other patients as well.

HON A P MONTEGRIFFO:

It is true they have got this preference but I think I also ought to say in all fairness, that there are few cases who precisely because they want to have a choice, these senior citizens are paying the contribution. I must say in fairness to the doctor involved that the bulk of the patients do want to see him and provided it is an internal arrangement I do not mind, but I do not want other doctors when the time comes and the other doctor is on leave, for then to say that they will not see the people. It must be a question of all for one and one for all.



3.3.76

No.72 of 1976

ORAL

The Hon Miss C Anes

What plans has Government to develop (if at all) the Building previously known as St Joseph's Mental Hospital?

Answer:

The Minister for Labour and Social Security

The future of the old St Joseph's Mental Hospital is being considered in the context of the Planning Scheme now in course of preparation. The indications are that it will be scheduled for demolition and earmarked as a site for housing development.

SUPPLEMENTARY TO NO.72 OF 1976

HON MISS C ANES:

Sir, is the Minister aware that the building was already old and in fact practically derelict when the inmates were moved to the KGV hospital and at the present moment vandals have used the place up. Articles like electric fires and some other things have been completely destroyed, the water cisterns have been removed and fouled by people. The place is a shambles and a health hazard for the people living in the area.

HON A J CANEPA:

Yes, Sir, I do agree with the Honourable Lady. I think the considerations are very similar to those that obtained at the old Arengo's Palace and I think the quicker the building is demolished the better for all concerned because there is a distinct danger of some child ~~injuring~~ himself.

3.3.76

No.73 of 1976

ORAL

The Hon J Bossano

Can the Chief Minister state whether he has now received a reply from the British Government concerning the practice operated by the U.K. departments of classifying certain documents: "UK EYES ONLY"?

Answer:

The Chief Minister

Yes Sir. A reply has been received and the Hon and Learned the Attorney-General will be making a statement on this matter later in the proceedings.

SUPPLEMENTARY TO NO.73 OF 1976

HON J BOSSANO:

Mr Speaker, I take it that when the statement is made I shall be able to pursue the matter I would have done under the supplementaries.

MR SPEAKER:

Well you have been given an answer. You have asked "Can the Chief Minister state whether he has now received a reply from the British Government concerning the practice operated by the UK departments of classifying certain documents: "UK EYES ONLY"?. The answer has been, yes, that a reply has been received and a statement will be made. When the statement is made the rule that will be applied then is the rule that applies to statements. It is not the same as when the Minister asks for leave to answer a question by way of a statement and then, of course, I always say that I will allow supplementaries. You can ask supplementaries on the answer as has been given now but the statement made by a Minister is a statement which has to be treated as such. You will certainly be able to ask questions on points of clarification but not as if it were a question.

The Hon J Bossano

Can Government make a statement regarding the reasons why a Spanish ship has been allowed to work in the Gibraltar harbour?

Answer:

The Hon the Attorney-General

A Liberian tanker, the "Almizar", lost its starboard anchor and a length of cable when anchoring in the anchorage of the Port not in the harbour, on the 9 February. This was reported by the pilot to the Port Department. In accordance with the provisions of rule 46 of the Port Rules the agents were informed that the master should immediately take steps to recover the anchor and cable and that if he did not do so then arrangements would be made by the Captain of the Port for the recovery to be attempted at the risk and expense of the Almizar. The Captain of the Port would have no powers to attempt recovery unless the owners of the vessel had either refused to do so or had tried to do so and failed.

2. The Port Department was informed by the agents of the Almizar that the owners had engaged a salvage vessel and that the vessel was "Saynemar Uno" of Saynemar S.A. which is an affiliate of Smit of Rotterdam, a salvage firm of international repute.

3. There is a local firm which carries out recovery work but not only was it known that the recovery vessel was under repair but also the particular firm have attempted to raise anchors and chains from the anchorage on various occasions during the last 7 or 8 years but, as far as is known, on no occasion have they been successful.

4. The salvage vessel is attempting to recover the anchor and cable under contract to the owners of the Almizar.

SUPPLEMENTARY TO NO.74 OF 1976

HON J BOSSANO:

Mr Speaker, was the salvage vessel registered in a Spanish port? Was it a Spanish flag flying vessel?

HON ATTORNEY-GENERAL:

I believe that to be the case, yes.

HON J BOSSANO:

Is it the policy of the Government, Mr Speaker, to allow the Spanish any facilities to trade in Gibraltar?

HON ATTORNEY-GENERAL:

I do not think there is any question of trading in Gibraltar. This vessel was engaged by the owners of the vessel not by the Government of Gibraltar.

HON J BOSSANO:

Mr Speaker, but I take it that the engagement took place in Gibraltar and that the vessel was in Gibraltarian waters, as it were, when it happened and that the anchor was within our province; that the work that needed to be done in fact was contracted for in Gibraltar and will be paid for in Gibraltar. Is that right?

HON ATTORNEY-GENERAL:

I am afraid I have no knowledge of the arrangements made between the owners and the salvagers.

HON J BOSSANO:

Did any Government official have to give permission, Mr Speaker, to the Spanish vessel to work in Gibraltar?

HON ATTORNEY-GENERAL:

To the best of my knowledge the Captain of the Port was informed but there was no question of him giving permission. He could, perhaps, have refused but he was told that this vessel was coming and in view of the fact that it was a company affiliated to an International salvager he saw no reason to object.

HON J BOSSANO:

But is it a fact, Mr Speaker, that if the Captain of the Port had chosen to object or if the Government policy had been not to allow a Spanish flag carrying vessel to operate in the vicinity of Gibraltar to do work, that the vessel could have been stopped?

HON ATTORNEY-GENERAL:

I think it probably could, but the problem was this; the anchor and the cable on the seabed formed a risk to other shipping. There was no vessel available to Government to carry out this work until at least the autumn when the Royal Navy <sup>Why?</sup> from time to time send a ship <sup>to what help</sup> which helps in these <sup>cases</sup> ~~cases~~. We could not have got another vessel until then. Therefore, the Captain of the Port considered it expedient that there should be a ~~swift~~ <sup>an immediate</sup> ~~at least~~ attempt to recover this anchor and cable.

HON J BOSSANO:

Will the Government consider on future occasions of this type intimating to the ship owners that as long as Spain is putting restrictions on Gibraltar, Gibraltar considers it most undesirable that Spanish vessels should be allowed to obtain work in Gibraltar?

HON ATTORNEY-GENERAL:

*This is a* \* matter to which consideration will be given.

*would have been  
able to make a  
vessel available*

3.3.76

No.75 of 1976

ORAL

The Hon J BOSSANO

Can Government explain why they have been unable to complete their consideration of the Morgan Report in respect of the pay structure of Senior Civil Servants in the three months it has been in their possession, and will they further state how much longer they anticipate they will need to complete their study of this Report?

Answer:

The Chief Minister

The Hon Member will no doubt appreciate that a report of this nature requires considerable thought and study. These it is receiving but I am unable to say when they will result in a decision.

In any case, it is clear from Mr Morgan's terms of reference that his recommendations were to be made in the context of the pay policy adopted by the Gibraltar Government as set out in the recommendations of the Scamp Report. No decision will therefore be taken on the Morgan recommendations until it is clear that the pay policy referred to has in fact been generally established and accepted through substantial progress having been made in the negotiations with grades structurally related to the grades covered by the Morgan Report.

SUPPLEMENTARY TO NO.75 OF 1976

HON J BOSSANO:

Mr Speaker, is the Chief Minister then saying that the pay of the top civil servants will depend on whether the bottom civil servants accept what is being offered to them or not?

HON CHIEF MINISTER:

What I say is that the recommendations will not be finally considered until substantial progress has been made with the rest, because the Morgan Report is an appendix of Scamp and until Scamp is implemented Morgan doesn't come into the picture.

HON J BOSSANO:

Is the Honourable and Learned Chief Minister then saying that in the three months he has been abeto study the report, he has already come to the conclusion that it is, in fact, simply an appendix to Scamp and that it does not introduce new elements which are not present in the Scamp Recommendations?

HON CHIEF MINISTER:

I am not saying that at all.

HON J BOSSANO:

Mr Speaker, if he has not come to this conclusion as a result of his study of the Report, what has led him to think that it is simply an Appendix of Scamp?

HON CHIEF MINISTER:

The terms of reference of the Report, as I stated, were to be made in the context of the pay policy adopted by the Gibraltar Government as set out in the recommendations of the Scamp Report and so far as that is pending there is no question at all of the tail wagging the dog.

HON J BOSSANO:

I am sure of that, Mr Speaker. Is the Hon and Learned the Chief Minister then saying that the actual consideration of the report will not be proceeded with until the negotiations with other group of workers are completed, or the implementation of the report?

HON CHIEF MINISTER:

May I have the question again.

HON J BOSSANO:

Mr Speaker, I asked the Hon the Learned Member how much longer he would need to consider it and am I right in saying that his answer is that he will be considering it for as long as there are negotiations or that the implementation of the report will not take place before the negotiations are completed?with other bodies.

HON CHIEF MINISTER:

First of all I think top civil servants will be very happy and encouraged at the concern expressed by the Honourable questioner about their future. I think they must be terribly encouraged to see they have such a wonderful advocate in their favour and I do not say that I read the report every day and I put it side and wait and see what is happening in the rest of the recommendations. The report has been read and considered and left pending what happens in the negotiations of the rest of Scamp which will be structurally connected with the Morgan Report.

HON J BOSSANO:

Mr Speaker, I take it that the Government is not prepared to state what conclusions it has come to in its considerations which I take it are now completed.

HON CHIEF MINISTER:

It has not reached any conclusions.

HON J BOSSANO:

So the Government has no idea yet whether what has been recommended by Mr Morgan is, in fact, in keeping with the terms of reference of that report in applying the Scamp recommendations to senior civil servants.

HON CHIEF MINISTER:

That will be considered when a decision is about to be taken.

HON J BOSSANO:

Mr Speaker, the position then is that the Government in spite of having spent three months on it already can find nothing in the report which is in conflict with the Scamp recommendations.

HON CHIEF MINISTER:

We have not been studying it for three months, Mr Speaker, but I will not depart from the main point which I have made from the beginning and that is that having read and discussed it generally we decided that it should wait until further progress is made with the rest of the Scamp recommendations.

HON J BOSSANO:

Mr Speaker, can the Hon and Learned Chief Minister say on this further progress that he seeks whether he can give some indication of which area he is referring to for this further progress?

HON CHIEF MINISTER:

I will go back to my considered answer which says: "No decision will therefore be taken on the Morgan recommendations until it is clear that the pay policy referred to has in fact been generally established and accepted through substantial progress having been made in the negotiations with the grades structurally related to the grades covered by the Morgan Report."

HON J BOSSANO:

Yes, Mr Speaker, but I am seeking further clarification on that answer and....

MR SPEAKER:

I don't want to influence things but by the looks of it it would appear that you are not going to get it.

HON J BOSSANO:

I take it, Mr Speaker, that I can ask for it. I would like to know whether the Honourable and Learned the Chief Minister could be slightly more specific in this substantial agreement covering a number of grades that he is talking about, whether for example he can tell me that if grades other than those of industrial workers whose wages are negotiated in JIC have reached agreement whether he would consider that to be sufficiently substantial.

HON CHIEF MINISTER:

That is a hypothetical question.

HON J BOSSANO:

Well, Mr Speaker, surely the answer is a hypothetical answer. I take it that the Hon Chief Minister can give hypothetical answers and I cannot ask hypothetical questions. Is that the situation?

MR SPEAKER:

The situation is that you have been given an answer which you consider to be unsatisfactory and there is very little more that you can do about it.

HON J BOSSANO:

Well, can I ask the Chief Minister whether in fact it is correct to say that the Government will not make a statement about their view on the Morgan Report until agreement has been reached in JIC for the industrial workers? Is that an accurate assessment?

HON CHIEF MINISTER:

NO, Sir.

HON M XIBERRAS:

Mr Speaker, is the Minister saying that the Scamp concept as applied to, let us say, teachers, firemen, civil servants, is in any way different from the Scamp concept as applied to Morgan?



MR SPEAKER:

No, I am not allowing that question under any circumstances. The Chief Minister has said that he will not give consideration to the Morgan Report until relevant structure in the Scamp Report have been accepted.

HON M XIBERRAS:

Unless we do not ask any supplementaries we will not find out what the Chief Minister's thinking is on this or why the Chief Minister or how the Chief Minister justifies his thinking on this particular problem. I am asking the Chief Minister why it is that the Morgan Report which is based on the Scamp doctrine has to be treated differently in his mind from other sections of the civil service which also follow from Scamp?

HON CHIEF MINISTER:

No, I think he has got it all wrong. I am sorry that after so many supplementaries the Hon Leader of the Opposition hasn't got the gist of the answer. The point is that Morgan arises out of Scamp. And you cannot have Morgan without Scamp, and when Scamp has made some progress then Morgan comes into the picture. I think it is as simple as that.

HON M XIBERRAS:

It is very simple, Mr Speaker, but I gather that the Government has accepted Scamp.

HON CHIEF MINISTER:

Yes.

HON M XIBERRAS:

And now there has been published a report with terms of reference which are to apply the Scamp concept to civil servants. I am asking the Chief Minister why it is, other than the fact that this may be politically sensitive, why it is that he will not touch the Morgan Report before he has seen substantial progress in the implementation of Scamp?

HON CHIEF MINISTER:

If Scamp is not accepted there is no point in considering related grades to Scamp.

HON M XIBERRAS:

But Scamp has, Mr Speaker, as far as I am aware, been accepted. It has not been implemented.....

HON CHIEF MINISTER:

Accepted by the Government but not by the various people concerned. We have already heard today that there are differences of interpretation.

HON M XIBERRAS:

Yes, Mr Speaker, there are differences of interpretations on both sides but there may be differences of interpretations, would the Chief Minister not agree, about the Morgan Report itself. There might be, I am not saying there is. There is one certainly in my mind about the Department of Labour and Social Security but that is another matter. But why does the Chief Minister other than because it might be politically sensitive, make a distinction between the Scamp report and the Morgan report which could be considered all as one according to the terms of reference of the Morgan report. I am asking for the reasons why, not what he is doing but how he justifies it.

HON CHIEF MINISTER:

Because Scamp has not been settled and Morgan arose out of Scamp. So you must get Scamp in order and then Morgan comes in because Morgan is related to Scamp. If Scamp were not be then there would have to be another Morgan.

HON M XIBERRAS:

Having been concerned, Mr Speaker, about the slowness of the negotiations though not apportioning blame to either of the two sides in this, would the Chief Minister say he is helping the negotiations forward on Scamp by doing this or hindering them?

HON CHIEF MINISTER:

I think it is helping the negotiations.

HON M XIBERRAS:

Does he not feel that sentiments that have been expressed and not far from where I am standing now, might indicate that the contrary is the view of other people?

HON CHIEF MINISTER:

I cannot answer for other people.

HON M XIBERRAS:

And if it was in fact the Government's intention to deal with the matter in this way, can the Chief Minister explain why he published the Morgan Report when he did, raising as it were another hare which he is now trying to do to death.

HON CHIEF MINISTER:

If Morgan had not been published we would now be accused of not having published it so you are never right when you are in Government.

HON M XIBERRAS:

Mr Speaker, this Government is sometimes right. I will not say it is never right, but that is of course a matter of opinion. I am sure it is absolutely right that people should know, generally, where funds should go, whether in Scamp in Morgan or what have you, but my last question is, is the Chief Minister convinced that he is acting in the best way possible in order to further the negotiations both on Scamp and on Morgan?

HON CHIEF MINISTER:

If I were not I would not be doing it.

HON J BOSSANO:

Mr Speaker, could I just ask the Hon and Learned the Chief Minister, because of what he has just said, whether in fact, it is his view that the of salaries recommended by Mr Morgan would not be justified on the basis of local employer practice.

HON CHIEF MINISTER:

My advice is to invite you to read Morgan and you will see that the local employer practice has been related and that is one of the important factors. If local employer standards had been applied the recommendations would have been that higher pay would have been given to certain people.

HON J BOSSANO:

Mr Speaker, am I right in thinking that he has said previously in an answer to a supplementary from the Hon the Leader of the Opposition, that if Scamp were not to be implemented then the Morgan Report would be washed out and therefore is he now saying that if the Morgan Report were washed out even higher salaries would have to be considered for the civil servants?

HON CHIEF MINISTER:

Not generally, but what I would say is that if Scamp were not to be implemented the question of what would go in lieu of the Morgan would have to wait until we found out what would go in lieu of Scamp.

HON M XIBERRAS:

Mr Speaker, has the Hon and Learned the Chief Minister received any intimation from the other side in these negotiations that they would like to see the Morgan Report discussed in the context of the Scamp report as well?

HON CHIEF MINISTER:

From what other side?

HON M XIBERRAS:

I mean from the Gibraltar Trades Council or the people who are negotiating.

HON CHIEF MINISTER:

I am not responsible and I have received no representations whatsoever regarding Morgan or Scamp and I am glad that I am not directly concerned with Morgan or Scamp.

HON J BOSSANO:

Mr Speaker, may I just ask one final question. Will the Hon and Learned Member once again confirm that the decision as to whether the report for these civil servants should be implemented, will be taken by the elected members and not by any civil servants themselves?

HON CHIEF MINISTER:

I am very glad that that question has been asked. I have a supplementary ready for it and I was going away without giving it out. So I can read it out now. Certainly, I have already made it clear in a reply to a question on another occasion that the decision will be taken by Government, and that is the elected members, without the advice of any of those who are affected by Morgan and Scamp.