

ORAL

**NO. 351 OF 2009**

**THE HON G H LICUDI**

**NOTICES OF TERMINATIONS – MEDICAL & HEALTH SERVICES**

Can Government explain the unusually high level of notices of termination in February 2009 in medical and health services?

**ANSWER**

**THE HON THE MINISTER FOR EMPLOYMENT, LABOUR & INDUSTRIAL  
RELATIONS**

Answered together with Question Nos. 352 and 353 of 2009.

ORAL

**NO. 352 OF 2009**

**THE HON G H LICUDI**

**NOTICES OF TERMINATIONS – EDUCATION**

Can Government explain the unusually high level of notices of termination in February 2009 in education?

**ANSWER**

**THE HON THE MINISTER FOR EMPLOYMENT, LABOUR & INDUSTRIAL  
RELATIONS**

Answered together with Question Nos. 351 and 353 of 2009.

**NO. 353 OF 2009**

**THE HON G H LICUDI**

**NOTICES OF TERMINATIONS – PUBLIC ADMINISTRATION AND NATIONAL DEFENCE**

Can Government explain the unusually high level of notices of termination in February 2009 in public administration and national defence?

**ANSWER**

**THE HON THE MINISTER FOR EMPLOYMENT, LABOUR & INDUSTRIAL RELATIONS**

The unusually high level of notices of termination in February 2009 in education, in medical and health services and in public administration and national defence is the direct result of an exercise conducted by the Employment Service in conjunction with the Human Resources Department, that identified and closed, that is, terminated, a substantial number of old GOG employee registrations that had inadvertently remained as “in employment” when in actual fact these employees were no longer in the employment of GOG.

**SUPPLEMENTARY TO QUESTION NOS. 351 TO 353 OF 2009**

**HON G H LICUDI:**

Is the Minister able to shed any light as to how this came about? Is the Government as an employer not required to file notices of termination in the same way as any other employer? Why is it that so many, we are talking of figures of over one hundred in public administration, over one hundred in medical and health services and 45 in education, why is it that so many slipped through the net? Is he able to shed any light on this?

**HON L MONTIEL:**

Well, it is obvious that since I took over this position I have taken a lot of stick for not having our figures as near as possible to reality, and we have now made sure that the leverage that we were giving Government, in terms of notification, are now being put into a more strict basis.

**HON CHIEF MINISTER:**

Clearly there has been a systemic failure on the part of those charged with the administration of this aspect of human resources to follow through the paperwork. It is clear, and I do not feel the need to stand here to apologise for that, although we are politically responsible, ultimately, for everything that goes on in the Government, it is not Minister's jobs to send in P8's in respect of their employees. It needs to be done and it is an act of administrative failure on the part of the Government as an employer not to have followed through this function. It is quite right for the hon Member to point it out as a criticism.

**HON G H LICUDI:**

Not seeking any apology, I have seen these unusually high numbers and I was simply seeking an explanation. Is the Minister now satisfied that the relevant departments of the Government now essentially know the rules and this will not occur in the future?

**HON L MONTIEL:**

Well, we are taking a very strong stand in this matter, not only with public administration but with the Ministry of Defence as well.

**NO. 354 OF 2009**

**THE HON G H LICUDI**

**EMPLOYMENT STATISTICS – PROSECUTIONS FOR UNREGISTERED LABOUR**

In relation to the employment statistical report for the 1<sup>st</sup> quarter 2009, can Government state for which offence was a prosecution initiated in January 2009 under the Employment Regulations (Offences) Act and what is the status of that prosecution?

**ANSWER**

**THE HON THE MINISTER FOR EMPLOYMENT, LABOUR & INDUSTRIAL RELATIONS**

A prosecution for unregistered labour against an employer was initiated for the following three offences in January 2009:

- 1) Contrary to the Employment Regulations (Offences) Act, section 4, Schedule 1, Regulation 8(2) of the Income Tax (Pay As You Earn) Regulations 1989, did not register an employee.
- 2) Contrary to the Employment Regulations (Offences) Act, section 4, Schedule 1, Regulation 4 of the Employment Regulations 1994, did not notify the Director of a vacancy.
- 3) Contrary to the Employment Regulations (Offences) Act, section 4, Schedule 1, Regulation 6 of the Employment Regulations 1994, did not notify the Director of intention to engage an entitled worker.

The defendant pleaded guilty to all charges.

**SUPPLEMENTARY TO QUESTION NO. 354 OF 2009**

**HON G H LICUDI:**

Does the Minister know what was the outcome following that guilty plea?

**HON L MONTIEL:**

Well, the outcome was that if that employer had paid the fixed penalty he would have been charged with two cases of illegal employment. He would have paid the standard fee of £500 for each, but decided to take the matter to court, was

represented by a lawyer and as a consequence of that, that employer faced a £12,000 for pleading guilty in court.

**NO. 355 OF 2009**

**THE HON G H LICUDI**

(On behalf of the Hon J J Bossano)

**DETACHED WORKERS – PORTUGUESE WORKERS EMPLOYED AT WATERPORT TERRACES**

Can Government state whether the Portuguese construction workers employed through a sub-contractor on the Bruesa contract of the GRPI housing at Waterport are registered as detached workers?

**ANSWER**

**THE HON THE MINISTER FOR EMPLOYMENT, LABOUR & INDUSTRIAL RELATIONS**

Portuguese construction workers employed on sub-contracted works at the Waterport Terraces housing project are not registered as detached workers.

**SUPPLEMENTARY TO QUESTION NO. 355 OF 2009**

**HON G H LICUDI:**

Do we take it from that answer that they are fully compliant and fully registered in accordance with all the necessary provisions of the ETB?

**HON L MONTIEL:**

Yes, they are all in compliance with the normal working regulations.

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**HON J J BOSSANO:**

In relation to the answer to Question No. 355, can the Minister confirm that if the Portuguese construction workers at Waterport are not detached workers then their contracts of employment should be based on Gibraltar law with Gibraltar rates of pay and not on whatever it was they would get if they were working in Portugal?

**HON L MONTIEL:**

I can confirm that that is the position. There are no detached workers working as contracting workers for a Portuguese firm.

**HON J J BOSSANO:**

I know that there are no detached workers because I am not doubting the accuracy of his original answer. I am asking him whether he can confirm that because there are no detached workers, the workers that are there should not be on contracts, for example, where their wages are payable in euros in Portugal, because they were not contracted in Portugal, they were contracted in Gibraltar, is that correct?

**HON L MONTIEL:**

No, as I understand it, the position is that they are employed as any ordinary worker would be employed in Gibraltar. In other words, they have a contract and they are subject to income tax and social insurance contributions as any other employee. They are not working on the basis as if they were detached workers. Whether they are paid in euros or not I am not privy to that information. But if they are being paid in euros, it would be in accordance with the established agreements in Gibraltar.

**HON J J BOSSANO:**

Is the Minister saying then that people that are contracted in Gibraltar, for example, where we have got wages laid down by the Union and the construction industry, do not have to be paid in the legal currency of Gibraltar?

**HON L MONTIEL:**

No, the position is that there a number of Spanish firms who, under pressure from their employees, are requested to pay in euros. However, what the Union and the Employment Service ensure is that the actual sum that these individuals are getting are in accordance with the established Union agreements or the statutory minimum that is prevalent in Gibraltar, depending upon where they work.

**HON J J BOSSANO:**

So, in fact, effectively what would be happening would be that they would be paid in euros on the basis that they are given the value in euros of what their wages should be in sterling?

**HON L MONTIEL:**

That is correct.



ORAL

**NO. 356 OF 2009**

**THE HON G H LICUDI**

(On behalf of the Hon J J Bossano)

**EMPLOYMENT – MOD DIRECT EMPLOYMENT**

Can Government state the number of persons in direct employment in the MOD as at the end of March 2008 and at the end of March 2009?

**ANSWER**

**THE HON THE MINISTER FOR EMPLOYMENT, LABOUR & INDUSTRIAL  
RELATIONS**

The number of persons in direct employment with the MOD, as registered with the Employment Service, as at the end of March 2008 is 1,045 and 940 at the end of March 2009.

**NO. 357 OF 2009**

**THE HON G H LICUDI**

(On behalf of the Hon J J Bossano)

**EMPLOYMENT – DETACHED WORKERS**

Can Government state as at the end of each month since the answer to Question No. 4 of 2009, how many detached workers were in employment and provide a breakdown by industry and nationality?

**ANSWER**

**THE HON THE MINISTER FOR EMPLOYMENT, LABOUR & INDUSTRIAL  
RELATIONS**

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

**Answer to Question 357 of 2009**

**Detached Workers in employment providing a breakdown by industry and Nationality**

**January 2009**

Industry	Gib	Other Brit	Spanish	Moroccan	Other EEC	Other Non-EEC	Total
Electricity Supply							0
Water Supply							0
Shipbuilding etc.					1	84	85
Other Manufacture							0
Construction		1	189	6	4	17	217
Wholesale Trade			2				2
Retail Trade	1		12	1			14
Hotel Trade							0
Restaurants, Bars etc							0
Repairs of Consumer Goods							0
Sea Transport and Related Services							0
Air Transport and Related Services							0
Road Transport and Related Services							0
Post and Communications						1	1
Banking, Finance and Insurance		3	4		1	1	9
Public Administration and National Defence							0
Police and Fire Service							0
Sanitary Services							0
Education							0
Medical and Health Services							0
Other Services		16	6		1	6	29
<b>Total</b>	<b>1</b>	<b>20</b>	<b>213</b>	<b>7</b>	<b>7</b>	<b>109</b>	<b>357</b>

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**Answer to Question 357 of 2009**

**Detached Workers in employment providing a breakdown by industry and Nationality**

February 2009

Industry	Gib	Other Brit	Spanish	Moroccan	Other EEC	Other Non-EEC	Total
Electricity Supply							0
Water Supply							0
Shipbuilding etc.					1	114	115
Other Manufacture							0
Construction		14	228	8	5	15	270
Wholesale Trade			2				2
Retail Trade			16				16
Hotel Trade							0
Restaurants, Bars etc							0
Repairs of Consumer Goods							0
Sea Transport and Related Services					2		2
Air Transport and Related Services							0
Road Transport and Related Services							0
Post and Communications							0
Banking, Finance and Insurance		7	8		1	2	18
Public Administration and National Defence							0
Police and Fire Service							0
Sanitary Services							0
Education							0
Medical and Health Services							0
Other Services		3	6		1	6	16
<b>Total</b>	<b>0</b>	<b>24</b>	<b>260</b>	<b>8</b>	<b>10</b>	<b>137</b>	<b>439</b>

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**Answer to Question 357 of 2009**

**Detached Workers in employment providing a breakdown by industry and Nationality**

**March 2009**

Industry	Gib	Other Brit	Spanish	Moroccan	Other EEC	Other Non-EEC	Total
Electricity Supply							0
Water Supply							0
Shipbuilding etc.					1	142	143
Other Manufacture							0
Construction		47	254	4	5	18	328
Wholesale Trade			3			3	6
Retail Trade			5	1			6
Hotel Trade							0
Restaurants, Bars etc							0
Repairs of Consumer Goods							0
Sea Transport and Related Services			1		6		7
Air Transport and Related Services							0
Road Transport and Related Services							0
Post and Communications							0
Banking, Finance and Insurance		8	4		1	2	15
Public Administration and National Defence							0
Police and Fire Service							0
Sanitary Services							0
Education							0
Medical and Health Services							0
Other Services			6		2	6	14
<b>Total</b>	<b>0</b>	<b>55</b>	<b>273</b>	<b>5</b>	<b>15</b>	<b>171</b>	<b>519</b>

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**Answer to Question 357 of 2009**

**Detached Workers in employment providing a breakdown by industry and Nationality**

**April 2009**

Industry	Gib	Other Brit	Spanish	Moroccan	Other EEC	Other Non-EEC	Total
Electricity Supply							0
Water Supply							0
Shipbuilding etc.					1	130	131
Other Manufacture							0
Construction		20	244		14	26	304
Wholesale Trade			6				6
Retail Trade			5	1	1		7
Hotel Trade							0
Restaurants, Bars etc.							0
Repairs of Consumer Goods							0
Sea Transport and Related Services							0
Air Transport and Related Services							0
Road Transport and Related Services							0
Post and Communications							0
Banking, Finance and Insurance		4	4		1	1	10
Public Administration and National Defence							0
Police and Fire Service							0
Sanitary Services							0
Education							0
Medical and Health Services							0
Other Services			5		1	5	11
<b>Total</b>	<b>0</b>	<b>24</b>	<b>264</b>	<b>1</b>	<b>18</b>	<b>162</b>	<b>469</b>

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**Answer to Question 357 of 2009**

**Detached Workers in employment providing a breakdown by industry and Nationality**

May 2009

Industry	EU	Other EU	Spanish	Mediterranean	Other	Other	Total
Electricity Supply							0
Water Supply							0
Shipbuilding etc.					1	103	104
Other Manufacture							0
Construction		25	225	5	19	16	290
Wholesale Trade			6				6
Retail Trade			5	1			6
Hotel Trade							0
Restaurants, Bars etc							0
Repairs of Consumer Goods							0
Sea Transport and Related Services							0
Air Transport and Related Services							0
Road Transport and Related Services							0
Post and Communications							0
Banking, Finance and Insurance		7	4		3		14
Public Administration and National Defence							0
Police and Fire Service							0
Sanitary Services							0
Education							0
Medical and Health Services							0
Other Services			5		1	2	8
<b>Total</b>	<b>0</b>	<b>32</b>	<b>245</b>	<b>6</b>	<b>24</b>	<b>124</b>	<b>430</b>

**NO. 358 OF 2009**

**THE HON S E LINARES**

**FORMER BFBS BUILDING**

Will Government state what alternative has been given to the trustees of the Music Centre now that Government has taken over the site of the former BFBS building?

**ANSWER**

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

The trustees handed the Music Centre back to Government without a request for alternative premises.



ORAL

**NO. 359 OF 2009**

**THE HON S E LINARES**

**CULTURAL DEVELOPMENT UNIT**

Can Government state at what stage it is in relation to the creation of a cultural development unit which it announced it will do and who are the parties, associations and groups that have or will be consulted to initiate the said unit?

**ANSWER**

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

The Government have no current plans to create a cultural development unit.

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**NO. 360 OF 2009**

**THE HON S E LINARES**

**RETREAT CENTRE – LATHBURY BARRACKS**

Can Government state who the current members of the Retreat Centre Trust are?

**ANSWER**

**THE HON THE MINISTER FOR CULTURE, HERITAGE, SPORT AND LEISURE.**

Answered together with Question Nos. 361 and 362 of 2009.

**NO. 361 OF 2009**

**THE HON S E LINARES**

**RETREAT CENTRE – LATHBURY BARRACKS**

Can Government state who appointed the trustees to the Retreat Centre?

**ANSWER**

**THE HON THE MINISTER FOR CULTURE, HERITAGE, SPORT AND LEISURE.**

Answered together with Question Nos. 360 and 362 of 2009.

**NO. 362 OF 2009**

**THE HON S E LINARES**

**RETREAT CENTRE – LATHBURY BARRACKS**

Can Government state to whom the cheques for the grants to the Retreat Centre are made out?

**ANSWER**

**THE HON THE MINISTER FOR CULTURE, HERITAGE, SPORT AND LEISURE.**

The current members of The Retreat House Trust are:-

Rt Rev Bishop Charles Caruana  
Mr Haresh Budhrani  
Mr Michael Castiel  
Mr Robert Goldwin  
Mrs Sheila Patron

Cheques are made out to “The Retreat House Trust”.

I can confirm that the trustees were appointed by Government.

**NO. 363 OF 2009**

**THE HON G H LICUDI**

**SPORTS & LEISURE AUTHORITY – EMPLOYEES**

Can Government state how many people were employed by the Gibraltar Sports and Leisure Authority as at the end of May 2009 giving a breakdown by grade, sex, nationality and department?

**ANSWER**

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

The information requested is contained in the written schedule that I now hand over to the hon Member.

**ANSWER TO QUESTION NO. 363/2009**

**PERSONS EMPLOYED BY THE SPORTS AND LEISURE AUTHORITY AS AT  
END OF MAY 2009**

<b>NO</b>	<b>TITLE</b>	<b>GRADE</b>	<b>DEPT</b>	<b>SEX</b>	<b>NATIONALITY</b>
1	Chief Executive Officer	1	Admin	Male	British
1	Finance Manager	3	Admin	Male	British
1	Admin and Resources Manager	3	Admin	Female	British
1	Facilities Manager	3	Facilities	Male	British
1	Sports Development and Training Officer	3	Sports Dev.	Female	British
1	Asst Sports Development and Training Officer	4	Sports Dev.	Male	British
1	Asst Facilities Manager	4	Facilities	Male	British
5	Centre Managers	5	Facilities	Male	British
1	Centre Manager	5	Facilities	Female	British
2	Administrative / Clerk	6	Admin	Female	British
2	Supervisory Groundsman	7	Facilities	Male	1 British 1 Moroccan
21	Sports and Leisure Officers	8	Facilities	Male	British
2	Sports and Leisure Officers	8	Facilities	Female	British
1	Secretarial / Typist	9	Admin	Female	British
1	Support	11	Admin	Female	British

ORAL

**NO. 364 OF 2009**

**THE HON G H LICUDI**

(On behalf of the Hon J J Bossano)

**KING'S BASTION LEISURE CENTRE – ICE-SKATING RINK**

Can Government state how much revenue has been collected from the fees charged for the use of the ice-skating rink in the last financial year?

**ANSWER**

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

Answered together with Question No. 365 of 2009.

**NO. 365 OF 2009**

**THE HON G H LICUDI**

**KING'S BASTION LEISURE CENTRE – ICE-SKATING RINK**

Can Government state how many people used the ice-skating rink at the King's Bastion Leisure Centre during the months of March to May 2009?

**ANSWER**

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

The revenue collected from the fees charged for the use of the ice-skating rink in the last financial year was £59,118.21.

The following used the ice-skating rink at the King's Bastion Leisure Centre during the months of March to May 2009:

March 2009	2,945
April 2009	2,625
May 2009	<u>1,850</u>
Total Users	6,420



**NO. 366 OF 2009**

**THE HON DR J J GARCIA**

**GIBRALTAR HERITAGE TRUST**

Can Government say whether it is their policy to provide the Gibraltar Heritage Trust with a store where they can keep historical artefacts they manage to salvage, and has such a request been made by the Trust?

**ANSWER**

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

It is not the policy of the Government to provide an account in this House of how it might respond to a request by a member of the community for Government assistance. If asked, I would be happy to inform the hon Member of whether or not the Government have received such a request and whether or not the Government have allocated any Government property to that use.

**SUPPLEMENTARY TO QUESTION NO. 366 OF 2009**

**HON DR J J GARCIA:**

That is what the question actually asked, part of the question, whether a request has been made for the premises.

**HON E J REYES:**

It was all combined in the one sentence. If the hon Member accepts what I was saying at the beginning, that it is not our policy to account to this House how we might respond, taking just the second part after the comma provided in the question, has such a request been made by the Trust, I can confirm to this House that the Heritage Trust have not submitted such a request to Government.

**HON CHIEF MINISTER:**

In case "by Government", it is not clear whether the hon Member means the political Government or any part of Government. I have just done a quick vox pop on this side of the House, no Minister is aware of any such request. Of course we cannot be sure that a letter has not been written to some part of the public administration in the non political sense, but certainly, Ministers are not conscious of that request having been made. But the political thrust of the answer needs to be clearly understood, we

cannot allow the floor of this House to be the venue across which constituents seek Government support in the allocation of premises. There is a system for that, there is a waiting list and the Government are not willing to send a signal that if one gets the Opposition to ask whether it is the Government policy to give this or that citizen this or that concession, that that concession materialises more quickly than the fairness of the system would otherwise deliver. That is the political essence of the answer. Obviously we have no difficulty in that the hon Member is obviously entitled to know because it is public property, whether the Government have made available. He might even ask, as he has, and I apologise for the fact that the answer overlooks it, that he could also ask "has a request been received?" But what we will not do is give him our view of how we might respond to that request until it has been decided and something has been allocated. I hope he understands the reasons for that which is not just flippant.

**HON DR J J GARCIA:**

I am grateful for that reply. Is it the policy then to look at any request on a case by case basis and then decide on the merits? Is that what the policy is?

**HON CHIEF MINISTER:**

There is a central system which is, in principle, the Premises Committee. The Government are inundated by requests for premises of various types, offices, meeting facilities, storage facilities of the sort which the hon Member has put his finger on in this question and as he knows, we refurbish premises at public expense. The latest one is the Retrenchment Block up there at Europa Point, at Lathbury Barracks, to try and meet these requests. But there is a system, there is a queue, applications are treated on their merit, in the sense that it is not just a waiting list. There is a waiting list but the decisions to allocate are not just done on a waiting list basis. Obviously the more meritorious needful applications are prioritised.

**NO. 367 OF 2009**

**THE HON DR J J GARCIA**

**HERITAGE ACTION COMMITTEE**

How often and on what dates has the Heritage Action Committee met since 24<sup>th</sup> February 2009?

**ANSWER**

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

The Heritage Action Committee met on two occasions. That is, 24<sup>th</sup> February 2009 itself and then the next meeting was held on Tuesday 19<sup>th</sup> May 2009.

ORAL

**NO. 368 OF 2009**

**THE HON S E LINARES**

**HM PRISON – TRAINING COURSES FOR PRISON OFFICERS**

Can Government state how many training courses have been conducted for HM Prison Officers in the last five years, what were the courses and by whom were they conducted giving a breakdown by year and course delivered?

**ANSWER**

**THE HON THE MINISTER FOR JUSTICE**

I now hand the hon Member the information requested.

**ANSWER TO QUESTION 368**

Courses	Delivered By	Location
<b>2004 – 3 Courses</b>		
Control & Restraint Commanders Course	H M Prison Service	UK
Drug Testing Refresher	H M Prison Service	UK
Counselling Course	MC Squared (Gibraltar Counselling Company)	Gibraltar
<b>2005 – 3 Courses</b>		
Prison Officer Entry Level Training	H M Prison Service	Jersey
Control & Restraint Instructors' Refresher	H M Prison Services	UK
Conflict Management Refresher Course	Cheshire Constabulary	Gibraltar
<b>2006 – 5 Courses</b>		
Control & Restraint Instructors' Refresher	H M Prison Service	UK
Prison Training and Control & Restraint Initial	HM Prison Service	Gibraltar
First Aid Course	St John Ambulance	Gibraltar
Drug Testing Refresher	H M Prison Service	UK
Control & Restraint Refresher	H M Prison Service	Gibraltar
<b>2007 – 4 Courses</b>		
Control & Restraint Instructors' Refresher	H M Prison Service	UK
Prison Training and Control & Restraint Initial	H M Prison Service	Gibraltar
Prison Summit	H M Prison Service	Atlanta USA
Control & Restraint Instructors' Refresher	H M Prison Service	UK
<b>2008 – 1 Course</b>		
Conflict Management Course	Cheshire Constabulary	Gibraltar

ORAL

**NO. 369 OF 2009**

**THE HON S E LINARES**

**HM PRISON – RATIO OF PRISON OFFICERS TO INMATES**

Can Government state what the ratio of HM Prison Officers to inmates is during their different shift rotas, giving a breakdown by shift rota?

**ANSWER**

**THE HON THE MINISTER FOR JUSTICE**

The information requested is on the schedule that I now hand to the hon Member.

**ANSWER TO QUESTION 369**

**HM PRISON OFFICER TO INMATE RATIOS**

<b>MONDAY - FRIDAY</b>		<b>SATURDAY AND SUNDAY</b>	
08.00 – 09.00	1 – 6.11	08.00 – 17.00	1 – 6.87
09.00 – 17.00	1 – 5	17.00 – 19.30	1 – 7.86
17.00 – 19.30	1 – 7.86	19.30 – 20.00	1 – 11
19.30 – 20.00	1 - 11	20.00 – 21.00	1 – 18.33
20.00 – 21.00	1 – 18.33	21.00 – 08.00	1 – 18.33
21.00 – 08.00	1 – 18.33		

**SUPPLEMENTARY TO QUESTION NO. 369 OF 2009**

**HON S E LINARES:**

In relation to the schedule the Minister has passed over, I see just initially by looking at it that obviously during the night time, the quiet hours from eight to eight, the ratio obviously is higher. Does that mean that during the daytime in this working out, it is including the people like the Chief Prison Officer who might be at the office? I am saying this because this is similar to what happens in teaching, for example, when I ask for class sizes as opposed to pupil/teacher ratio because the pupil/teacher ratio might be smaller for the fact that headteachers and deputy heads are at school and they are counted and put into that formula. Is this the case here?

**HON D A FEETHAM:**

No, the simple answer to the question is that, in fact, the increases both at eight o'clock and 7.30 are attributed to the fact that inmates generally are locked up in cells at 7.30. Only those in the privileged wing, for which in fact there are seven inmates, are then locked up at eight o'clock. So because they are locked up then the ratio, in fact, goes up.



**NO. 370 OF 2009**

**THE HON S E LINARES**

**HM PRISON – OPERATIONAL SUPPORT GRADES**

Can Government state what are the terms and conditions of Operational Support grades in HM Prison?

**ANSWER**

**THE HON THE MINISTER FOR JUSTICE**

They are subject to Government Security Instructions, Accounting Instructions, Stores Instructions, Departmental and General Orders and Information Technology Security Policy. Copies are available for information by any officer in that Department. They are standard terms and conditions for all civil servants.

**SUPPLEMENTARY TO QUESTION NO. 370 OF 2009**

**HON S E LINARES:**

Does that mean that Operational Support grades also have contact and look after inmates?

**HON D A FEETHAM:**

It does not necessarily mean that.

**HON S E LINARES:**

I am asking the question. Do Operational Support grades have contact and look after inmates?

**HON CHIEF MINISTER:**

The Government is balancing, during these series of questions, the hon Member's legitimate right to ask questions on any aspect of public policy, with the fact that coincidentally, let us leave it at that for now, there is an industrial relations dispute at the prison on the very same subject matter with which the hon Member suddenly comes up with some very focussed questions. Focussed coincidentally, let us assume, on the very issues that are at stake there, with such a tightness of time

between the asking of the question and the publication of the dispute that somebody much more cynical than me might be led to the, I have no doubt, inaccurate conclusion that the hon Members are not a million miles away from this dispute, as we have recently experienced in another uniformed area of the public service. So the Government have to balance one thing with the other. The Government are not going to, at this point in time, discuss across the floor of this House any question which we consider is in issue in the industrial dispute, with which we will deal in the normal way as the Government does with its employees, by engaging their representatives in discussion, but we are not going to at this moment in time ventilate these issues across the floor of this House, and this is one such issue and, indeed, there may be others in the questions that follow.

**HON G H LICUDI:**

The Chief Minister has chosen his words very carefully, but to the extent that he was implying or insinuating, even in his denial, that there was any political motivation of any industrial dispute, that is categorically and vehemently denied by this side of the House.

**HON CHIEF MINISTER:**

I have not even insinuated. The hon Member should not worry, no, I do not deal by insinuations, when I have an allegation to make, as we had in the case of the Customs, we make it outright, we do not leave it to insinuation. I did not insinuate that there might be political motivation on the part of the employees. I have said that the hon Members are not a million miles away from the dispute, which is very different. It is very different, it is something completely different to suggest, which I have not, that the employees may be politically motivated, than to suggest that the hon Members are trying to politicise the dispute to gain opportunistic political advantage for it in a way that can only make the solution of legitimate, normal industrial situations as they arise more difficult to meet, and the Government are not willing to allow the Opposition Members to engage in that process. They can ask, but just as they are free to ask we are free not to allow them to do it.

**HON G H LICUDI:**

It is difficult to understand on this side of the House why it is that the Government think or suggest that asking questions about issues which are current, about issues which are in the news, about issues which concern citizens, asking questions of those matters make resolution of any issue all the more difficult. One would have thought that the Government would consider the questions that have been asked, would come up with solutions and would actually facilitate the resolution of those matters by the bringing of such questions. Do the Government not agree?

**HON CHIEF MINISTER:**

Well, the Government agree with the first four words of his question, that it is difficult on that side of the House to understand. It is clear to the Government that there is a lot that there is difficulty on that side of the House in understanding. That is the essence of our principal political view of them, and that is that they do not deal with public issues on the basis of that degree of sufficiency of understanding that qualifies

them for governance in this community. So it does not surprise me that the hon Member has difficulty in understanding. If the hon Member had ever exercised responsibility for governance in this community he would know that there are issues which are current but which the public interest is not advanced by addressing them in public, even in Parliament, at that stage. So how many times have Governments said across the floor of this House, even when the hon Members ask questions about matters which are under commercial negotiation, the answer is it is not appropriate to give the information at this stage because the matter is sensitive because it is under negotiation. The Government have consistently applied the same policy to industrial disputes. We do not engage across the floor of this House on the subject matters of industrial dispute whilst the industrial dispute is current, because that makes resolution of the industrial dispute, in the interests of the public, in the interests of the employees and in the interests of the employer, more difficult. After the industrial dispute is over the hon Members are, of course, free to ask us questions to try and establish that we have ineptly dealt with the industrial dispute. But that in our experience very rarely happens, because by the time the industrial dispute has been resolved they conclude, sensibly in my opinion, that there is no longer any political, partisan, opportunistic mileage in revisiting it to see whether the Government dealt with it effectively or not. But he certainly will find that the Government will be happy to entertain his questions at that stage, but we will not entertain his questions in respect of a current industrial dispute where we feel that dealing with it in this public way exacerbates the situation. Government deal with all its industrial disputes until it is made impossible for us to continue doing so in that way by the behaviour of the staff or by the behaviour of their union representatives. Until that happens, which is not the case in this dispute yet and may never be, the Government's policy is that we deal with our employer/employee relations in private, in accordance with the established negotiating and discussion and dialogue mechanisms, and not in the full blaze of public opinion which serves neither the taxpayer nor the employees, nor the public, nor the Government and serves only the hon Members appetite for political controversy.

**HON G H LICUDI:**

There is one thing that we agree with and that is that this floor of this House is not the forum to resolve any issues on employment or disputes. So much we agree with. What we will not have on this side of the House is our being dictated by the Government as to what questions we can ask and when we can ask such questions. It is, of course, the Government's prerogative to answer or not answer the questions and people will judge by their answers or lack of answers what their position is. The Chief Minister has also obliquely, indirectly or perhaps even directly, questioned our integrity, motivation and even our understanding and knowledge of issues. Perhaps the Chief Minister should be reminded that hurling insults of those kinds towards this side of the House does not enhance his own reputation one little bit. Do the Government not accept that each of the questions that he is referring to are simply questions asking for information? They are not asking how is the Government going to resolve this particular dispute. They are not asking is the Government going to give in to this particular demand. But questions such as, "what are the terms and conditions, how many inmates, how many prison officers, what training programmes, how many times", are simply factual questions that the Government should have no difficulty whatsoever in giving us answers to. Do the Government not agree with us?

## **HON CHIEF MINISTER:**

Well, self-evidently the Government agrees with him because he has just accused us of not doing all the things that we have just done. Look, it seems to me that the hon Member's difficulty in understanding things is even more severe than I had suggested earlier. He has just stood up and given the impression to anybody listening to us that instead of giving him the factual information that he seeks the Government hurl insults. Presumably he was busy reading the morning newspaper and did not hear the Minister give precisely the factual information, and I stood up only when the supplementary crossed the line between factual information, which he has had, and the very factual information which he has insinuated the Government should be criticised for not giving, he has been given and will be given in answer to the next two or three questions. So, why he stands up in this House to say insults instead of information when he has had the information, I can only assume that he has been asleep during the first five minutes of the exchange between the Minister for Justice and the questioner, the Hon Mr Linares. Look, I know the hon Member has the tendency to sort of stand up and then think about what he was going to say once he is already on his feet, but look, why does he stand up in this House to say to us that they will not be dictated to in terms of what questions he can ask, unless he is so impressed by what I say to him that he feels the need to repeat it just three minutes later. Just three minutes ago I said, "well of course the hon Member is free to ask but we are as free not to give it as he is to ask". Then I went to the trouble, which I need not do, of giving him an explanation as to why the Government do not think it is in the public interest to answer. So, first of all he suggests that we have not provided simple factual information, when that is precisely what he has done. Then he seeks to give the impression that the Government are trying to dictate the questions when we have made it perfectly clear that he has the right to ask, but our right not to answer is equal to his right to ask. Why he seeks to give a public false impression of what has been said by Members of this House, when within the last five minutes everything that he has said shows that what he has said is demonstrably factually incorrect, is a matter with which he will have to grapple. Of course, the final point is that the Government hurl insults. Well look, I think everybody in Gibraltar now knows what the stock political tactics of the hon Members opposite are. Not just in this House but indeed in their press releases. They initiate a political controversy by putting out a press release calculated to show the Government to be incompetent, misleading, not dealing with things properly. In other words, being as critical of the Government as they want to be, which of course is their role in life and we expect no less from them or from any other Opposition. Then when the Government have responded to show that their original statement was wrong, unjustified and an attempt simply to make political capital on the basis of false statements, I guarantee that the very next press release that the Opposition issue, because they cannot bear not to have the last word, is to say, "the Government, the Chief Minister, the Minister this, has just become personal and is hurling insults". There was a recent example in the press last week, I repeat it is the hon Members that become offensive in some of these political debates and then when the Government defend themselves the response is the Government are becoming insulting. To be told that one has difficulty in understanding things when this debate demonstrates, not only that he has difficulty in understanding things but, indeed, difficulty in assimilating things that he hears within the last five minutes, is not an insult. I agree it is a harsh political criticism but look, the hon Members are not operating in a one-sided, one-way political bubble. They cannot be as politically aggressive with the Government as they think suits their partisan interests, and then go running off to complain to anybody that will listen when the Government pay them back in the same currency. That will continue until the hon Members learn to have an honest political debate. Of course there are many things which the Government do wrong or that the

Government could have done better, but the debate has got to be on the basis of fact, not on the basis of the sort of political debate that we have, which is that the Opposition first of all decide what the facts are in order to create the debate on those facts. I do not think that is insulting, I think that is the political cut and thrust and the Government are entitled to defend themselves from that and will continue to do so.

**HON G H LICUDI:**

The Chief Minister has just given a speech in order to try and justify why they indulge in these sorts of insults and behaviour, as part of their defence. He has suggested that what I have tried to do was to give a false impression, and in doing so he has again indulged in the sort of politics that I was accusing him of, by suggesting that I was asleep, or by suggesting that I was reading the newspaper two minutes ago. Both matters which the Chief Minister knows full well are completely false because he is sitting opposite me. It is legitimate for this side of the House to be critical and I will certainly not indulge, I will not take the bait, I will not take that bait and indulge in the sort of gutter politics that this Chief Minister is now accustomed to indulging in when he deals with legitimate questions from this side of the House. Going back to the original question, which was quite simply and legitimately the terms and conditions of certain officers, the answer was given and a supplementary was asked as to what contact there was with inmates, a simple factual question, there was no need at all for this discourse about Government behaviour and Opposition behaviour at all. If the Chief Minister wants to detract from the issues, wants to move away from the issues because it is not in the interests of Government to tackle issues, but simply to indulge in personality politics, if the Chief Minister wants to do that let him know that I will not fall to that low level of politics and indulge in that kind of behaviour, I will stick to the issues. Let us go back to the issues and let us perhaps address the question that my hon Colleague has asked. What is the contact with inmates? Will the Government answer that?

**HON CHIEF MINISTER:**

That is the question now but the hon Member ... *[Interruption]*

**MR SPEAKER:**

Order, Order.

**HON S E LINARES:**

It is a Point of Order.

**HON CHIEF MINISTER:**

That is not for him to rule, that is for Mr Speaker to rule. We will see when we have heard him if it is a Point of Order or not.

**HON S E LINARES:**

The question was, “do Operational Support grades have any contact, as part of their terms and conditions, with inmates?” That was the question, not what the Chief Minister has started to say, which is already wrong in what he started to say and, presumably, will continue to say what I said. I am saying it now clearly. The question is, “Operational Support grades, do they have any contact with inmates as part of their terms and conditions?” That is the question, without rephrasing it or saying something else that I never said.

**HON CHIEF MINISTER:**

Well, he is wrong as well as his hon Colleague Mr Lucudi. That was not the supplementary question that he asked. No, it was not, and I say to him what I said to the Hon Mr Licudi. That is the question that he now asks. The question that he asked to which he got the answer that he got, the original question was, “can Government state what are the terms and conditions of Operational Support grades in HM Prison?” The Minister replied, they are subject to Government Security Instructions, Accounting Instructions, Stores Instructions, Departmental and General Orders bla, bla, bla, copies are available bla, bla, bla, they are standard terms and conditions. Then he asked, “does that mean that they have contact with prisoners?” to which the Minister said, “not necessarily”. In other words, whether they have contact with prisoners or not is not deduceable nor does it follow from the answer that he got to the question that he asked. So his supplementary did not ask whether they have contact with prisoners, and they are now asking it and everything that they have both said on this question is just further failure on their part to understand now, not just what we say in this House, but even what they have said in this House just five minutes ago. The supplementary question now is whether operational support grades have contact or do not have contact with prisoners, at which point I got up and said, “that may be one of the issues that is in the industrial dispute and the Government are not willing to discuss that”, and that is what led to all the subsequent exchanges, nothing to do with the question given or asked, but when I judged that the questioning was now straying into areas which were the subject matter of the industrial dispute, I put an end to the Government’s willing to continue to give answers for that reason, but of course, all the information that had been given, which does not touch on that, has been given and will be given in the subsequent answers that are also on the Order Paper from the hon Member.

ORAL

**NO. 371 OF 2009**

**THE HON S E LINARES**

**HM PRISON – INMATES**

Can Government state how many inmates are currently in HM Prison giving a breakdown by gender?

**ANSWER**

**THE HON THE MINISTER FOR JUSTICE**

Answered together with Question Nos. 372 and 374 of 2009.

ORAL

**NO. 372 OF 2009**

**THE HON S E LINARES**

**HM PRISON – NUMBER OF FULL-TIME PRISON OFFICERS**

Can Government state how many HM Prison Officers are currently employed on a full-time basis giving a breakdown by gender and rank?

**ANSWER**

**THE HON THE MINISTER FOR JUSTICE**

Answered together with Question Nos. 371 and 374 of 2009.



**NO. 373 OF 2009**

**THE HON S E LINARES**

**HM PRISON – TRAINING PROGRAMMES CONDUCTED FOR SUPPLY OFFICERS**

Can Government state what training programmes are conducted for supply officers to be able to fulfil their duties at HM Prison?

**ANSWER**

**THE HON THE MINISTER FOR JUSTICE**

I was intending to take this question with Question No. 598, but if the hon Member prefers, I will answer this question separately. Well, the answer to the question is that these officers attend a five day course, which include current practices at Her Majesty's Prison and a control and restraint course. They are subsequently given on-the-job training.

**NO. 374 OF 2009**

**THE HON S E LINARES**

**HM PRISON – SHORTAGE OF PRISON OFFICERS**

Can Government confirm whether one or some wings have been without HM Prison Officers due to the fact that there is a shortage of HM Prison Officers?

**ANSWER**

**THE HON THE MINISTER FOR JUSTICE**

There are currently 55 inmates, of which 51 are males and four are females.

The current approved complement of Prison Officers is 31. There are presently 29 officers in position, of which seven are male Senior Officers, 16 are Basic Grade Prison Officers (of which 15 are males and one is female) and six Operational Support grades (of which five are males and one is female). This indicates that there is currently one vacancy. One post is uncovered because the holder is interdicted pending criminal proceedings against him.

There have been some occasions on which a prison wing has been without a dedicated Prison Officer, but on such occasions the wing is monitored by the officer in the Control Room who has line of sight into the wing, and CCTV cameras. The Government do not believe that there are undermanning issues at the prison, beyond the need to fill vacancies as they arise. The House will be aware that manning levels are higher now than they were in 1996 when no unmanning of the wing was thought to be a problem.

The Government have agreed to a recent request by the Union Unite to meet to discuss such issues. The Government are always open to hear representations from the Union, and to consider any justified case that they may put. However, the Government would also wish to discuss the inordinately high incidence of absenteeism among some officers in the prison, which does contribute to pressure on their colleagues.

**SUPPLEMENTARY TO QUESTION NOS. 371, 372 AND 374 OF 2009**

**HON S E LINARES:**

It is amazing that the Chief Minister stood up before to say that he would not answer questions to do with the dispute, and the Minister for Justice has just done so. Thank you very much Minister for Justice for doing so. We were accused before of asking

questions and being behind all this dispute. To say the truth, I put in my questions and then I read in the Chronicle that they went on strike action, that was the actual fact of the matter.

**HON CHIEF MINISTER:**

Eso no te lo crees ni tu.

**HON S E LINARES:**

Well yes, it is true the facts are and the facts will show that they went on strike ..... I might have known before, yes, but I did not know when they were going on strike because it is to do with this Government's incompetence in dealing with this case and that is why it got to dispute or whatever. But without getting into the dispute...

**MR SPEAKER:**

The hon Member is invited to ask a question.

**HON S E LINARES:**

Yes, I usually ask the question quite quickly but the Chief Minister takes about 20 minutes to give us an explanation about everything except what the question is asking. In relation to the wing that was left, or is at times being left alone, is it to do with the shortage of manning levels or is it to do with the fact that there are too many wings for Prison Officers on duty at the time.

**HON CHIEF MINISTER:**

The answers that have been given do not stray into the area of the relations between the Government as employer and the Prison Officers as employees and the Union, and there is no contradiction between what I have said in answer to the previous question on this. This answer gives, first of all, information about the number of people who are employed, which are available to the hon Member in the Estimates book.

**HON S E LINARES:**

Not by gender.

**HON CHIEF MINISTER:**

Well, fine, only the gender but all the other information about numbers is publicly available information which the hon Member need not have asked for.

**HON D A FEETHAM:**

It is there by gender.

**HON CHIEF MINISTER:**

No.

**HON S E LINARES:**

They are not split up by gender.

**HON CHIEF MINISTER:**

We are not talking about what is the answer. All the information except by gender is available in the Budget Book about the number of people employed. Fine. Then there has been an answer to his question, which is legitimate, about whether there are unsupervised prisoners in the prison. That is not the subject ..... Look, if there were improperly supervised prisoners in the prison, that would not be a matter of industrial dispute between the Government ..... It is not for the prison staff to decide what is proper and what is proper supervision. That would be a matter for Government policy and for the hon Members, legitimately, to monitor the Government and to challenge the Government, and to question the Government as to whether prisoners were being kept insufficiently supervised, unsafely supervised, et cetera. So, answers have been given to explain to the hon Member what he has just stood up to ask again, which is that the Government do not believe that there is a manning level issue. But he has already had the answer. There is no point in just standing up and asking for the same question in supplementary. The Government do not believe that, and then there is an invitation by the Unions to engage in a discussion that we have done. Nothing of what has just been given to him in the answer to that question is the subject matter of the dispute, in terms of the rights or the personal claims of individual members of staff, to make claims in respect of their own personal terms and conditions of employment, as might be, for example, the issue of the previous question which was the nature of the duties of the Operational Support grades. That is very different to the prisoner holding security regime operable at the prison, which is the legitimate subject matter of this question which does deserve to be fully answered because the Government do not believe that that is the issue in the industrial dispute.

**HON D A FEETHAM:**

Well, there is another point as well, the hon Member says that I have not answered the question in relation to gender and I have given him an answer in relation to gender both in terms of inmates .....

**HON S E LINARES:**

What I said about the gender was because the Chief Minister said that I have got all the information here. See, that is the issue. He told me that I can sift out from here all the information that I am asking for, and here there is nothing to do with gender,

that is why I posed the question. But since the understanding is at it is, I rest my case.

ORAL

**NO. 375 OF 2009**

**THE HON S E LINARES**

**HM PRISON – VISITS BY HEALTH OFFICERS**

Can Government state how many times health officers such as doctors, dentists, psychiatrists or any others have visited HM Prison in the last five years giving a breakdown by year and officer?

**ANSWER**

**THE HON THE MINISTER FOR JUSTICE**

Answered together with Question Nos. 376 to 378 of 2009.

ORAL

**NO. 376 OF 2009**

**THE HON S E LINARES**

**HM PRISON – DRUGS AND ALCOHOL THROWN OVER WALL**

Can Government state how many incidences of drugs and/or alcohol thrown over the wall have been reported in HM Prison in the years 2003, 2004, 2005, 2006, 2007, 2008, 2009 to date?

**ANSWER**

**THE HON THE MINISTER FOR JUSTICE**

Answered together with Question Nos. 375, 377 and 378 of 2009.

ORAL

**NO. 377 OF 2009**

**THE HON S E LINARES**

**HM PRISON – INCIDENTS OF VIOLENCE**

Can Government state how many incidents of violence have been reported in the HM Prison in the years 2003, 2004, 2005, 2006, 2007, 2008, 2009 to date?

**ANSWER**

**THE HON THE MINISTER FOR JUSTICE**

Answered together with Question Nos. 375, 376 and 378 of 2009.



**NO. 378 OF 2009**

**THE HON S E LINARES**

**HM PRISON – ADMISSIONS**

Can Government state how many admissions there have been in HM Prison in the years 2003, 2004, 2005, 2006, 2007, 2008 and 2009 to date giving a breakdown by month?

**ANSWER**

**THE HON THE MINISTER FOR JUSTICE**

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

In relation to Question No. 375, it is not appropriate to provide the names of the doctors, dentists, psychiatrists or other professional health officers.

**ANSWER TO QUESTION 378**

<b>Year</b>	<b>Health Officer visits</b>	<b>Incidents of drugs or alcohol thrown over wall</b>	<b>Incidents of violence</b>	<b>Number of Admissions</b>
2003	-	-	4	196
2004	38 (4 June to 31 Dec)	-	8	157
2005	60	-	5	192
2006	67	-	3	202
2007	72	-*	12	197
2008	69	7	6	299
2009	30 (to 3 June)	13	9 (to date)	144 (to date)

\*Prior to 2008, no records were kept of these incidents,

**SUPPLEMENTARY TO QUESTION NOS. 375 TO 378 OF 2009**

**HON S E LINARES:**

I have not asked for the names of any officer. What I have asked is how many times officers have actually gone to HM Prison. I never asked for any specific names.

**HON CHIEF MINISTER:**

There has been a misreading of the question, because the question does say "Can Government state how many times health officers, such as doctors, dentists, psychiatrists or any others have visited HM Prison in the last five years, giving a breakdown by year and by officer?" There is no way of giving a breakdown by officer without identifying the officer.

**HON S E LINARES:**

No, it can be identified if it is a doctor or a dentist, or a psychiatrist, that is the type of officer. Whether the officer is a dentist or a .....

**HON CHIEF MINISTER:**

That is not an officer that is a profession, a type of officer not an officer.

**HON S E LINARES:**

Health Officers.

**MR SPEAKER:**

There is an ambiguity.

**HON S E LINARES:**

Again I thank the Minister for Justice, for the very extensive answer he has given. I will ignore what the Chief Minister is trying to say to me again.

**HON G H LICUDI:**

Again, we have suggestions of Members of the Opposition not asking questions properly, making ambiguous remarks. The question is very clear in its terms. It asked how many times health officers, and then it gives examples of the type of health officer that the question refers to, and then it asks for a breakdown by officer. So where the question asked about health officers including, doctors, dentists et cetera, the reference to "officers" means the type of officer, not the name of the individual, obviously.

**HON CHIEF MINISTER:**

Well, the hon Member may stand up and say that it is perfectly clear. It is not perfectly clear to all the civil servants that have cobbled this answer together and it is not perfectly clear to the Speaker that has just said, just before he stands up to say that, the Speaker has just said that there is an ambiguity in the question. So the Speaker says there is an ambiguity and he pops up to say that the Government are being terribly offensive to him because the question is perfectly clear. Well, it cannot be perfectly clear to everybody except himself, because if it is unclear to everybody except himself there may just be a small chance, that he should not close his mind to, that perhaps it is not perfectly clear or as perfectly clear as he thinks. But let us not argue about this, I will settle for reading out the question and letting people and the House decide whether it is clear or not. "Can Government state how many times health officers, such as doctors, dentists, psychiatrists or any others have visited HM Prison in the last five years, giving a breakdown by year and officer in the singular?" Let everybody decide whether the natural interpretation of that question is that whether he is asking a breakdown by officer or by medical discipline, doctors as opposed to dentists, as opposed to psychiatrists without asking for the detail of the officer. It may be that only the hon Member opposite has retained the right to interpret words in their normal English language. It is not impossible, of course, that that should be the case but I think it is entirely improbable.

**HON G H LICUDI:**

The general public of Gibraltar really deserve better from their politicians than us indulging in this sort of behaviour. It is quite frankly scandalous and shameful that people should have to listen to this sort of debate. If there was any ambiguity, which with the greatest respect to Mr Speaker he has expressed an opinion, that could have been cleared with the hon Member at the time that the question was posed. No criticism intended of the honourable Speaker. But if there was and the Government were not sure whether it meant officers by type of officer, whether doctor, dentist et cetera, or by name, and the Government had decided to refuse to give the name, then at the very least they could have given a breakdown by type of officer. If that was the ambiguity they should have resolved that ambiguity by reference to their policy.

**HON CHIEF MINISTER:**

The Government do not think there is any ambiguity. The Government and everybody that has worked on this answer think that it is perfectly clear. It thinks that it is asking for the detail of the officer. So it is not a question of an ambiguity that needs clearing up. There is no ambiguity, it is clear as daylight. The hon Member, Mr Linares, apparently does not like the Government giving more information than he has asked for. So instead of just keeping quiet, he stands up and says, I have not asked for that. Well, if he never asked for that, if he never meant to ask for that, why bother to mention the fact that he has not had it? If he did not ask for it, it is because he did not want it, and if he did not want it he is not unhappy at not having been given it. Full stop, end of the matter. He does not have to pop up to say, "I never asked for that". It is clear that those who have drafted the answer think that he did ask for it, and we believe that the clear meaning of this question is that he did ask for it. But if he did not mean to ask for it and there has been a misinterpretation of the question by everybody except him, that is fine, there is no issue. But there is no need to record the fact that it is the Government that have misread the question, when we

believe actually, the Government have read the question in its logical sense in the English language. He could just have remained quiet and not pointed it out.

**HON S E LINARES:**

Can Government give this side of the House, in relation to 2004, health officer visits? Where it says 38, can he tell me and give me a breakdown of those 38? Whether it was a doctor, a dentist or any other health officer, please?

**HON D A FEETHAM:**

Yes, in 2004 visits by doctors were 31, dentists 5, emergency doctor, a distinction between doctor and emergency doctor, 2.

**HON G H LICUDI:**

Two minutes ago we were given a discourse about how clear this question was to the Government and to the people who prepared the answer, and it was clear to them that what was being asked was the name. It is now clear that they have the information all along that we were seeking. So it must have been clear to them either at the very least, that the question was asking for that or that it was possible that the question was asking for that. So how was it not clear in the first place when they had that information all along and we have had five minutes of debate on whether this information should be given or not given, when the hon Member had it all along in front of him and was refusing that information to this House and the general public? It is quite extraordinary and scandalous behaviour by this Government.

**HON CHIEF MINISTER:**

The hon Member is consciously misleading the House. The hon Member and the Government have not refused to give that information. On the first occasion that they have asked for it they have given it, and I know that the absence of the Leader of the Opposition and of Mr Picardo gives the Hon Mr Licudi an unexpected and welcome opportunity to behave like a potential leadership candidate. But I have to say to the hon Member that he is fluffing the opportunity because all that he is demonstrating is his deep seated lack of familiarity with the governmental and political process in Gibraltar. That is all. He appears to confuse volume, with which he screams across the floor of this House, with the correctness and level of understanding of the content of the language that he screams. He must not confuse volume with understanding. They are wholly different things. So having then moved on from his tantrum in terms of screaming, let me just now point out to him that the Government know all the information. Somewhere in the bowels of Government there is all the information necessary for all the public affairs that the hon Members might conceive of asking. The Government, nevertheless, answer the questions only as they have been asked. Officials, those who do their job properly, which happily is the vast majority of them, nevertheless arm Ministers. Look, there are not any xxxxxx sitting on that side of the House today, but the one Member of the Opposition that has been a Minister before, absent today, the Hon Mr Bossano, would know this, because this has not changed since Gibraltar has had a Parliament and a Civil Service, and a Government and an Opposition, and that is that Ministers are sent to this House to answer questions, regardless of the information that has been asked, with as much background

information broken down in relation to that issue to try and brief Ministers on a speculative and pre-emptive basis on supplementary questions that may arise from the original question. That happens in this Parliament, it happens in the House of Commons, I have no doubt that it happens in the Parliament of Spain and every sensible ....., and in none of those Parliaments does an over-excitably Member of the Opposition leap to his feet to scream that it is scandalous that the Government should not have given, blurted out in response to the first question, every titbit of related information that is in the Minister's briefing paper to support him in possible supplementary. The only thing that is scandalous in this House, apart from the fact that the hon Member devotes such little time to his Parliamentary duties that he hardly ever prepares for them, the only scandalous aspect in this House is the ease, speed and system with which the hon Member is willing to leap to his feet to make false, inaccurate, factually false, factually inaccurate public statements that whether he intends it so or not, has the effect of misleading public opinion on the basis of his own innate deep-seated lack of understanding of how the public administration system in Gibraltar works.

**MR SPEAKER:**

Order, Order, before I allow the hon Member to ask the question, may I help to focus the debate. The Hon Steven Linares in his mind was clearly asking for a breakdown by medical discipline. The Chief Minister has explained that the understanding on this side of the Minister and his officials was a breakdown by names of officers. That is why I concluded looking at the question that it was ambiguous. That is a starting point. The last question posed by the Hon Steven Linares serves to bring us back into focus and that was answered perfectly adequately. The Government are entitled to ask that questions be put in a manner which enables them to answer. It is not, in my view, for the Government to have to read out the whole briefing note in the hope that it will answer some question somewhere along the line.

**HON S E LINARES:**

No, because I have not finished my supplementary, very specifically.

**MR SPEAKER:**

Before the Hon Mr Linares asked the supplementary I did promise the Hon Mr Licudi I would allow him to ask a question. I am just stating the way I see the picture, now he may ask the question.

**HON G H LICUDI:**

At the risk of incurring Mr Speaker's wrath.

**MR SPEAKER:**

No, there was no wrath involved.

**HON G H LICUDI:**

It was not a question, it was just to express a little bit of dismay and disappointment, without upsetting the hon Member by shouting across the floor of the House. Again, dismay and disappointment by the tenor of the language used about personality issues, preparation, knowledge et cetera, which are simply personally insulting and detract from the issues. Once again I say that it is quite shameful that politicians in this day and age, especially the Chief Minister, should behave in that way.

**HON S E LINARES:**

I will focus back onto the actual question that I asked.

**MR SPEAKER:**

I am most grateful.

**HON S E LINARES:**

I asked the Minister and since he has a breakdown and I asked 2004 specifically to try and bring the whole thing down and back to order, can I also have a breakdown of the years 2005, 2006, 2007, 2008 and 2009, of which the numbers are 60, 67, 72, 69 and 30? If he can give me the breakdown, for which I have done a little table, I will appreciate that. Thank you very much.

**HON D A FEETHAM:**

I will be delighted. In 2005, doctors 50, dentists 6, emergency doctor 1, infection control officer 3. In 2006, doctors 50, dentists 7, infection control officer 6, chiropodist 4. In 2007, doctors 51, dentists 8, infection control officer 10, chiropodist 3. In 2008, doctors 51, dentists 5, infection control officer 7, chiropodist 7. In 2009, doctors 24, infection control officer 3, chiropodist 3.

**HON S E LINARES:**

In relation to 2009, I presume it is up to the end of May, is it?

**HON D A FEETHAM:**

No it is the 3<sup>rd</sup> June.

ORAL

**NO. 379 OF 2009**

**THE HON DR J J GARCIA**

(On behalf of the Hon J J Bossano)

**INDUSTRIAL TRIBUNAL**

Can Government state how many claims were decided by the Industrial Tribunal in 2007 and give a breakdown by nature of the complaint?

**ANSWER**

**THE HON THE MINISTER FOR JUSTICE**

Answered together with Question Nos. 380 to 384 of 2009.



ORAL

**NO. 380 OF 2009**

**THE HON DR J J GARCIA**

(On behalf of the Hon J J Bossano)

**INDUSTRIAL TRIBUNAL**

Can Government state how many claims were decided by the Industrial Tribunal in 2008 and give a breakdown by nature of the complaint?

**ANSWER**

**THE HON THE MINISTER FOR JUSTICE**

Answered together with Question Nos. 379 and 381 to 384 of 2009.

**ORAL**

**NO. 381 OF 2009**

**THE HON DR J J GARCIA**

(On behalf of the Hon J J Bossano)

**INDUSTRIAL TRIBUNAL**

Can Government state of the cases of complaints for unfair dismissal decided by the Industrial Tribunal in 2007 how many were decided in favour of the claimant and in respect of this in how many cases was the claimant granted (a) the basic award only and (b) in addition compensation for loss of income?

**ANSWER**

**THE HON THE MINISTER FOR JUSTICE**

Answered together with Question Nos. 379, 380 and 382 to 384 of 2009.

ORAL

**NO. 382 OF 2009**

**THE HON DR J J GARCIA**

(On behalf of the Hon J J Bossano)

**INDUSTRIAL TRIBUNAL**

Can Government state of the cases of complaints for unfair dismissal decided by the Industrial Tribunal in 2008 how many were decided in favour of the claimant and in respect of these in how many cases was the claimant granted (a) the basic award only and (b) in addition compensation for loss of income?

**ANSWER**

**THE HON THE MINISTER FOR JUSTICE**

Answered together with Question Nos. 379 to 381, 383 and 384 of 2009.

ORAL

**NO. 383 OF 2009**

**THE HON DR J J GARCIA**

(On behalf of the Hon J J Bosssano)

**INDUSTRIAL TRIBUNAL**

Can Government state in cases where the Industrial Tribunal found in favour of the claimant in a complaint of unfair dismissal in 2007 and awarded compensation for loss of income in how many cases was this award capped at 104 x twice the level of the minimum wage?

**ANSWER**

**THE HON THE MINISTER FOR JUSTICE**

Answered together with Question Nos. 379 to 382 and 384 of 2009.

**NO. 384 OF 2009**

**THE HON DR J J GARCIA**

(On behalf of the Hon J J Bossano)

**INDUSTRIAL TRIBUNAL**

Can Government state in cases where the Industrial Tribunal found in favour of the claimant in a complaint of unfair dismissal in 2008 and awarded compensation for loss of income in how many cases was this award capped at 104 x twice the level of the minimum wage?

**ANSWER**

**THE HON THE MINISTER FOR JUSTICE**

We presume that by “decided” the hon Member means the determination of the case pursuant to a ruling of the Chairman. There were four cases that were decided by the Tribunal in 2007 and six cases in 2008. The nature of the complaint in all of these cases was unfair dismissal.

Of the four cases decided by the Industrial Tribunal in 2007, two were decided in favour of the applicant. Of these, one received a basic award of £2,200 and no compensatory award and the other received an overall award of £15,000, with no breakdown as to basic or compensatory award. In relation to this latter case, it is not possible to determine whether any cap was applied.

There were two cases decided by the Industrial Tribunal in 2008 in favour of the applicant. In both cases the basic award was £2,200, and in one of these cases only there was compensation for loss of income. In relation to this latter case, the compensatory award was capped at 104 times twice the level of the weekly minimum wage.

ORAL

**NO. 385 OF 2009**

**THE HON C A BRUZON**

**STATUTORY BENEFITS FUND**

Can Government state what was the monthly income, expenditure and balance of the Statutory Benefits Fund since the answer to Question No. 34 of 2009?

**ANSWER**

**THE HON THE MINISTER FOR FAMILY, YOUTH & COMMUNITY AFFAIRS**

Answered together with Question Nos. 386 and 387 of 2009.

**NO. 386 OF 2009**

**THE HON C A BRUZON**

**STATUTORY BENEFITS FUND – NUMBER OF PENSIONERS**

Can Government state what was the number of pensioners being paid or with entitlement to payment, for each month to date, since the answer to Question No. 32 of 2009, from the Statutory Benefits Fund, giving a breakdown of pre-1969 Spanish pensioners and locally funded pensioners, showing the number of Gibraltarians/UK nationals, Moroccans and other nationals for the months in question?

**ANSWER**

**THE HON THE MINISTER FOR FAMILY, YOUTH & COMMUNITY AFFAIRS**

Answered together with Question Nos. 385 and 387 of 2009.

ORAL

**NO. 387 OF 2009**

**THE HON C A BRUZON**

**DISABILITY ALLOWANCE**

Can Government state how many persons were in receipt of a disability allowance under the social assistance arrangements to date, since the answer given to Question No. 33 of 2009, giving a monthly breakdown of their age and sex?

**ANSWER**

**THE HON THE MINISTER FOR FAMILY, YOUTH & COMMUNITY AFFAIRS**

I now hand the hon Member the information requested.



**ANSWER TO QUESTION 387 OF 2009**

**Answer to Question No. 385**

The monthly Income, Expenditure and Balance of the Statutory Benefits Fund as from March 2009 to May 2009 is as per the following tentative statement:

(\*The approved Contribution from the Consolidated Fund for financial year 2009/2010 is £8.5M for the year. The contributions have been calculated pro-rata hereunder, however the actual contribution is normally effected at the end of the financial year.)

**STATUTORY BENEFITS FUND**

	<u>31-Mar-09</u>	<u>30-Apr-09</u>	<u>31-May-09</u>
<b><u>Fund Account - Opening Balance</u></b>	£20,870,339.85	£20,733,833.28	£20,599,677.74
<b><u>Add</u></b>			
*Contribution from the Consolidated Fund	£833,333.37	£708,333.33	£708,333.33
Contributions collected in cash (Insurance contr.)	£1,538,649.41	£1,156,937.70	£1,241,253.42
Misc Receipts	£60,961.77	£11,909.97	
	<u>£23,303,284.40</u>	<u>£22,611,014.28</u>	<u>£22,549,264.49</u>
Less Payments	<u>(£2,569,451.12)</u>	<u>(£2,011,336.54)</u>	<u>(£1,989,106.19)</u>
<b><u>Closing Balance</u></b>	<u>£20,733,833.28</u>	<u>£20,599,677.74</u>	<u>£20,560,158.30</u>

Cont.....

**Cont'd ANSWER TO QUESTION 387 OF 2009**

**Answer to Question No.386**

The following pensioners were being paid or with entitlement to payment from the Statutory Benefits Fund for the months of March to May 2009.

	<b>Mar-09</b>	<b>Apr-09</b>	<b>May-09</b>
<b><i>Pre-1969 Spanish Pensioners</i></b>	290	291	291
<b><i>British Pensioners (Gib/UK Nat.)</i></b>	5377	5393	5422
<b><i>Moroccan Pensioners</i></b>	1969	1985	1990
<b><i>Other Nationalities</i></b>	577	583	586
<b>Total</b>	<b>8213</b>	<b>8252</b>	<b>8289</b>

Cont'...

**Cont'd ANSWER TO QUESTION 387 OF 2009**

**Answer to Question No. 387**

Persons receiving Disability Allowance under the social assistance arrangements as from march to may 2009 giving a monthly breakdown of their age and sex.

<b>2009</b>	<b>0-10</b>	<b>11-20</b>	<b>21-30</b>	<b>31-40</b>	<b>41-50</b>	<b>51-60</b>	<b>61-70</b>	<b>TOTAL</b>	<b>MALES</b>	<b>FEMALES</b>
<b>March</b>	<b>23</b>	<b>32</b>	<b>23</b>	<b>21</b>	<b>15</b>	<b>14</b>	<b>4</b>	<b>132</b>	<b>92</b>	<b>40</b>
<b>April</b>	<b>24</b>	<b>32</b>	<b>24</b>	<b>20</b>	<b>16</b>	<b>16</b>	<b>3</b>	<b>135</b>	<b>94</b>	<b>41</b>
<b>May</b>	<b>24</b>	<b>31</b>	<b>24</b>	<b>21</b>	<b>16</b>	<b>16</b>	<b>3</b>	<b>135</b>	<b>94</b>	<b>41</b>

**NO. 388 OF 2009**

**THE HON N F COSTA**

**SOCIAL SECURITY PAYMENTS RECORDS**

Can Government say what records it holds in respect of social security payments for the following decades:

1960s;  
1970s; and  
1980s?

**ANSWER**

**THE HON THE MINISTER FOR FAMILY, YOUTH & COMMUNITY AFFAIRS**

The Government hold individual contribution records for every insured person who paid contributions under the Social Insurance Scheme since it was first introduced on 3<sup>rd</sup> October 1955, as reflected on the insurance cards returned by employers at the end of the year or on termination of employment. These records show, on a year to year basis, the number of social insurance contributions paid by or credited to each individual insured under the scheme. This, of course, includes the decades 1960s, 1970s and 1980s.

**NO. 389 OF 2009**

**THE HON C A BRUZON**

**SOCIAL ASSISTANCE**

Can Government state what was the number of persons receiving social assistance, to date, since the answer to Question No.36 of 2009, giving a monthly breakdown by age and sex?

**ANSWER**

**THE HON THE MINISTER FOR FAMILY, YOUTH & COMMUNITY AFFAIRS**

Answered together with Question No. 390 of 2009.

**NO. 390 OF 2009**

**THE HON C A BRUZON**

**SOCIAL ASSISTANCE**

Can Government state how many persons receiving social assistance, to date, since the answer given to Question No. 35 of 2009, have been employed since, and how many are still receiving social assistance, giving a monthly breakdown by age and sex?

**ANSWER**

**THE HON THE MINISTER FOR FAMILY, YOUTH & COMMUNITY AFFAIRS**

I now hand the hon Member the information requested.

**ANSWER TO QUESTION 390 OF 2009**

**Answer to Question No. 389**

Persons receiving Social Assistance for the months of March to May 2009 by month, sex and age.

<b>2009</b>	<b>MALES</b>	<b>FEMALES</b>	<b>TOTAL</b>	<b>18/25</b>	<b>26/35</b>	<b>36/45</b>	<b>46/60</b>
<b>March</b>	<b>168</b>	<b>308</b>	<b>476</b>	<b>74</b>	<b>140</b>	<b>119</b>	<b>143</b>
<b>April</b>	<b>172</b>	<b>309</b>	<b>481</b>	<b>75</b>	<b>141</b>	<b>120</b>	<b>145</b>
<b>May</b>	<b>178</b>	<b>316</b>	<b>494</b>	<b>82</b>	<b>143</b>	<b>123</b>	<b>146</b>

Cont'...

**Cont'd ANSWER TO QUESTION 390 OF 2009**

**Answer to Question No. 390**

Persons in receipt of Social Assistance for the months of March to May 2009.

<b>2009</b>	<b>MALES</b>	<b>FEMALES</b>	<b>TOTAL</b>	<b>18/25</b>	<b>26/35</b>	<b>36/45</b>	<b>46/60</b>
<b>March</b>	<b>168</b>	<b>308</b>	<b>476</b>	<b>74</b>	<b>140</b>	<b>119</b>	<b>143</b>
<b>April</b>	<b>172</b>	<b>309</b>	<b>481</b>	<b>75</b>	<b>141</b>	<b>120</b>	<b>145</b>
<b>May</b>	<b>178</b>	<b>316</b>	<b>494</b>	<b>82</b>	<b>143</b>	<b>123</b>	<b>146</b>
<b>As at 3 June</b>	<b>180</b>	<b>321</b>	<b>501</b>	<b>84</b>	<b>146</b>	<b>125</b>	<b>146</b>

Persons employed during the months of March to May 2009.

<b>2009</b>	<b>MALES</b>	<b>FEMALES</b>	<b>TOTAL</b>	<b>18/25</b>	<b>26/35</b>	<b>36/45</b>	<b>46/60</b>
<b>March</b>	<b>4</b>	<b>2</b>	<b>6</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>1</b>
<b>April</b>	<b>4</b>	<b>2</b>	<b>6</b>	<b>3</b>	<b>2</b>	<b>1</b>	<b>0</b>
<b>May</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>1</b>



**NO. 391 OF 2009**

**THE HON C A BRUZON**

**HALF-WAY HOUSE – HOMELESS MEN**

Can Government confirm if they have now identified a property which could be used as a half-way house or shelter for homeless men?

**ANSWER**

**THE HON THE MINISTER FOR FAMILY, YOUTH & COMMUNITY AFFAIRS**

When the Government have identified a property and wish to announce it they will do so.

**SUPPLEMENTARY TO QUESTION NO. 391 OF 2009**

**HON C A BRUZON:**

Can the Minister throw some light in connection with the demand for such a property? Is the demand greater for men or for women?

**HON J J NETTO:**

No, I would not agree with that statement. I would agree with the statement that there is more demand for women than for men.

**HON N F COSTA:**

So, perhaps the Minister can also say at what stage of the process they are at in identifying a suitable property? Have any steps been taken?

**HON J J NETTO:**

Well, it is on-going.

**HON N F COSTA:**

Yes, I can appreciate that it is on-going, it has been on-going now, I assume, since the manifesto commitment. But can the Minister give us an indication of where his Ministry is at?

**HON J J NETTO:**

I already indicated that the investigation is on-going.

**HON N F COSTA:**

So are the Government then telling us that the manifesto commitment will not be realised within this mandate, or it could possibly overlap into the next General Election?

**HON J J NETTO:**

The GSD Government have a very excellent track record in fulfilling manifesto commitments. I do not see the reason why we should not deliver on this one, as we indeed deliver on the vast majority of manifesto commitments.

ORAL

**NO. 392 OF 2009**

**THE HON DR J J GARCIA**

**CONSUMER PROTECTION (UNFAIR TRADING) ACT 2008**

Can Government confirm that the Consumer Protection (Unfair Trading) Act 2008 has already come into operation and if so on what date?

**ANSWER**

**THE HON THE MINISTER FOR FAMILY, YOUTH & COMMUNITY AFFAIRS**

Answered together with Question No. 393 of 2009.

**NO. 393 OF 2009**

**THE HON DR J J GARCIA**

**CONSUMER PROTECTION LEGISLATION**

Can Government say at what stage is the domestically driven consumer protection legislation which they announced they were working on in November 2008 and which would apply to goods?

**ANSWER**

**THE HON THE MINISTER FOR FAMILY, YOUTH & COMMUNITY AFFAIRS**

In relation to Question No. 392, the Government can confirm that the Consumer Protection (Unfair Trading) Act 2008 came into operation on 13<sup>th</sup> November 2008.

In answer to Question No. 393, when the Government wish to publish legislation they will do so in the usual manner.

**SUPPLEMENTARY TO QUESTION NOS. 392 AND 393 OF 2009**

**HON DR J J GARCIA:**

Can the Minister say whether the legislation is at drafting stage or whether it has not got to that stage yet? That is really what I wanted to establish.

**HON J J NETTO:**

No, I will not say that the legislation is at the drafting stage, it is not there yet.

**NO. 394 OF 2009**

**THE HON DR J J GARCIA**

**CONSUMER PROTECTION (UNFAIR TRADING) ACT 2008**

Can Government say whether the powers of the Consumer Officer to consider any complaint made to him under Section 11 (2) of the Consumer Protection (Unfair Trading) Act 2008 are currently being exercised by any other officer?

**ANSWER**

**THE HON THE MINISTER FOR FAMILY, YOUTH & COMMUNITY AFFAIRS**

The Principal Consumer Officer of the Department of Consumer Affairs is currently exercising her duties under the Act and no other officer is exercising that duty, other than such officers within the same department designated under her instructions.

**NO. 395 OF 2009**

**THE HON N F COSTA**

**MOUNT ALVERNIA – WAITING LIST**

Can the Government say what criteria the Government employs in deciding what elderly persons on the waiting list of elderly citizens waiting for a place at Mount Alvernia are given priority?

**ANSWER**

**THE HON THE MINISTER FOR FAMILY, YOUTH & COMMUNITY AFFAIRS**

Answered together with Question No. 396 of 2009.

**NO. 396 OF 2009**

**THE HON N F COSTA**

**MOUNT ALVERNIA – WAITING LIST**

Can Government state how many elderly citizens are waiting for a place at Mount Alvernia, and how many of these are occupying a bed at St Bernard's Hospital between March 2009 to date, giving a breakdown of sex and age?

**ANSWER**

**THE HON THE MINISTER FOR FAMILY, YOUTH & COMMUNITY AFFAIRS**

The Care Agency admits residents into Mount Alvernia on a waiting time basis.

There are 350 elderly citizens waiting for a place at Mount Alvernia up to 2<sup>nd</sup> June 2009. Of these, 44 are occupying a bed in St Bernard's Hospital.

I now hand the hon Member the information requested.

**Answer to Question 396 of 2009**

<b>SEX</b>	<b>60-70</b>	<b>71-80</b>	<b>81-90</b>	<b>91+</b>
Male	0	4	5	0
Female	2	3	25	5
Total	2	7	30	5



**SUPPLEMENTARY TO QUESTION NOS. 395 AND 396 OF 2009**

**HON N F COSTA:**

As I understood the answer given to my question, the Minister has said that persons waiting will simply be allocated a place at Mount Alvernia when the time, essentially, is up.

**HON J J NETTO:**

Yes.

**HON N F COSTA:**

Is there any time when the Government have to meet to make a decision as to whether any person who may be further down that list should be given priority, say because of any individual circumstances?

**HON J J NETTO:**

I understand in very exceptional circumstances.

**HON N F COSTA:**

I am grateful for that. May I ask what those exceptional circumstances are and what would merit the Government considering such an exceptional allocation?

**HON CHIEF MINISTER:**

The reason for that answer is that it has happened in the past. Whether it will continue to happen depends on whether the circumstance is replicated. There is not a definition of exceptionality. Usually many of the people on the waiting list have circumstances which are worthy. So worthy is not enough, it has got to be exceptional in the sense that the Government are persuaded that there is a particular family circumstance, or a particular circumstance of some sort, that the Government feel warrants making this decision. These exceptions were in the time before the present Minister took office. I suppose that he will continue to consider such cases on their merits as they come, but there may not be any or there may be more of them. But there is not, as I understand to be his question, there is not a definition of exceptionality against written application. It really is considering cases and deciding there, almost on an ad-hoc basis, whether there is sufficient justification for jumping the queue, really.

**HON N F COSTA:**

I missed only part of the answer that the Chief Minister gave. Did he say that the Government make the final decision or would it be the authorities?

**HON CHIEF MINISTER:**

Well, I think eventually it comes for Ministers because it is an exception to the established methodology. I think it does come up to Ministerial level at some place. It is not the policy of the Government that there cannot be any queue xxxxxx. That would be an indefensibly rigid policy. There have to be exceptions to every rule, otherwise the rule will very quickly come into disrepute, and then we can disagree about the nature of the exceptionality that should be present. Of course, that is a matter for judgement from time to time and from case to case, but I think that the Government will wish to reserve the possibility of resolving acute problems when they are brought to the Government's attention.

**NO. 397 OF 2009**

**THE HON G H LICUDI**

**CARE AGENCY**

Can Government state whether employees of the Social Services Agency and the Elderly Care Agency have been transferred to the Care Agency and, if so, state:

- (a) the total number of employees at the Care Agency;
- (b) how many employees at the Care Agency are on permanent and pensionable terms and how many on contract, supply or casual terms;
- (c) a breakdown of all the employees at the Care Agency by grade, sex, nationality and residence, that is, whether Gibraltar or Spain?

**ANSWER**

**THE HON THE MINISTER FOR FAMILY, YOUTH & COMMUNITY AFFAIRS**

Answered together with Question No. 398 of 2009.

**NO. 398 OF 2009**

**THE HON G H LICUDI**

**SOCIAL SERVICES AGENCY AND ELDERLY CARE AGENCY – EMPLOYEES**

Can Government state, as at 28 May 2009, in respect of the employees of each of the Social Services Agency and the Elderly Care Agency:

- (a) the total number of employees;
- (b) how many employees were on permanent and pensionable terms and how many on contract, supply or casual terms;
- (c) a breakdown of all the employees by grade, sex, nationality and residence, that is, whether Gibraltar or Spain?

**ANSWER**

**THE HON THE MINISTER FOR FAMILY, YOUTH & COMMUNITY AFFAIRS**

Following the recently introduced Care Agency Act 2009, and subsequently through publishing of this Act in the Gibraltar Gazette on 28<sup>th</sup> May 2009, arrangements are being made for the transfer of all Social Services Agency, Elderly Care Agency, New Hope Trust and Youth employees to the Care Agency.

The total number of employees to be in the Care Agency will be 490, out of whom 474 are on permanent and pensionable terms and 16 on contract. There is a supply list of 76 persons who are called on a need basis to cover eventualities.

The total number of employees for the Social Services Agency is 211, out of whom 210 are on permanent and pensionable terms and one person is on contract. There is a supply list of 68 persons who are called on a need basis to cover eventualities.

The total number of employees for the Elderly Care Agency is 248, out of whom 233 are on permanent and pensionable terms and 15 persons are on contract. There is a supply complement of eight who are covering maternity and unpaid sick leave.

I now hand the hon Member the information requested.

**Answer to Question 398 of 2009**

**Answer to Question 397**

**A breakdown of all employees of the Care Agency by grade, sex, nationality and residence.**

GRADE	No. of Employees	Female	Male	Gibraltar	UK National	Spanish National	Other Nationality	Resident Gibraltar	Resident Spain
<b>Employees on GOG</b>									
<b>Terms</b>									
<b>Main Office</b>									
Chief Executive	1	1		1				1	
Administration	4	4		4				4	
Team Leaders	2	2		2				2	
Psychologist	1	1		1				1	
Senior Social Workers	3	3		2		1		2	1
Social Workers	12	10	2	7		5		10	2
<b>Youth Service</b>									
Snr Y & Comm Worker	1		1	1				1	
Y & Comm Worker	4	2	2	4				4	
Admin	3	2	1	3				3	
Industrials	4	2	2	4				4	
<b>St Bernadette's</b>									
<b>O T Centre</b>									
Manager	1	1		1				1	
Deputy Manager	1	1		1				1	
Enrolled Nurses	2	2		1		1		2	
Admin	1	1		1				1	
Classroom Aides f/t	7	7		7				7	
Classroom Aides p/t	7	7		7				7	
Vehicle Escort	1	1		1				1	
Industrials	4	3	1	4				4	
<b>Employees on SSA</b>									
<b>Terms</b>									
O/T Strategy Co-ord	1	1		1				1	
Counsellor	1	1		1				1	
Social Workers (o/h)	2	2				2			2
Community Officer	1		1			1			2
Administration	6	5	1	6				6	1
Day Centre Co-ord	1	1				1		1	
Shop Mobility Att.	1		1	1				1	
Handyman/Driver	1		1	1				1	
<b>DRUG AWARENESS</b>									
<b>CAMPAIGN</b>									
Drug Strategy Co-ord*	1		1	1				1	
Asst Drug Strat. Co-ord	1	1		1				1	
* GOG officer on Secondment									
<b>Bruces Farm</b>									
Administration	3	3		3				3	
Counsellors	3	1	2	3				3	
House Manager	1		1	1				1	
Carers	9	5	4	7		2		9	
Industrials	3	3		1		2		1	2
<b>DR GIRALDI &amp; RESIDENTIALS</b>									
Manager	1		1		1				1
Deputy Manager	1	1			1				1
Admin	1	1			1				1
Unit Managers	11	8	3	7	4			9	2
Social Workers & Domestic Support	103	79	24	65	28	11	3	63	40
<b>ELDERLY CARE</b>									
Nursing	167	146	21	62	23	76	2	94	73
Administration	21	19	2	20	1			21	
Industrials	60	41	19	34	2	17	7	51	9
<b>HOSTELS</b>									
	31	13	18	26		4	1	30	1
<b>TOTAL</b>	<b>490</b>	<b>381</b>	<b>109</b>	<b>293</b>	<b>72</b>	<b>112</b>	<b>13</b>	<b>354</b>	<b>136</b>

Cont'd Answer to Question 398 of 2009

Answer to Question 398 of 2009

**A breakdown of all employees of the SSA by grade, sex, nationality and residence.**

GRADE	No. of Employees	Female	Male	Gibraltar	UK National	Spanish National	Other Nationality	Resident Gibraltar	Resident Spain
<b>Employees on GOG Terms</b>									
<b>Main Office</b>									
Chief Executive	1	1		1				1	
Administration	4	4		5				4	
Team Leaders	2	2		2				2	
Psychologist	1	1		1				1	
Senior Social Workers	3	3		2		1		2	1
Social Workers	12	10	2	7		5		10	2
<b>St Bernadette's O T Centre</b>									
Manager	1	1		1				1	
Deputy Manager	1	1		1				1	
Enrolled Nurses	2	2		1		1		2	
Admin	1	1		1				1	
Classroom Aides f/t	7	7		7				7	
Classroom Aides p/t	7	7		7				7	
Vehicle Escort	1	1		1				1	
<b>Employees on SSA Terms</b>									
O/T Strategy Co-ord	1	1		1				1	
Counsellor	1	1		1				1	
Social Workers (o/h)	2	2				2			2
Community Officer	1		1			1			1
Administration	6	5	1	6				6	
Day Centre Co-ord	1	1				1		1	
Shop Mobility Att.	1		1	1				1	
Handyman/Driver	1		1	1				1	
<b>DRUG AWARENESS CAMPAIGN</b>									
Drug Strategy Co-ord*	1		1	1				1	
Asst Drug Strat. Co-ord	1	1		1				1	
* GOG officer on Secondment									
<b>DR GIRALDI &amp; RESIDENTIALS</b>									
Manager	1		1			1			1
Deputy Manager	1	1				1			1
Admin	1	1				1			1
Unit Managers	11	8	3	7		4		9	2
Social Workers & Domestic Support	103	79	24	65		28	11	3	69
HOSTELS	31	13	18	26			4	1	30
INDUSTRIAL STAFF	4	3	1	4					4
<b>TOTAL</b>	<b>211</b>	<b>157</b>	<b>54</b>	<b>151</b>	<b>46</b>	<b>15</b>	<b>4</b>	<b>165</b>	<b>52</b>

**A breakdown of all employees of the ECA by grade, sex, nationality and residence.**

GRADE	No. of Employees	Female	Male	Gibraltar	UK National	Spanish National	Other Nationality	Resident Gibraltar	Resident Spain
Nursing	167	146	21	62	25	78	2	94	73
Administration	21	19	2	20	1			21	
Industrial	60	41	19	34	2	17	7	51	9
<b>TOTAL</b>	<b>248</b>	<b>206</b>	<b>42</b>	<b>116</b>	<b>28</b>	<b>95</b>	<b>9</b>	<b>166</b>	<b>82</b>

**SUPPLEMENTARY TO QUESTION NOS. 397 AND 398 OF 2009**

**HON G H LICUDI:**

In respect of this breakdown that the Minister has provided, there is a list of number of employees by grade according to the information sought in the question. Can the Minister confirm that the information given in this schedule relates to the permanent and pensionable employees and no account is taken of any other supply, casual or contract workers in this list? This list excludes these other categories?

**HON J J NETTO:**

Well, this list does not include the supply. In relation to the first question which the hon Member asked, whether they are permanent and pensionable or on contract, it refers to everyone, the 490.

**HON G H LICUDI:**

In relation to Question No. 397 which was about the transfer of employees from Social Services Agency and Elderly Care Agency to the newly established Care Agency, I understood the Minister to give his answer as "arrangements are being made". Do I understand that simply to mean that the administrative arrangements are being made, because all of the employees of the two Agencies will be amalgamated into the one Care Agency? If that is correct, can the Minister confirm whether, in accordance with normal practice, and indeed statutory provisions, each will keep their terms and conditions?

**HON J J NETTO:**

I can give both assurances, the first one that it is an administrative arrangement and, of course, within the spirit of the transfer of undertaking, with which he is very much familiar, everyone has to transfer pay, conditions of employment, pension value et cetera. So, of course, nobody will be worse off as a result of the transfer.

**HON G H LICUDI:**

Will the Minister also confirm whether there are cases that he is aware of where there is any discrepancy between Social Services Agency employees and the Elderly Care Agency employees on the other hand, in respect of similar or the same grades who will now transfer and will all be part of the Care Agency. Therefore, will there be new employees of the Care Agency doing essentially the same work but essentially on different terms and conditions because they came from different positions?

**HON J J NETTO:**

Yes we have noted that there are some grades in different undertakings which may have slightly minor conditions, but no one is going to be worse off as a result of the transfer. Whether much, much later on as a result of a normal process of discussion and negotiation with the Union, we can sort of harmonise certain grades remains to

be seen. The important point here is that those people remain within the undertaking that they were working before they are transferred. Nobody has lost out as a result of that transfer and yes, like in any process of bigger organisations, whether it is a process of mergers, a little bit of fine tuning will have to happen, but that will come much later on.

**HON CHIEF MINISTER:**

The answer to the question, as I understood it, and I think the Minister has answered a slightly different question, but just so that he is aware, the answer to his question is indeed no. I understood the question to mean, correct me if I misunderstood it, whether there would be a two tier work force between the transferring employees, regardless of whether they were going to lose out or not on the transfer, and the Minister has rightly said that they will not lose out in the transfer. But the supplementary was not that, as I understood it. The supplementary was, and thereafter are new recruits into the Care Agency going to be on different terms to those that transferred from the existing, and the answer to that is no, there is not going to be. The only ones who will continue to have different terms to future new employees are those who are civil servants on secondment to the Agency. Those, for different reasons, will always have different terms. But once there is a standard term for a care worker in the Care Agency, they will all be harmonised and there will not be a difference between newcomers and late comers. The other thing that I would ask the hon Member, just to make a very legalistic point to him in terms of the concept of TUPE, is that of course, these employers, with one or two very small exceptions, the New Hope Trust and all of those things, but in terms of the Agencies, the Elderly Care Agency and the Social Services Agency, they are statutory bodies and this House has passed legislation repealing the Acts under which those Agencies were established. So, their employer has ceased to exist in law, so we are viewing this as a merger by statute of two agencies into one, and this has been the case wherever there has been a transfer to a statutory body. Which, of course, does not mean that there is not consultation with the Unions and all the things that would happen if it were a TUPE transfer, but in the context of the application of TUPE transfer to the public sector when it is a reorganisation, in a way in which there are no losers only winners in terms of the staff, and it is done in intense consultation with the Union, that everybody is content. The TUPE system does not work as he might expect it to work in the private sector, because in the private sector they are usually done for very different reasons which normally result in less security of employment, more exposure to future possible reduction in terms and conditions, and that is not the case in this scenario which we are discussing.

**HON G H LICUDI:**

Without wishing to get into a legal debate with the Chief Minister, I was not intending to ask whether the Government were actually applying TUPE but whether they were acting generally in the spirit of TUPE.

**HON CHIEF MINISTER:**

It was as it arose in the answer and I just wanted to make sure there was no  
xxxxxxxxxx



**HON G H LICUDI:**

That is understood, but generally as I understand the answer, the Government are in any event applying the spirit of what would otherwise apply to private sector and other public sector employees. The Chief Minister has mentioned the question of new recruits in answer to the supplementary, and confirmed that there will not be a two tier system between the new recruits and those that were existing there. But the Minister did say in his own answer that there may be small differences between existing workers of the Social Services Agency on the one hand and the Elderly Care Agency, who are now merged and are all going to be part of the Care Agency. In respect of new entrants, where there is a position occupied by two people who have come from different entities and who have different conditions, how are the Government proposing to handle that? I am also interested in the process of harmonisation, is there going to be a new set of standard terms and conditions that everybody will be invited to adhere to or to accept, or will everybody be equalised at the higher level so that nobody actually loses out?

**HON J J NETTO:**

Harmonisation is an objective. An objective to try and have a uniform standard eventually for all employees and for all new employees to get into. We have our own views how we want to proceed on the basis to harmonise, and I am sure that the Unions will have their own views on these very minor differences between the Elderly Care Agency and the Social Services Agency. We are not really talking about massive gaps in pay or working conditions, there are minor issues. But of course, it is only normal when one brings such big organisations together. The benefits, obviously, of doing that are quite a lot in terms of economies of scale, in terms of the services we can provide and the knowledge that we can get in order to put the services to our service users and throughout Government. But it is something that is not going to happen the first day, it is something that is going to happen as we go along.

**HON G H LICUDI:**

The Minister has mentioned the economies of scale. That phrase is often interpreted as meaning that because one has a larger organisation one needs less employees, and therefore the economies of scale. Can the Minister confirm that that is not the way it is being applied?

**HON J J NETTO:**

Certainly, I have already given, both to this House and a few times in written form to all the staff in all of the Agencies, and verbally in different functions that I have gone to. But this is not an exercise about cutting numbers of people or cutting expenditure. It is about making xxxxxx, perhaps the phrase should have been value for money rather than economies of scale. What happens is that when one has small organisations one tends to have, just to give an example, little bits of administration here, little bits of administration there. But when one now has an organisation of this size, one can centralise a lot of people, one can do more in terms of administrative work because we are centralising and pooling together different people from different areas, which otherwise would have been impossible because they are working in very confined and small number organisations. That is the context I referred to.

**HON S E LINARES:**

Can the Minister state whether the Youth Service will be included under the umbrella of the Care Agency? As I understand it, the Social Services Agency and the Elderly Care Agency will now be under the umbrella of the Care Agency, but are Government thinking about putting into that Care Agency the Youth Service?

**HON J J NETTO:**

The answer is yes.

**HON C A BRUZON:**

I notice that there are 103 employees under the heading "Dr Giraldi and Residentials", social workers and domestic support. Can the Minister shed light on the matter that is dear to me because for four years I was Shadow Minister for Social Services. In terms of helping parents with children with serious disabilities, does the domestic support offered under that heading, "domestic support" cater for these people?

**HON J J NETTO:**

He would have to give me notice of that question in terms of my being able to define what the domestics job description or job profile entails. I suppose at the end of the day, every single employee who works in the Dr Giraldi Home in one way or another provides a support to the service users, whether directly linked to the service users' activity or not is a different thing. But everyone who works there adds value, overall value to the benefit of the service users. But he would have to give me notice to be able to say exactly what is the job profile of a domestic in the Dr Giraldi Home.

**HON S E LINARES:**

In relation to the previous question about the Youth Service, if the Government do put the Youth Service under the umbrella of the Care Agency, and I think it relates to the question which the Hon Mr Licudi asked before, because the Social Services Agency is an agency and the Elderly Care Agency is also an agency, and now they are going to amalgamate both into the Care Agency, where does this put the people from the Youth Service, some of whom if not most are civil servants? Therefore, how will they be amalgamated under the umbrella of the Care Agency?

**HON J J NETTO:**

Well, they will be placed in the same position as social workers who happen to be civil servants, with the civil servants' working conditions, civil servants' pay, who before were seconded to the Social Services Agency and who are now seconded to the Care Agency. There will be no difference between a civil servant coming from the Youth Service and a civil servant coming in as a social worker, previously from the Social Services Agency. So in that context, neither their pay and conditions nor their status are altered at all, they are being seconded in the Care Agency.

**NO. 399 OF 2009**

**THE HON G H LICUDI**

**STATUTORY BENEFITS FUND – EMPLOYMENT INJURIES**

Can Government state what payments were made out of the Statutory Benefits Fund for each month from March to May 2009 in respect of employment injuries?

**ANSWER**

**THE HON THE MINISTER FOR FAMILY, YOUTH & COMMUNITY AFFAIRS**

Answered together with Question No. 400 of 2009.

**NO. 400 OF 2009**

**THE HON G H LICUDI**

**STATUTORY BENEFITS FUND – INSOLVENCY**

Can Government state what payments were made out of the Statutory Benefits Fund for each month from March to May 2009 arising from the insolvency of any employer?

**ANSWER**

**THE HON THE MINISTER FOR FAMILY, YOUTH & COMMUNITY AFFAIRS**

In relation to Question No. 399, I now hand the hon Member the requested information.

In relation to Question No. 400, there have been no payments out of the Statutory Benefits Fund from March to May 2009 arising from the insolvency of an employer.

**ANSWER TO QUESTION 400 OF 2009**

**Answer to Question 399**

Payments from the Statutory Benefits Fund from March 2009 to May 2009 in respect of employment injuries have been as follows:

**STATUTORY BENEFITS FUND – TENTATIVE STATEMENT**

	<b>March 2009</b>	<b>April 2009</b>	<b>May 2009</b>
<b>Payments – employment injuries</b>	£47,865.92	£47,579.50	£51,828.89

**SUPPLEMENTARY TO QUESTION NOS. 399 AND 400 OF 2009**

**HON G H LICUDI:**

Related to the last question which talks about payments relating to the insolvency of any employer, the answer is that there have been no payments. Does the Minister know whether there have been any requests for payment which may have been turned down or which may be pending?

**HON J J NETTO:**

I have not been made aware of any request.

ORAL

**NO. 401 OF 2009**

**THE HON G H LICUDI**

(On behalf of the Hon J J Bossano)

**MINIMUM INCOME GUARANTEE**

Can Government provide a breakdown for the number of pensioners in receipt of the Minimum Income Guarantee showing the number receiving the single and married rates in bands of £5 up to the full amount since the answer to Question No. 45 of 2009?

**ANSWER**

**THE HON THE MINISTER FOR FAMILY, YOUTH & COMMUNITY AFFAIRS**

I now hand the hon Member the information requested.

**ANSWER TO QUESTION 401 OF 2009**

Number of pensioners in receipt of the Minimum Income Guarantee, receiving the single and married couple rates in bands of £5 up to the full amount as at end of May 2009.

				SINGLES		COUPLES		TOTAL
				No		No		No
FROM	£151.00	TO	£155.00	0		3		3
FROM	£146.00	TO	£150.00	0		0		0
FROM	£141.00	TO	£145.00	0		0		0
FROM	£136.00	TO	£140.00	0		0		0
FROM	£131.00	TO	£135.00	0		0		0
FROM	£126.00	TO	£130.00	0		0		0
FROM	£121.00	TO	£125.00	0		0		0
FROM	£116.00	TO	£120.00	0		0		0
FROM	£111.00	TO	£115.00	29		0		29
FROM	£106.00	TO	£110.00	3		0		3
FROM	£101.00	TO	£105.00	0		0		0
FROM	£96.00	TO	£100.00	0		0		0
FROM	£91.00	TO	£95.00	0		0		0
FROM	£86.00	TO	£90.00	0		0		0
FROM	£81.00	TO	£85.00	0		1		1
FROM	£76.00	TO	£80.00	1		0		1
FROM	£71.00	TO	£75.00	15		0		15
FROM	£66.00	TO	£70.00	1		0		1
FROM	£61.00	TO	£65.00	2		0		2
FROM	£56.00	TO	£60.00	2		5		7
FROM	£51.00	TO	£55.00	17		1		18
FROM	£46.00	TO	£50.00	10		2		12
FROM	£41.00	TO	£45.00	13		1		14
FROM	£36.00	TO	£40.00	18		0		18
FROM	£31.00	TO	£35.00	12		2		14
FROM	£26.00	TO	£30.00	21		1		22
FROM	£21.00	TO	£25.00	19		1		20
FROM	£16.00	TO	£20.00	235		2		237
FROM	£11.00	TO	£15.00	19		6		25
FROM	£6.00	TO	£10.00	20		7		27
FROM	£0.00	TO	£5.00	8		0		8
TOTAL				445		32		477



**NO. 402 OF 2009**

**THE HON N F COSTA**

**GHA – BUDGET**

Can the Government say what person or what committee has the final say on how the GHA budget is spent, listing the positions of the relevant office holders if the decision is taken by committee?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH AND CIVIL PROTECTION**

Following approval of Parliament, the GHA Budget is allocated to the different directorates by the Chief Executive on the advice of the Executive Committee. The Executive Committee is comprised of the Executive Directors responsible for Medical, Nursing, Operations (including Allied Health Professions), Human Resources and Finance and Information Management. Each Executive is responsible for the expenditure of the allocated budget within their directorate. The allocation of the Budget is then taken to the GHA Board for ratification.

**NO. 403 OF 2009**

**THE HON N F COSTA**

**GHA – VISITING HOURS CONSULTATION EXERCISE**

Can the Government say in respect of the consultation exercise conducted as to visiting hours and in respect of the 33 replies received from the 109 patients questioned, how many were in favour of the changes?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH AND CIVIL PROTECTION**

Answered together with Question Nos. 404 and 405 of 2009.

**NO. 404 OF 2009**

**THE HON N F COSTA**

**GHA – VISITING HOURS CONSULTATION EXERCISE**

Can the Government say in respect of the consultation exercise conducted as to visiting hours and in respect of the 39 replies received from the 40 visitors questioned, how many were in favour of the changes?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH AND CIVIL PROTECTION**

Answered together with Question Nos. 403 and 405 of 2009.

**NO. 405 OF 2009**

**THE HON N F COSTA**

**GHA – VISITING HOURS CONSULTATION EXERCISE**

Can the Government say in respect of the consultation exercise conducted as to visiting hours and in respect of the 72 replies received from the 108 nursing staff questioned, how many were in favour of the changes?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH AND CIVIL PROTECTION**

The consultation exercise was open-ended and did not ask patients, visitors or nursing staff to respond to specific changes. The changes implemented were informed by the results of the exercise.

**SUPPLEMENTARY TO QUESTION NOS. 403 TO 405 OF 2009**

**HON N F COSTA:**

If the consultation was open-ended, how could the Board of the GHA decide what changes were favourable to the staff, the nurses and the patients?

**HON MRS Y DEL AGUA:**

The aim of the consultation exercise was to assess the adequacy and level of satisfaction with the visiting policy as a whole, and whether this was in the best interest of patients. Therefore, there was not just one specific question asking whether the different categories of groups that were interviewed who wanted a specific change in the hours alone. It was an overall assessment on the visiting policy as a whole. Just to give an example, so that the hon Member can understand the process better, there were 19 questions asked all relating to what I have just described. For example, all groups were asked about the preferred number of visitors, what they thought about visiting during meal times, whether patients felt tired after visiting, whether prolonged visiting affected patient care, those sorts of questions to elicit an overall consensus on what the way forward was as regards the whole visiting policy and not just the change in visiting hours. Obviously all this data was collated and a decision was made by the GHA. As a result of the data collated the decision was made to change the visiting hours to what currently exists now.

**HON N F COSTA:**

Am I right in thinking that the data collected was considered by the GHA Board and is the GHA Board composed of the same persons that the Minister said in respect of my previous question?

**HON MRS Y DEL AGUA:**

Sorry?

**HON N F COSTA:**

The data that was collated and then, of course, the decision was taken by the GHA. Who specifically in the GHA, was it the GHA Committee, the Board?

**HON MRS Y DEL AGUA:**

It was a combination of the GHA Board plus the GHA Management who initially collated the information, the data.

**HON N F COSTA:**

Perhaps the Minister does not have the relevant or all of the questions, but I would be happy if she were, or rather, I would be grateful if she were happy to provide me with a copy of those questions at a later point in writing, if possible.

**HON MRS Y DEL AGUA:**

Well, as long as it is not followed by questions as happened the last time when they asked a supplementary. They asked another one, which I wrote to them about, there is not much more information that I can provide them with. I can provide the hon Member with the specific answers but I am not willing to provide them with any more answers which would lead..... This was a confidential exercise, and I would not be willing to provide them with answers that would lead anybody listening, or rather to deduce where the answers came from and what each individual answered. But I am willing to provide him with the specific questions. That is what he is after, is it not?

**HON N F COSTA:**

Yes I am grateful for that and I understand the Minister's concern not to reveal the information that would eventually lead to a person being identified as being the answerer to the question. But I am grateful that she has agreed to provide me with a list of the questions that were asked.

**NO. 406 OF 2009**

**THE HON N F COSTA**

**GHA – MRSA INFECTION**

Can Government state whether any cases of MRSA infection were detected at St. Bernard's Hospital on a monthly basis, between March 2009 to date and whether any were fatal, providing a breakdown by patients and members of staff?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH AND CIVIL PROTECTION**

The information requested has just been handed over to the hon Member.

**Answer to Question NO. 406 of 2009**

	<b>March 09</b>	<b>April 09</b>	<b>May 09</b>	<b>TOTAL</b>
<b>Patients</b>	1	3	3	<b>7</b>
<b>Staff</b>	0	1	0	<b>1</b>
<b>Total</b>	<b>1</b>	<b>4</b>	<b>3</b>	<b>8</b>

There was no fatality due to MRSA during the period.

**NO. 407 OF 2009**

**THE HON N F COSTA**

**GHA – ELECTIVE SURGERY**

Can the Government state the average waiting time for patients undergoing elective surgery?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH AND CIVIL PROTECTION**

Answered together with Question Nos. 408 to 410 of 2009.



**NO. 408 OF 2009**

**THE HON N F COSTA**

**GHA – CANCELLED OPERATIONS**

Can Government list the dates between March 2009 to date on a monthly basis, in respect of which operations at St Bernard's Hospital needed to be cancelled and state the reason why in each case?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH AND CIVIL PROTECTION**

Answered together with Question Nos. 407, 409 and 410 of 2009.

ORAL

**NO. 409 OF 2009**

**THE HON N F COSTA**

**GHA – WAITING TIME SURGICAL INTERVENTION FOR CANCER**

Can Government state the average waiting time for patients needing to undergo surgical intervention for cancer?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH AND CIVIL PROTECTION**

Answered together with Question Nos. 407, 408 and 410 of 2009.

**NO. 410 OF 2009**

**THE HON N F COSTA**

**GHA – CANCELLED KEYHOLE SURGERY OPERATIONS**

Can Government say how many keyhole surgery operations have been cancelled between March 2009 on a monthly basis to date and the reasons for the cancellations?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH AND CIVIL PROTECTION**

Average waiting times for patients undergoing elective surgery are influenced by a number of factors. This can vary from day to day, and for a number of reasons, namely urgent cases, cancellations by patients, medical reasons, bed availability, Bank Holidays, surgeons' sickness and annual leave. Therefore, any average would not portray a true figure.

The information requested by the hon Member in Question No. 408 is contained in the schedule that I now hand to him.

In answer to Question No. 409, once a cancer diagnosis is made and a surgical intervention is required, the first determination is whether the procedure will be carried out in Gibraltar or elsewhere. If the procedure is to be carried out in Gibraltar, the procedure is carried out without delay. If patients require the procedure carried out elsewhere then they are referred to the UK's NHS system or the Spanish SAS system.

In answer to Question No. 410, there have been no cancellations from March 2009 to date.

WAITING FOR SCAN

**ANSWER TO QUESTION 410**

**Answer to Question 408**

**Cancellations March 2009**

Reason for Cancellation	ENT	Gynaecology	Ophthalmology	Orthopaedics	General Surgery	Oral Surgery	Pain Relief	Total
Medical				1	2		1	4
Bed availability		2		1	1			4
Per patient			1		(3)	1	4	6 (3)
No show			1	1	1 (2)		4	7 (2)
No longer required					(1)			(1)
Due to emergency	1							1
Surgeon sick						7		7
Total	1	2	2	3	4 (6)	8	9	29 (6)

( ) Minor ops

**Contd .....**

**CONTD ANSWER TO 410****Continued Answer to Question 408****Cancellations April 2009**

Reason for Cancellation	ENT	Gynaecology	Ophthalmology	Orthopaedics	General Surgery	Oral Surgery	Pain Relief	Plastics	Total
Medical	1	1	1	1	1		3		8
Bed availability	1			2					3
Per patient			2	1			2		5
No show			1		(1)		4		5 (1)
No longer required				1	(1)			1	2 (1)
Surgeon sick				2					2
Due to emergency	1								1
<b>Total</b>	<b>3</b>	<b>1</b>	<b>4</b>	<b>7</b>	<b>1 (2)</b>	<b>-</b>	<b>9</b>	<b>1</b>	<b>26 (2)</b>

() Minor ops

**Cancellations May 2009**

Reason for Cancellation	ENT	Gynaecology	Ophthalmology	Orthopaedics	General Surgery	Oral Surgery	Pain Relief	Spinal	Total
Medical				1		1		1	3
Per patient	2			2					4
No show			3		(1)		1		4 (1)
Surgeon sick					8				8
<b>Total</b>	<b>2</b>	<b>-</b>	<b>3</b>	<b>3</b>	<b>8 (1)</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>19 (1)</b>

() Minor ops

**SUPPLEMENTARY TO QUESTION NOS. 407 TO 410 OF 2009**

**HON N F COSTA:**

I am grateful to the Minister. In respect of Question No. 409, the Minister says that once the diagnosis is made the operation will be performed without delay. In real terms does that mean straight away on the same day or are we speaking of a window of maybe one or two weeks? Does it also depend on the variable factors that she said before, such as those in relation to Question No. 407, for instance, bed availability, the patients cancelling et cetera?

**HON MRS Y DEL AGUA:**

The answer he has just related to concerns elective surgery, this would not be considered as elective surgery. The time window in which the surgery would have to be carried out would be up to the discretion of the consultant. His clinical sort of decision.

**HON N F COSTA:**

I am also curious to know, in respect of the decision as to whether or not patients suffering from cancer and there is a clinical determination made, that he or she must undergo such an intervention. In terms of determining whether the operation will be carried out here in Gibraltar or in the United Kingdom, I am very much thinking that it would be the relevant practitioner who would decide that. I am assuming as well that the patient would have some input, into whether he can be operated in Gibraltar or in the UK. I am thinking specifically about patients who may sometimes may not want to go to maybe Spain or the UK because of language difficulties, would those factors be taken into account?

**HON MRS Y DEL AGUA:**

Yes, absolutely, as long as there is a consultant here with the specialty to carry out the actual surgery that is required.

**NO. 411 OF 2009**

**THE HON N F COSTA**

**GHA – MAMMOGRAPHY SERVICE**

Can the Government say when the GHA will implement the routine mammography service?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH AND CIVIL PROTECTION**

As soon as a third Radiologist has been recruited.

**SUPPLEMENTARY TO QUESTION NO. 411 OF 2009**

**HON N F COSTA:**

If I may quote the Minister somewhat further, that as I understand has been the reason for the GHA not being able to fully implement the service, the routine mammography service. Is the GHA any nearer in respect of this final hurdle, as it would appear to me?

**HON MRS Y DEL AGUA:**

The last I heard was that there was one applicant interested in the post and was going to be interviewed, I believe it was next month.

**HON N F COSTA:**

Am I right in thinking then that the reason why the interview would be next month is because the interested applicant is not from Gibraltar, is from outside?

**HON MRS Y DEL AGUA:**

That is correct.

**NO. 412 OF 2009**

**THE HON N F COSTA**

**GHA – CANCER SCREENING PROGRAMMES**

Can the Government say whether the GHA team review panel has reported its recommendations to Government to introduce new cancer screening programmes, including lung, prostate and colon?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH AND CIVIL PROTECTION**

No recommendations have been made yet.

**SUPPLEMENTARY TO QUESTION NO. 412 OF 2009**

**HON N F COSTA:**

If I recall correctly and the Minister will correct me if I am wrong, I believe that that was the answer that was provided more or less on the last occasion. Can the Minister be somewhat more specific in what stage the review panel is at, in order for us to better understand the position in which the GHA finds itself, and when maybe these recommendations will be put to Government?

**HON MRS Y DEL AGUA:**

I think I was quite specific the last time round when he asked the same question. I explained to the hon Member that the team that has been tasked with making these recommendations to Government were still looking at the different options. I think I explained at the time that there was a difference of opinion, both here and in the UK, actually, about different cancers, prostate screening, which have not been proven to be as effective as one would have thought in the UK, and that is still where we are at.



**NO. 413 OF 2009**

**THE HON N F COSTA**

**GHA – HOUSE ATTENDANCES BY GP'S**

Can the Government say the number of actual house attendances by GPs in respect of March 2009 to date?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH AND CIVIL PROTECTION**

As I explained to the hon Member at length in answer to Question No. 887 of 2008, the information that has historically been provided has been the calls logged and not the calls attended. A database of house calls attended is not kept as it is not considered necessary for clinical purposes.

**SUPPLEMENTARY TO QUESTION NO. 413 OF 2009**

**HON N F COSTA:**

Yes, I understand that perhaps it may not be necessary for it to be kept for clinical purposes, but how may I ask would Government monitor whether the number of GPs employed is in fact sufficient if it does not log the actual attendances made by GPs?

**HON MRS Y DEL AGUA:**

I already explained that it is not always necessary for the GP to attend the house call, and his question of how we monitor is that it is obvious that whether through going to the person's house, through attending the patient over the telephone, or through any other means that the GPs have available or at their disposal, it is obvious that they are meeting all the demands that are required of them.

**HON N F COSTA:**

But the point that I am trying to make, what I am trying to establish is that if there is no record kept as to whether despite the call log there was an attendance, how can the Minister say to me that she is satisfied that the number of GPs is adequate?

**HON MRS Y DEL AGUA:**

Mr Speaker, because they are meeting the population's need whenever they put in a house call, by either physically attending the home, attending them over the phone, because the calls are logged and they do reply to all the calls that are made to the Health Centre. Now, sometimes they feel that they have to visit sometimes they can even prescribe over the phone or give advice over the phone. So we do know what the demand is and we are meeting the demand.

**NO. 414 OF 2009**

**THE HON N F COSTA**

**GHA – SPONSORED PATIENTS**

Can Government say what criteria the GHA employs in deciding whether to send a patient to Spain or the UK as a sponsored patient?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH AND CIVIL PROTECTION**

Answered together with Question No. 415 of 2009.

**NO. 415 OF 2009**

**THE HON N F COSTA**

**GHA – REFERRALS TO UK OF KGV HOSPITAL PATIENTS**

Can the Government say on what basis are referrals made for patients of the KGV Hospital to attend the UK for treatment and in what instances are referrals made which result in the relevant doctor or doctors travelling from UK to assess a specific patient instead of the patient travelling?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH AND CIVIL PROTECTION**

Once a decision is made to refer for tertiary treatment, this Government's policy is that access to Spain or the UK is the patient's choice, assuming the treatment required is available in both countries.

Tertiary referrals, including those to the South London and Maudsley Hospital Trust, that may require prolonged hospitalisation may be preceded by an on-site pre-assessment visit to Gibraltar by a team from the Maudsley, or other tertiary facility, to establish the acceptance of the referral and to communicate the proposed treatment plan.

In some cases, if the patient's condition is stable and if the psychiatrist accepting the referral is of the opinion that the assessment can be optimised in the UK, then the patient will travel to the UK for the assessment.

In some cases, because of delay or potential delay in access to assessment beds in the UK, the psychiatrist may travel to Gibraltar to facilitate the decision on definitive treatment.

**NO. 416 OF 2009**

**THE HON N F COSTA**

**GHA – ANAESTHETISTS**

Can the Government say how many anaesthetists the GHA employs?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH AND CIVIL PROTECTION**

Answered together with Question No. 417 of 2009.

**NO. 417 OF 2009**

**THE HON N F COSTA**

**GHA – ANAESTHETISTS**

Can the Government say whether anaesthetists are on permanent or on renewable contracts?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH AND CIVIL PROTECTION**

The GHA currently has employment contracts with six anaesthetists.

All anaesthetists are on three-year renewable contracts.

**SUPPLEMENTARY TO QUESTION NOS. 416 AND 417 OF 2009**

**HON N F COSTA:**

Was I right in understanding that answer that all six anaesthetists are on exactly the same type of contract, or is there any distinction between any of the anaesthetists?

**HON MRS Y DEL AGUA:**

I need notice of that question but from memory I think that they are all on the same type of contract. They are certainly all on three-year renewable contracts, whether the terms and conditions vary I doubt it very much.

**HON G H LICUDI:**

Can the Minister say whether in respect of any of these anaesthetists a contract has already been renewed? I know that they are on renewable contracts but has one already been renewed from a previous three-year renewable contract?

**HON MRS Y DEL AGUA:**

I am not aware, I do not know the answer to that question.

**NO. 418 OF 2009**

**THE HON N F COSTA**

**GHA – RETENTION ALLOWANCE**

Can the Government say which medical or any other professionals receive the retention allowance?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH AND CIVIL PROTECTION**

Consultants in certain specialties are paid an allowance when there has been a failure to recruit to that specialty, the radiologist being a case in point.

In some cases the allowance has continued to be paid on renewal of contract as a retention allowance, which answers Mr Licudi's question because it is obvious that there are some contracts that have already been renewed, with the answer that I have just provided.

**SUPPLEMENTARY TO QUESTION NO. 418 OF 2009**

**HON G H LICUDI:**

Does the Minister have any concerns in respect of the application of the Fixed Term Contracts Regulations, and the effect of renewing contracts whereby the possibility, I am only raising it as a possibility, that after four years they are considered permanent contracts, and therefore the nature of the contract could change as a matter of statutory provision? Is the Minister familiar with this and has any concern because they may be getting the benefit of the short-term contract, in terms of salary, gratuity and all that, and on top of that, by virtue of statutory provisions, they may also be getting the benefit of a permanent employment?

**HON MRS Y DEL AGUA:**

I believe that is the way it has always been, even during the time of their administration. Whether the law has now changed, and I know that it has, that is something that the GHA is very aware of and I think it is looking at the way it deals with contracts in the future, because we are very aware that this is the case. But I must say that the reason for having people or consultants on three-year contracts has always been, during their time and during ours, to allow graduates who come back to take up the post. Although this is becoming increasingly difficult, as the hon Member is aware.

**HON G H LICUDI:**

The law has in fact changed since 1996, so although the practice of having renewable contracts was in place at the time of the GSLP administration, what I am particularly concerned that the Minister should enquire about is the effect of the legislation on these types of contracts. Perhaps the Minister, without giving us an answer now, can just go away and look at this because if the reason for the existence of renewable contracts, or short-term contracts, is that the post itself should be available for graduates or people who are sent under our scholarship scheme to study for these particular positions, if the effect in reality and as a matter of statutory provision is that these posts are not in fact available because they are filled, in effect, on a permanent basis then it defeats the purpose of the renewable contract. So I would simply urge the Minister to look at this quite closely.

**HON MRS Y DEL AGUA:**

I thank him very much for urging me but as I already said, the GHA is already looking at this. In fact, it has sought legal advice on the matter.



ORAL

**NO. 419 OF 2009**

**THE HON N F COSTA**

**GHA – REGISTERED MENTAL HEALTH NURSES**

Can Government say how many British-Gibraltar nurses in the KGV Hospital are Registered Mental Nurses?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH AND CIVIL PROTECTION**

Answered together with Question No. 420 of 2009.

**NO. 420 OF 2009**

**THE HON N F COSTA**

**GHA – REGISTERED MENTAL HEALTH NURSE TRAINING**

Does the GHA currently run a course locally for Staff Nurses to train as Registered Medical Nurses?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH AND CIVIL PROTECTION**

In answer to Question No. 419 of 2009, the answer is two.

In answer to Question No. 420 of 2009, the post of Registered Medical Nurse does not exist. I assume that he is referring to the post of Registered Mental Health Nurse.

**SUPPLEMENTARY TO QUESTION NOS. 419 AND 420 OF 2009**

**HON N F COSTA:**

Registered Mental, yes, I apologise that was a mistake.

**HON MRS Y DEL AGUA:**

The answer to that is no. We do not provide local courses.

**HON N F COSTA:**

May I ask the Minister whether the GHA does have any plans to introduce such a course, and I also ask the Minister whether she has received any interest from local nurses to be able to train to become Registered Mental Health Nurses?

**HON MRS Y DEL AGUA:**

The GHA is currently examining the feasibility of operating a three year registered mental health programme in conjunction with Kingston University. That programme would allow the first year to be provided here in Gibraltar with a subsequent two years provided in the UK. This would be a considerable improvement reducing the total training time to three years, from the current model which takes four and a half

years. I have no doubt that the situation at the moment is that if any staff nurse wants to register as a mental health nurse, the GHA would have no difficulty in allowing that but it is always the case that they need to go to the UK until we establish this programme, if it does come to fruition.

**HON N F COSTA:**

One of the issues that I imagine arises are that Staff Nurses in Gibraltar may, or are likely to be persons with families and therefore they may have some difficulty because of the payments of mortgage and living xxxxxx et cetera, to go to the United Kingdom, as the Minister has now indicated, to follow on the course. Would there be any incentives put in place for local staff if they wanted, to take advantage of any locally based course to train as a Registered Mental Health Nurse once that is established? As I say, I understand that one of the problems that some of these Staff Nurses face is that there is no incentive, there is no appeal for them to do it because of life commitments et cetera, even though the desire would be to train as a Registered Mental Health Nurse.

**HON MRS Y DEL AGUA:**

I would not want him to hold me to account 100 per cent with what I am now going to say. I believe that the situation now is, and this change happened quite recently, whereas before people who went away to study had to go away on a bursary, this Government decided that because of the things that he has just described which were impeding them from leaving, they can now leave with their basic salary. What they obviously lose out on is on overtime and things like that. But it is an improvement to what existed before.

**HON N F COSTA:**

I am grateful.

**NO. 421 OF 2009**

**THE HON N F COSTA**

**GHA – CLINICAL NURSE SPECIALISTS**

Can Government say whether the vacancies in respect of the posts of Clinical Nurse Specialists for Adults and Children in respect of the specialist care have now been filled?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH AND CIVIL PROTECTION**

If the question is in reference to the two Diabetic Nurse Specialist posts, these posts have as yet not been filled.

**SUPPLEMENTARY TO QUESTION NO. 421 OF 2009**

**HON N F COSTA:**

May I simply quickly ask whether there have been any interests in any applications in respect of these posts?

**HON MRS Y DEL AGUA:**

In fact, I thought the hon Member's supplementary would be something different because the last time I answered this question I actually told him mistakenly, that that same day interviews were being held. I have been informed subsequent to that that because the interviews were being held after I had answered the question, there was some problem with the panel where a member was sick and they had to be delayed. I am now told that interviews will take place, I believe, at the end of this month.

ORAL

**NO. 422 OF 2009**

**THE HON N F COSTA**

**GHA – PROCUREMENT OF SURGICAL AND MEDICAL EQUIPMENT**

Can Government state the number of suppliers the GHA uses for the procurement of surgical and medical equipment?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH AND CIVIL PROTECTION**

Answered together with Question No. 423 of 2009.

**NO. 423 OF 2009**

**THE HON N F COSTA**

**GHA – PROCUREMENT OF SURGICAL AND MEDICAL EQUIPMENT**

Can Government say what is the procedure for the procurement of medical and surgical equipment?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH AND CIVIL PROTECTION**

There are 1,046 suppliers listed on the GHA's central database, including local and overseas. Depending on the item requested, the most suitable supplier is sent a request for a quotation.

The procurement process of medical and surgical consumables is continuous and the Procurement Department is actively researching, evaluating and comparing products from different suppliers and manufacturers to achieve best value for money, quality, safety and reliability. The Procurement Department consults with nurses, clinicians, consultants and other related service providers, in order to ascertain the best products available ensuring that suppliers have the market knowledge, experience, products, technical ability and the after sales service that is required.

**SUPPLEMENTARY TO QUESTION NOS. 422 AND 423 OF 2009**

**HON N F COSTA:**

May I ask, once the Procurement Department decides what is the best product, in consultation with these professionals, is that decision then taken to the Chief Executive Officer or the GHA Board to decide what is ordered?

**HON MRS Y DEL AGUA:**

I believe it would be taken, possibly, to the Director responsible for that area.

**NO. 424 OF 2009****THE HON N F COSTA****GHA – COMPLAINTS LODGED**

Can the Minister for Health give this Parliament the number of informal and formal complaints lodged since March 2009 to date on a monthly basis?

**ANSWER****THE HON THE MINISTER FOR HEALTH AND CIVIL PROTECTION**

As follows:-

<b>MONTH</b>	<b>FORMAL</b>	<b>INFORMAL</b>
March 2009	7	22
April 2009	2	4
May 2009	1	3

**NO. 425 OF 2009**

**THE HON N F COSTA**

**GHA – REPEAT PRESCRIPTIONS**

Can the Government say how many different models used in the United Kingdom for repeat prescriptions are currently being considered by the GHA and what does each entail?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH AND CIVIL PROTECTION**

The models in the UK are primarily two. The first is where the repeat prescription arises from the doctor's clinic and the second is where the pharmacist is empowered to prescribe.

In the case of the doctor's clinic, these are issued by practice nurses or nurse practitioners who are specifically trained to prescribe repeat prescription for patients with certain chronic diseases, whose disease is stable and well controlled. In the second model, the pharmacist is trained to issue, that is prescribe, repeat prescriptions for patients with chronic illnesses.

Although the GHA is indeed looking at these models, I believe that the final solution for Gibraltar may include an enhanced role in clinical pharmacy practice in Primary Care, linking the current role of the PPAU along with the recruitment of a Clinical Pharmacist, and legislative changes to allow nurse prescribing.



**NO. 426 OF 2009**

**THE HON G H LICUDI**

**HEALTH AND SAFETY REVIEW**

Can Government state whether it has now taken a decision on the restructure and reform of the health and safety capability following its announcement of a review in April 2008?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH AND CIVIL PROTECTION**

Not yet.

**SUPPLEMENTARY TO QUESTION NO. 426 OF 2009**

**HON G H LICUDI:**

Does the fact that the Minister is now answering this question on the health and safety capability and reform signify any change of policy or direction of the Government, given that this was previously handled by the Hon Mr Montiel?

**HON MRS Y DEL AGUA:**

No, this question was answered by myself the last time. It was the debate that ensued as a result of a supplementary on an employment question that it was debated in full, where the Chief Minister was involved as well. The actual question came to me.

**NO. 427 OF 2009**

**THE HON G H LICUDI**

(On behalf of the Hon J J Bossano)

**GHA – RECRUITMENT OF CONSULTANTS**

Can Government confirm whether the policy of the GHA in the recruitment of consultants is to require applicants to have previously been employed as consultants, elsewhere?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH AND CIVIL PROTECTION**

The policy of the GHA and, indeed, the NHS Trust and all places in Europe is that the applicants must possess a certificate of specialist training in the specialty, but they do not need to have been a consultant elsewhere.

ORAL

**NO. 428 OF 2009**

**THE HON DR J J GARCIA**

**DEVELOPMENT APPEALS TRIBUNAL**

Can Government say how often and on what dates the Development Appeals Tribunal has met since this question was asked at the last Question Time in this Parliament?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH AND CIVIL PROTECTION**

The Development Appeals Tribunal has not met since this question was last asked.

ORAL

**NO. 429 OF 2009**

**THE HON N F COSTA**

**GHA – DR MALIK**

Can the Government say whether Dr Malik is still suspended on full pay?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH AND CIVIL PROTECTION**

Answered together with Question No. 430 of 2009.

ORAL

**NO. 430 OF 2009**

**THE HON N F COSTA**

**GHA – DR MALIK**

Can the Government say whether the investigation into Dr Malik has now concluded and if so with what results?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH AND CIVIL PROTECTION**

Mr Malik's employment status remains the same as the last time that this question was answered.

The investigation has not yet been concluded.

**NO. 431 OF 2009**

**THE HON S E LINARES**

**CITY FIRE BRIGADE – TRAINING COURSES**

Can Government state what training courses have the City Fire Brigade fire personnel attended in the UK in the last three years excluding the courses that new recruits attend in the UK as part of their induction?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH AND CIVIL PROTECTION**

Answered together with Question Nos. 432 to 438 of 2009.

**NO. 432 OF 2009**

**THE HON S E LINARES**

**CITY FIRE BRIGADE – SHIP FIRE FIGHTING COURSES**

Can Government state when was the last time that firemen from the City Fire Brigade attended a course or courses for ship fire fighting?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH AND CIVIL PROTECTION**

Answered together with Question Nos. 431 and 433 to 438 of 2009.

**NO. 433 OF 2009**

**THE HON S E LINARES**

**CITY FIRE BRIGADE – FIRE SIMULATOR**

Can Government confirm when it purchased a fire simulator for the City Fire Brigade, what was its cost and whether it is currently being used?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH AND CIVIL PROTECTION**

Answered together with Question Nos. 431, 432 and 434 to 438 of 2009.



ORAL

**NO. 434 OF 2009**

**THE HON S E LINARES**

**CITY FIRE BRIGADE – EQUIPMENT FOR TACKLING SHIP FIRES**

Can Government state what equipment has been purchased in the last three years for the City Fire Brigade to be able to tackle a fire in a ship given the fact that port operations such as bunkering have increased?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH AND CIVIL PROTECTION**

Answered together with Question Nos. 431 to 433 and 435 to 438 of 2009.

**NO. 435 OF 2009**

**THE HON S E LINARES**

**CITY FIRE BRIGADE – HEALTH AND SAFETY AUDIT REPORT**

Can the Minister state whether one of the recommendations in the internal health and safety audit conducted by management of the City Fire Brigade mentions the fact that the entrance to the offices, rest places and other parts of the station are inadequate?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH AND CIVIL PROTECTION**

Answered together with Question Nos. 431 to 434 and 436 to 438 of 2009.

ORAL

**NO. 436 OF 2009**

**THE HON S E LINARES**

**CITY FIRE BRIGADE – HEALTH AND SAFETY AUDIT REPORT**

Is Government envisaging having an independent health and safety audit report into the City Fire Brigade?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH AND CIVIL PROTECTION**

Answered together with Question Nos. 431 to 435, 437 and 438 of 2009.

ORAL

**NO. 437 OF 2009**

**THE HON S E LINARES**

**CITY FIRE BRIGADE – VACANT POSTS**

Can Government state whether there are any other vacant posts within the City Fire Brigade which have not been filled and if so, since when have they been vacant?

**ANSWER**

**THE HON THE MINISTER FOR HEALTH AND CIVIL PROTECTION**

Answered together with Question Nos. 431 to 436 and 438 of 2009.

**NO. 438 OF 2009**

**THE HON S E LINARES**

**QUESTION WITHDRAWN**

Since the Chronicle has already announced that the Chief Fire Officer has been appointed, I would like to withdraw this Question.

**ANSWER**

**THE HON THE MINISTER FOR HEALTH AND CIVIL PROTECTION**

Courses attended by City Fire Brigade personnel in the UK are as follows:-

In 2006/2007

Repair and Maintenance Course.  
Risk Assessment Course.  
Powerboat Level 2 Course.  
ICC Course.  
Fire Safety Solutions.  
Rope Rescue Level 2 – Supervisor.  
Rope Rescue Level 2 – Supervisor (re-assessment).  
Command Course.  
Fire Safety Building Regulations and Guidance Course.  
Conference on Fires in Car Parks.

In 2007/2008

Marine Fire Firefighting.  
International Divisional Command Course.  
Fire Safety Foundation Phases 1 & 2 Theory and Practice.  
Practical Fire Investigation Course.  
Fire Safety in Building Design using DD9999.  
Fire Safety Engineering Principles.  
Breathing Apparatus Care and Maintenance Training Course.

In 2008/2009

Fire Safety Solutions in Higher LRP Course.  
Fire Alarms and Emergency Lighting Course.  
Fire Safety Conference and Workshop.  
Practical Fire Investigation Course.  
Familiarisation visit to South East Ambulance Service Trust Control Centre.  
Incident Command Crew and Watch Manager Course.

In 2009/2010

Risk Assessment Course.  
Fire Safety Foundation Course (Practice).

In answer to Question No. 432, in April 2007.

In answer to Question No. 433, the fire simulator was purchased at a cost of £139,600 and delivered to Gibraltar in January 2007. Currently the fire simulator is in the process of being moved to the designated site for installation. Infrastructure works are already in hand and it is envisaged to be operational within the next few months.

In answer to Question No. 434, the City Fire Brigade has purchased numerous items of fire fighting equipment over the last three years. All of them, or rather, these items are mainly for use in any fire situation including ship fires.

The items of equipment are:-

Hoses.  
Training Simulator.  
Foam.  
Breathing Apparatus Equipment.  
High Combat Fire Nozzles.  
Radios.  
Extinguishers.  
Sledge Hammer.  
Training Dummy.  
Distress Signal Units.  
Breathing Apparatus, tabord, personal line and pouch.

In answer to Question No. 435, there is a recommendation to segregate vehicle and pedestrian areas as these share the same access and egress area to the Station. However, even before the audit was carried out, measures had been put in place to ensure that pedestrians are not put at risk due to vehicle movements.

In answer to Question No. 436, the answer is no.

In answer to Question No. 437, there is one vacancy for Sub-Officer. This post has been vacant since July 2008. Interviews for this post are being held this month.

The hon Member, I believe, has withdrawn the last question.

#### **SUPPLEMENTARY TO QUESTION NOS. 431 TO 438 OF 2009**

#### **HON S E LINARES:**

Since the Minister has answered all the questions together I will just quickly ask some supplementaries to some of the questions. For example, the Minister stated very quickly and could she just state when was the simulator purchased? It is Question No. 433. It is just that I missed that.

**HON MRS Y DEL AGUA:**

In January 2007.

**HON S E LINARES:**

Therefore, the supplementary is why has it taken as long as from 2007 to 2009 to put that fire simulator into operation?

**HON MRS Y DEL AGUA:**

The explanation I have been given by Management is that a site was originally identified and, therefore, the fire simulator was ordered. When it eventually arrived in Gibraltar, for some reason or another, the site was no longer available, and they had to wait for a suitable site which has now been provided.

**HON S E LINARES:**

Thank you. In relation to Question No. 434, the Minister mentioned a whole list of equipment and just grasping very quickly some of the items of equipment that she mentioned, would she not consider some of those to be of general usage rather than specific to the port operations, because the question asked specifically for port operations? As an example, if I can remember correctly, I think she said radios. As a layman, I would assume that those items of equipment are of general use rather than specific. From the list, is it possible for the Minister to say which one is specific for port operations?

**HON MRS Y DEL AGUA:**

I prefaced the answer by saying that the items are mainly for use in any fire situation, including ship fires.

**HON S E LINARES:**

Exactly, so therefore, I am asking the supplementary. The Minister might not be able to provide the information because she is not an expert. Neither am I for that matter, but the question was specific because what I wanted to do was to sift through the list and separate the items, as in what is for general use and what is specific for port operations. If the Minister has not got that information, I can either ask her the question again next time or I could write to her in order for her to give me that information.

**HON MRS Y DEL AGUA:**

I am a layman or laywoman myself. But looking down the list, it is common sense to assume that all of these are used in ship fire fighting.

**HON S E LINARES:**

Yes, but I have actually said “specific”. For example, as I understand it, one does not put a fire out, this again talking off the top of my head without being an expert, and maybe I am completely wrong, when a boat is in the water, with water. Apparently there is some sort of foam that they use or whatever, I do not know, I am not sure, but is there any equipment from the list there that is specific to port operations? That was my question.

**HON MRS Y DEL AGUA:**

Well, using the example that he has just given, foam is on the list and I assume that the equipment that is used for the foam to issue, from whatever it is that it comes out of, is already in the possession of the City Fire Brigade, or else there would be no reason for asking for the foam.



ORAL

**NO. 439 OF 2009**

**THE HON C A BRUZON**

**HOUSING – NEW APPLICANTS AGED BETWEEN 18 AND 21**

Can Government state how many applicants for Government housing, between the ages of 18 and 21, have been accepted since the new Housing Allocation Rules were introduced recently?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

Answered together with Question No. 440 of 2009.

**NO. 440 OF 2009**

**THE HON C A BRUZON**

**HOUSING – NEW APPLICANTS AGED BETWEEN 18 AND 21**

Can Government state from what date have persons under 21 but not younger than 18, been able to apply for Government housing in accordance with the recent changes to the Housing Allocation Rules?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

A total of 18 applicants for Government housing, between the ages of 18 and 21, have been accepted since the new Housing Allocation Rules were introduced recently.

Persons under 21 but not younger than 18 have been able to apply for Government housing in accordance with the recent changes since 1<sup>st</sup> June 2009. This was clearly explained in a Government Press Release dated 27<sup>th</sup> May 2009, which expressly stated that changes to the Housing Allocation Rules became effective as from Monday 1<sup>st</sup> June 2009.

**SUPPLEMENTARY TO QUESTION NOS. 439 AND 440 OF 2009**

**HON C A BRUZON:**

Has the other change which I have not mentioned in my question, reducing the pre-list from two years to one year, has that been influential? The figure 18 quoted, would some of those 18 be there because of the change in the pre-list?

**HON F J VINET:**

No, because the change in the pre-list announced what used to be a two year pre-list period now being halved to one year. Therefore, those applicants who can now apply, aged between 18 and 21, would automatically enter the new one year pre-list but not the waiting list proper.

ORAL

**NO. 441 OF 2009**

**THE HON C A BRUZON**

**HOUSING – MEDICALLY RECOMMENDED APPLICANTS ON THE HOUSING WAITING LIST**

Can Government state how many applicants on the Housing Waiting List, to date, are medically recommended, giving a breakdown of their medical category?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

Answered together with Question Nos. 442 to 444 of 2009.

**NO. 442 OF 2009**

**THE HON C A BRUZON**

**HOUSING – MEDICALLY RECOMMENDED APPLICANTS**

Can Government state how many applicants, to date, are medically recommended, apart from those who are described as applicants on the Housing Waiting List, giving a breakdown of their medical category?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

Answered together with Question Nos. 441, 443 and 444 of 2009.

**NO. 443 OF 2009**

**THE HON C A BRUZON**

**HOUSING – APPLICANTS PLACED ON MEDICAL LISTS**

Since the answer given to Question No. 109 of 2009, can Government state how many applicants have been placed on the various Medical Housing Lists “A+”, “A”, “B” and “C”, and give the dates?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

Answered together with Question Nos. 441, 442 and 444 of 2009.

**NO. 444 OF 2009**

**THE HON C A BRUZON**

**HOUSING – APPLICANTS REMOVED FROM MEDICAL LISTS**

With reference to the answer given to Question No. 110 of 2009, can Government state how many applicants, since that date, have been removed from the various Medical Housing Lists “A+”, “A”, “B”, and “C” because a suitable dwelling has been found for them and give the dates?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

I now hand the hon Member a schedule containing the information requested.

**Answer to Question 444**

**Answer to Question 441**

There are 57 applicants on the Housing Waiting List, to date, who are medically recommended as follows:

Medical A+ - 5  
A - 15  
B - 17  
C - 20

**Answer to Question 442**

There are 194 applicants, to date, who are medically recommended, apart from those who are described as applicants on the Housing Waiting List, as follows:

Medical A+ - 30  
A - 62  
B - 43  
C - 59

**Answer to Question 443**

Since the answer given to Question No. 109 of 2009 a total of two applicants have been placed on the various medical lists, as follows:

Date	A+	A	B	C
March (as from 12/03/09)	-	-	-	-
April 2009	1	-	-	-
May 2009	1	-	-	-
June (up to 04/06/09)	-	-	-	-

**Answer to Question 444**

Since the answer given to Question No. 110 of 2009, a total of six applicants have been removed from the various Medical lists, because a suitable dwelling has been found for them, as follows:

Date	A+	A	B	C
March (as from 12/03/09)	2	-	-	-
April 2009	-	-	-	1
May 2009	3	-	-	-
June (up to 04/06/09)	-	-	-	-

ORAL

**NO. 445 OF 2009**

**THE HON C A BRUZON**

**HOUSING – SOCIAL CATEGORY “A” LIST**

Can Government state how many persons are currently on the Housing Social Category “A” List?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

Answered together with Question Nos. 446 to 448 of 2009.



**NO. 446 OF 2009**

**THE HON C A BRUZON**

**HOUSING – HOMELESS PERSONS**

Can Government state how many cases of applications for housing from homeless persons are currently being dealt with by the Housing Department?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

Answered together with Question Nos. 445, 447 and 448 of 2009.

**NO. 447 OF 2009**

**THE HON C A BRUZON**

**HOUSING – APPLICANTS REMOVED FROM SOCIAL CATEGORY “A” LIST**

With reference to the answer given to Question No. 102 of 2009, can Government state how many applicants, since that date, have been removed from the Housing Social Category “A” list because a suitable dwelling has been found for them and give the dates?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

Answered together with Question Nos. 445, 446 and 448 of 2009.

**NO. 448 OF 2009**

**THE HON C A BRUZON**

**HOUSING – APPLICANTS PLACED ON SOCIAL CATEGORY “A” LIST**

Since the answer given to Question No. 103 of 2009, can Government state how many applicants have been placed on the Housing Social Category “A” list and give the dates?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

I now hand the hon Member a schedule containing the information requested.

**Answer to Question 448**

**Answer to Question 445**

Seventy eight persons are currently on the Housing Social Category "A" list.

**Answer to Question 446**

Twenty eight applications for housing from persons classified as homeless are currently being dealt with by the Housing Department.

**Answer to Question 447**

Since the answer given to Question No. 102 of 2009, a total of 13 applicants have been removed from the Social Category "A" list because a suitable dwelling has been found for them, as follows:

March (as from 12/03/09)	-	5
April 2009	-	5
May 2009	-	3
June (up to 04/06/09)	-	Nil

**Answer to Question 448**

Since the answer given to Question No. 103 of 2009, a total of four applicants have been placed on the Social Category "A" list as follows:

March (as from 12/03/09)	-	Nil
April 2009	-	4
May 2009	-	Nil
June (up to 04/06/09)	-	Nil

**SUPPLEMENTARY TO QUESTION NOS. 445 TO 448 OF 2009**

**HON C A BRUZON:**

I notice that there is very little difference in terms of people on the Social Category "A" list since the asked the question in March. In fact, in March it was 79 and now it is 78. Can the Minister confirm what has been the proportion of new entries into this category and what is the proportion of solutions offered to these people since March?

**HON F J VINET:**

The answer to the question is precisely the answers given to Question Nos. 447 and 448, although the total number of persons currently on the Housing Social Category "A" list is very similar to what it was a few months ago, there has been very significant movement. In answer to Question No. 447, the hon Member will be able to see that, in fact, a total of 13 applicants have been removed from the list because a suitable dwelling has been found for them. In fact, if the hon Member were to look at past answers to similar questions, this is actually a very high number. There have been occasions in the past when looking at a similar time scale, as few as two or three allocations have been made. On this occasion, in fact, thirteen which I think is very good news, and I also perhaps add to that that, in fact, there are a further nine socially categorised persons who have been offered a flat in the past few days, but who have yet to actually formally accept those offers. So there has been a very significant amount of movement.

**HON C A BRUZON:**

I thank the Minister for the information given. This proves to me the helpfulness, if one likes, of the Minister answering the questions verbally because then people like our guests in the public gallery and people listening to the radio will in fact know what has been happening. So thank you.

**NO. 449 OF 2009**

**THE HON C A BRUZON**

**HOUSING – WAITING LISTS**

Can Government state how many applicants are currently on the Housing Waiting Lists giving a breakdown of their flat requirements?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

Answered together with Question No. 450 of 2009.

**NO. 450 OF 2009**

**THE HON C A BRUZON**

**HOUSING – APPLICANTS ON PRE-LIST**

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

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

I now hand the hon Member a schedule containing the information requested.

**Answer to Question 450**

**Answer to Question 449**

There are currently 1091 applicants on the Housing Waiting List, as follows:

1RKB	-	584
2RKB	-	70
3RKB	-	258
4RKB	-	162
5RKB	-	17

**Answer to Question 450**

There are currently 202 applicants on the Pre-list as follows:

1RKB	-	130
2RKB	-	11
3RKB	-	38
4RKB	-	19
5RKB	-	3
6RKB	-	1



**SUPPLEMENTARY TO QUESTION NOS. 449 AND 450 OF 2009**

**HON C A BRUZON:**

I thank the Minister for the information given in writing. The Housing lists have gone up by ten in total. Basically the pre-list and the waiting list proper was 1283 in March and now in June it stands at 1293. Can the Minister give an explanation as to why the Housing Waiting Lists are going up and not down?

**HON F J VINET:**

Well, what I can say is that the reason is certainly not because of fewer number of allocations. In fact, I think the opposite is the case. The question is divided into two parts, the actual waiting list proper and the pre-list, which previously used to be two years and is now one year. I mean, there has been of course an inescapable and completely expected increase in the waiting list because by halving the pre-list from two years to one year means that people who otherwise had to wait an extra year have now been moved on to the waiting list proper. That is the bulk of numbers making up the increase. Why the waiting list continues to increase regardless of the fact that more allocations are made, there is no scientific assessment of this. I mean, if he were to ask my own personal opinion I think there are two factors. Firstly, the fact that in the current economic climate mortgage lenders are perhaps hesitant to facilitate mortgages, property prices are more expensive than they used to be some years ago and, therefore, people who may otherwise have preferred to purchase their own home are now putting their names down hoping for Government housing. I think another factor, I know for a fact because I have heard this myself from several people, after the announcement of the new rental estate, which as we know is situated in a prime location, has underground, covered parking and so on, that in itself has made people see the application for public housing as a more attractive proposition than may have been the case in the past. I think that is also a factor to take into account. Those are entirely my own personal views on the matter.

ORAL

**NO. 451 OF 2009**

**THE HON C A BRUZON**

**HOUSING – DWELLINGS FOR REFURBISHMENT**

Can Government state how many Government dwellings are currently in the hands of Buildings and Works for refurbishment?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

Answered together with Question Nos. 452 and 453 of 2009.

ORAL

**NO. 452 OF 2009**

**THE HON C A BRUZON**

**HOUSING – JOBS REQUIRING ATTENTION BY BUILDINGS & WORKS**

Can Government state how many jobs are currently listed as requiring the attention of Buildings and Works within the Housing Department?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

Answered together with Question Nos. 451 and 453 of 2009.

**NO. 453 OF 2009**

**THE HON C A BRUZON**

**HOUSING – TENANTS REQUIRING WORK IN THEIR HOMES**

Can Government state how many Government tenants are currently listed as requiring work to be done in their homes by the Housing Department as landlords?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

The number of flats currently with Buildings and Works requiring refurbishment is 15.

The number of jobs currently requiring the attention of Buildings and Works, as at 9<sup>th</sup> June 2009, was 4085.

The number of tenants awaiting works/repairs by the Housing Department, again as at 9<sup>th</sup> June 2009, is 1238.

**SUPPLEMENTARY TO QUESTION NOS. 451 TO 453 OF 2009**

**HON C A BRUZON:**

Again, if I can just tap the Minister for Housing a little bit in connection with the figures which are on the increase, however slightly, but we seem to be caught with a rather substantially large figure of people awaiting jobs to be done in their homes, and in terms of tenants awaiting for jobs to be done in their homes. In answer to a question in March, the number of jobs currently requiring the attention of Buildings and Works was 4066, now it is 4085. In answer to the other question, a similar question, how many tenants are currently listed, the figure has gone up from 1118 to 1213. Why is this?

**HON F J VINET:**

Well, I note that the hon Member has been very selective in the figures he chooses to bring across to the House. Have the figures gone up since the question was asked in March? Absolutely. Is there an upwards trend generally, I think not, because in fact, if the hon Member would have looked back not just to the last question but the question before last, the outstanding number of jobs was in fact 4343, which means that, as far as today's date is concerned, the numbers are down approximately 200 or so. In fact, as far as the number of tenants awaiting repairs is concerned, at this time last year the number was 2078 which means we have gradually practically

halved the number of tenants. Although I recognise that the numbers are up from last time. But perhaps as a very clear example of just how much these figures can fluctuate, in fact I happen to have with me the schedule with all these figures prepared on Thursday or Friday of last week, I happened to ask for an update yesterday afternoon and the figures were completely different. In fact, I will mention them. Just last week, the number of tenants awaiting repairs stood at 1478, that is at 3<sup>rd</sup> June, now that figure has gone down to 1230 within a matter of days. So really, the answer I give him will depend greatly on the date and time when the question has been asked. The figures do fluctuate.

ORAL

**NO. 454 OF 2009**

**THE HON C A BRUZON**

**HOUSING – RENT RELIEF**

Can Government state how many households have applied for rent relief, to date, since the answer to Question No. 93 of 2009, giving a monthly breakdown?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

Answered together with Question Nos. 455 to 458 of 2009.

ORAL

**NO. 455 OF 2009**

**THE HON C A BRUZON**

**HOUSING – RENT RELIEF**

Can Government state how many households have received rent relief, to date, since the answer to Question No. 94 of 2009, giving a monthly breakdown?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

Answered together with Question Nos. 454 and 456 to 458 of 2009.

**NO. 456 OF 2009**

**THE HON C A BRUZON**

**HOUSING – RENT RELIEF**

Can Government state how many households were on full rent relief, to date, since the answer given to Question No. 95 of 2009, giving a monthly breakdown?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

Answered together with Question Nos. 454, 455, 457 and 458 of 2009.



**NO. 457 OF 2009**

**THE HON C A BRUZON**

**HOUSING – RENT RELIEF**

Can Government state how many households on rent relief have had this benefit terminated, to date, since the answer to Question No. 96 of 2009, giving a monthly breakdown?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

Answered together with Question Nos. 454 to 456 and 458 of 2009.

ORAL

**NO. 458 OF 2009**

**THE HON C A BRUZON**

**HOUSING – RENT RELIEF**

Can Government state how many households have had the level of rent relief reduced, to date, since the answer to Question No. 97 of 2009, giving a monthly breakdown?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

I now hand the hon Member a schedule containing the information requested.

#### **Answer to Question 458**

#### **Answer to Question 454**

The number of households that have applied for Rent Relief, to date, since the answer given to Question No. 93 of 2009 is as follows:

March (as from 11/03/09)	-	3 Active
April 2009	-	11 (8 Active)
May 2009	-	5 (4 Active)
June (up to 03/06/09)	-	1 Active

#### **Answer to Question 455**

The number of households that have received Rent Relief, to date, since the answer given to Question No. 94 of 2009 is as follows:

March (as from 11/03/09)	-	971
April 2009	-	1019
May 2009	-	963
June (up to 03/06/09)	-	876

#### **Answer to Question 456**

The number of households that were on full Rent Relief, to date, since the answer given to Question No. 95 of 2009 is as follows:

March (as from 11/03/09)	-	79
April 2009	-	94
May 2009	-	89
June (up to 03/06/09)	-	83

#### **Answer to Question 457**

The number of households, on Rent Relief, that have had this benefit terminated, to date, since the answer given to Question No. 96 of 2009 is as follows:

March (as from 11/03/09)	-	9
April 2009	-	13
May 2009	-	2
June (up to 03/06/09)	-	1

#### **Answer to Question 458**

The number of households that have had the level of Rent Relief reduced, to date, since the answer given to Question No. 97 of 2009 is as follows:

March (as from 11/03/09)	-	0
April 2009	-	0
May 2009	-	23
June (up to 03/06/09)	-	0

**NO. 459 OF 2009**

**THE HON C A BRUZON**

**HOUSING – ARREARS OF RENT AGREEMENTS**

Can Government state how many tenants have entered into agreements to pay arrears of rent, to date, since the answer to Question No. 100 of 2009 giving a monthly breakdown, and what is the total of arrears covered by such agreements?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

A schedule is on its way with full details. But just to summarise, a total of 83 tenants have entered into agreements since the answer given to Question No. 100 of 2009, amounting to a total of £287,847.71.

**Answer to Question 459**

The total number of tenants that have entered into agreements to pay arrears of rent since the answer given to Question No. 100 of 2009 is 83.

The monthly breakdown and total of arrears covered by such agreements is as follows:

	<b>Total agreements</b>	<b>Amount</b>
March (as from 11/03/09)	14	£48,373.25
April 2009	16	£49,464.43
May 2009	49	£172,809.38
June (up to 03/06/09)	4	£17,200.65
		<u>£287,847.71</u>

ORAL

**NO. 460 OF 2009**

**THE HON C A BRUZON**

**HOUSING – PRE-WAR UNITS ALLOCATED**

Can Government state how many pre-war housing units have been allocated, to date, since the answer given to Question No. 106 of 2009?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

Answered together with Question Nos. 461 and 462 of 2009

**NO. 461 OF 2009**

**THE HON C A BRUZON**

**HOUSING – POST-WAR UNITS ALLOCATED**

Can Government state how many post-war housing units have been allocated to social cases since the answer given to Question No. 107 of 2009, providing a monthly breakdown?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

Answered together with Question Nos. 460 and 462 of 2009.

**NO. 462 OF 2009**

**THE HON C A BRUZON**

**HOUSING – ALLOCATION OF HOMES**

Can Government state how many Government homes have been allocated to applicants other than by the Housing Allocation Committee since the answer to Question No. 108 of 2009?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

A total of six pre-war housing units have been allocated to date since the answer given to Question No. 106 of 2009.

A total of ten post-war housing units have been allocated to social cases since the answer given to Question No. 107 of 2009.

The monthly breakdown is as follows:

March (as from 12/03/09)	-	3
April 2009	-	5
May 2009	-	2
June (up to 04/06/09)	-	Nil

Three Government homes have been allocated to applicants other than by the Housing Allocation Committee since the answer given to Question No. 108 of 2009.



**NO. 463 OF 2009**

**THE HON C A BRUZON**

**HOUSING – REINSTATEMENTS INTO HOUSING WAITING LISTS**

With reference to the answer given to Question No. 118 of 2009, can Government state how many persons, if any, have in fact been re-instated in the Housing Waiting Lists because of a genuine inability to complete the purchase within any of the Government's Home Ownership Schemes?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

Seven persons have been re-instated in that manner.

**NO. 464 OF 2009**

**THE HON C A BRUZON**

**HOUSING – NEW GOVERNMENT RENTAL ESTATE**

With reference to the answer given to Question No. 119 of 2009, how many of the 490 applicants who received letters of allocation in the proposed new Government rental estate have since been offered an existing Government flat and how many have accepted?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

A total of 18 applicants have been offered an existing Government flat since the answer given to Question No. 119 of 2009. Seven of these have accepted.

ORAL

**NO. 465 OF 2009**

**THE HON C A BRUZON**

**HOUSING – OVERCROWDING POINTS DISALLOWED**

Can Government state, in respect of applicants already on the Housing List, for each category of list and for each month since Question No. 112 of 2009, how many applicants had overcrowding points disallowed because other people who had sold their homes move in with them?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

Answered together with Question Nos. 466 to 468 of 2009.

**NO. 466 OF 2009**

**THE HON C A BRUZON**

**HOUSING – OVERCROWDING POINTS ALLOWED**

Can Government state, in respect of applicants already on the Housing List, for each category of list and for each month since Question No. 113 of 2009, how many applicants were allowed points for overcrowding when other people who had sold their homes moved in with them?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

Answered together with Question Nos. 465, 467 and 468 of 2009.

ORAL

**NO. 467 OF 2009**

**THE HON C A BRUZON**

**HOUSING – APPLICATIONS REJECTED**

Can Government state how many applicants for housing were rejected on the grounds that they were home owners who had chosen to sell their homes, giving a breakdown by month, since the answer to Question No. 114 of 2009?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

Answered together with Question Nos. 465, 466 and 468 of 2009.

**NO. 468 OF 2009**

**THE HON C A BRUZON**

**HOUSING – APPLICATIONS ACCEPTED**

Can Government state how many applicants for housing were accepted because in the judgement of the Housing Allocation Committee the sale was necessary, giving a breakdown by month since the answer given to Question No. 115 of 2009?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

The answer is none to Question Nos. 465, 466 and 467, and in answer to Question No. 468, since the answer given to Question No. 115 of 2009, a total of five applicants for housing were accepted because in the judgement of the Housing Allocation Committee the sale was necessary. The breakdown is four in March, as from the 12<sup>th</sup> March and one in April.

**NO. 469 OF 2009**

**THE HON C A BRUZON**

**HOUSING – REPOSSESSED FLATS**

Can Government state how many Government flats have been repossessed, to date, since the answer given to Question No.101 of 2009?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

Answered together with Question No. 470 of 2009.

**NO. 470 OF 2009**

**THE HON C A BRUZON**

**HOUSING – ANONYMOUS PHONE CALLS**

Can Government state, since they introduced the policy of inviting anonymous phone calls on the non use of Government rented dwellings:

- (a) how many phone calls have been received;
- (b) in how many cases was the information received correct,

and provide a breakdown since the answer to Question No. 117 of 2009?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

I will hand the hon Member the information requested.



**Answer to Question 470**

**Answer to Question 469**

One flat has been repossessed to date since the answer given to Question No. 101 of 2009.

**Answer to Question 470**

- A. 166 phone calls have been received.
- B. 88 cases were found to be correct.

The breakdown as from the 12<sup>th</sup> March 2009 is as follows:

<b>Month</b>	<b>Calls</b>	<b>Correct</b>	<b>Incorrect</b>	<b>Pending further investigation</b>
March (as from 12/03/09)	3	1	1	1
April 2009	2	1	1	-
May 2009	4	2	2	-
June (up to 04/06/09)	Nil	-	-	-

**SUPPLEMENTARY TO QUESTION NOS. 469 AND 470 OF 2009**

**HON C A BRUZON:**

I thank the Minister for the information. In answer to Question No. 469, one flat was repossessed to date. Can the Minister say why this happened? Is that information available?

**HON F J VINET:**

No, in fact, going through answers last Question Time I was provided with that information as supplementary information. I have not got it in this instance but I am happy to seek the information for him.

ORAL

**NO. 471 OF 2009**

**THE HON C A BRUZON**

**HOUSING ALLOCATION COMMITTEE**

Can Government state how many times the Housing Allocation Committee has met since the answer to Question No. 124 of 2009?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

Since the answer given to Question No. 124 of 2009, the Housing Allocation Committee has met a total of five times.

**NO. 472 OF 2009**

**THE HON C A BRUZON**

**HOUSING TRIBUNAL**

Can Government state how many cases the Housing Tribunal:

(a) has dealt with and completed;

(b) is currently dealing with,

since the answer to Question No. 126 of 2009?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

I am informed by the Secretary of the Housing Tribunal that, since Question No. 126 of 2009, the Tribunal has dealt with and completed eight cases and it is currently dealing with 32 cases.

**NO. 473 OF 2009**

**THE HON C A BRUZON**

**HOUSING – WATERPORT TERRACES**

With reference to the answer given to Question No. 925 of 2008 how many of the 50 Government flats that were to become empty when Waterport Terraces purchasers moved into their new homes, have in fact now become empty?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

Answered together with Question No. 474 of 2009.

**NO. 474 OF 2009**

**THE HON C A BRUZON**

**HOUSING – GOVERNMENT FLATS AVAILABLE FROM HOME OWNERSHIP SCHEMES**

Can Government state how many Government flats will become available for applicants on the Housing Waiting Lists when purchasers within the three Government Home Ownership Schemes in the South District, move into their new homes?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

Seventeen of the fifty Government flats that were to become empty when Waterport Terraces purchasers moved into their new homes have now become vacant.

Thirteen Government flats will become available for applicants on the Housing Waiting lists when purchasers within the three Government Home Ownership Schemes in the South District move into their new homes.

**SUPPLEMENTARY TO QUESTION NOS. 473 AND 474 OF 2009**

**HON C A BRUZON:**

How many did the Minister say for the South District?

**HON F J VINET:**

Thirteen will become available with regard to the South District developments.

ORAL

**NO. 475 OF 2009**

**THE HON C A BRUZON**

**HOUSING – 37 TANKERVILLE HOUSE**

Can Government state when 37 Tankerville House will be available for allocation?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

No, Sir.

ORAL

**NO. 476 OF 2009**

**THE HON C A BRUZON**

**HOUSING – 60/1 PRINCE EDWARD’S ROAD**

Can Government state if the property at 60/1 Prince Edward’s Road was the subject of an allocation by the Housing Allocation Committee, and if so, when was it allocated to the present tenant?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

Answered together with Question Nos. 477 and 478 of 2009.



**NO. 477 OF 2009**

**THE HON C A BRUZON**

**HOUSING – 60/1 PRINCE EDWARD’S ROAD**

Can Government state whether the works on the property at 60/1 Prince Edward’s Road are being carried out by the Government, and if so can they describe the extent of the works, the funds already expended, the estimated cost of all the works and the estimated completion date?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

Answered together with Question Nos. 476 and 478 of 2009.

**NO. 478 OF 2009**

**THE HON C A BRUZON**

**HOUSING – 60/1 PRINCE EDWARD'S ROAD**

Can Government state whether the property at 60/1 Prince Edward's Road has been offered for sale to the sitting tenant?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

Yes, Sir, the said property was indeed allocated by the Housing Allocation Committee. This was allocated to the present tenant on 9<sup>th</sup> December 2008.

I can confirm that the works are being carried out by the Government. This comprises general internal and external refurbishment of the property, as per standard procedure with pre-war dwellings. The total amount expended so far is £16,500 and a further estimated cost of £3,400 is required to complete the works. Therefore, the total cost of the works is approximately £19,900 and this is estimated to be completed shortly.

In answer to Question No. 478, no Sir, and thanks the wonders of modern technology, I was asked a supplementary to the previous question as to why the reason for the repossession of the one flat, and I am advised that the person was not making use of the property and we believed they were, in fact, residing in Spain. I am grateful to the person who actually provided me with details.

**NO. 479 OF 2009**

**THE HON C A BRUZON**

**HOUSING – EMPTY BEDSITTERS AT BROTHER O’BRIEN HOUSE**

Can Government state if it intends to give up any of the empty bedsitters at Brother O’Brien House, Glacis Estate, in order to provide premises for the Tenants Association?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

No Sir. Perhaps I ought to add because I was expecting a supplementary. The answer is no Sir, but in fact, I am not aware of any such request having been made through the Ministry for Housing.

**MR SPEAKER:**

I am often confused with the xxxxxxx “can Government state” does the “no” reply to Government cannot state or is the Government stating the answer is no. It is just for my xxxxxx.

**NO. 480 OF 2009**

**THE HON C A BRUZON**

**HOUSING – UPKEEP OF TOWER BLOCKS**

With reference to the answer given to Question No. 127 of 2009, when does the Housing Department plan to paint the entrance areas and stairways of the two Tower Blocks in Glacis Estate?

**ANSWER**

**THE HON THE MINISTER FOR HOUSING**

The Ministry for Housing plans to paint the aforementioned entrances and stairways subsequent to the completion of the lifts project at Constitution House and Referendum House, which is estimated to be at the end of this calendar year.

**NO. 481 OF 2009**

**THE HON S E LINARES**

**EDUCATION – TLR POSTS**

Now that the TLR exercise is complete, can the Minister state whether teachers who are in employment for at least a year are now being offered a contract as opposed to being on supply for a year?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION AND TRAINING**

Answered together with Question No. 482 of 2009.

**NO. 482 OF 2009**

**THE HON S E LINARES**

**EDUCATION – TLR POSTS**

Can the Minister state how many of the 11 TLR posts have now been advertised and how many have now been awarded?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION AND TRAINING**

The answer to Question No. 481 is no Sir and the answer to Question No. 482 is that of the eleven TLR posts referred to in the question, all eleven were advertised and three have been awarded.

**SUPPLEMENTARY TO QUESTION NOS. 481 AND 482 OF 2009**

**HON S E LINARES:**

Without indulging into the same debate as we usually do about the Supply Teachers, is there any light as to when a contract ....., because this has been going on, if I remember correctly, for the past six years? Is there any light as in when the Government are going to start introducing contracts for teachers who are, at least for a year on supply? Since it is a long time now that the Human Resources ....., because it has always been the answer given that the Human Resources are looking at it. The more they look at it the more time passes.

**HON C G BELTRAN:**

Well, if the hon Member did not ask the question we would not have to enter into the debate time and time again. But I am very happy to answer what he is asking. I hope that he sees the thrust of my answer. I am not being cynical. It is just a straightforward factual thing. The hon Member says do not repeat the same arguments, well, if they do not ask the same questions we will not have to repeat the same argument. But I can tell him that yes indeed, this has been going on and being mulled over by Government over a number of years now. I think that the conclusion the Government arrive at, really, is that offering contracts to teachers who are on supply, even if it is for only one year, those who are on long-term supply for a year covering for maternity, for example, this can easily give rise to the teachers in question expecting permanent and pensionable employment almost immediately after the contract. It would create like a two tier supply system where those with contracts believe that they have a foot in the doorway, almost there, and create

conflict which is quite unnecessary. The present system, which I have looked at, I said at the beginning of my time in education that I would give this a certain priority. I have given it priority. The conclusion I arrive at, and the Government arrive at, certainly in the short to medium term, is that contracts really are not the best either for the teachers or the education service, in the interests of the teachers or the education service in the short to medium term. The number of supply teachers that we have around in Gibraltar, potentially supply teachers, qualified teachers around in Gibraltar, all aspiring to permanent and pensionable employment when there are really an average of five to six, give or take one or two teachers who retire in what is a very young profession on a yearly basis. So this is the conclusion. This is the Government position at the moment.

**HON S E LINARES:**

The Government's position is contrary to what the Chief Minister has argued before that they should have a contract. The argument is a U-turn from Government.

**HON C G BELTRAN:**

That is not quite correct, Point of Order.

**MR SPEAKER:**

Put the question and the Minister can answer it.

**HON S E LINARES:**

As far as I am concerned, that is a U-turn for the simple reason that the Chief Minister, in one of these long debates that we had, has said and he asserted that yes, there is an anomaly here, that these teachers should be given a contract, we are looking into this, we have already given instructions to the Human Resources Department in order to draft out a contract. That means that the contract was coming and that is why I pose the question every time in this House. I still seem to be getting an answer, the same answer, although a different one today which is similar to the one he gave me last time in the House. I do not agree that giving a contract creates any expectation. All it does, and the debate that we have had previously about this is the right of workers when they are on supply, as to the rights of workers when they are on contract ..... Workers on supply do not have any rights and we have gone into the debate, going to the bank, trying to get a mortgage, they have not got a full-time job. Giving a contract, and again the Chief Minister agreed with me, gives them some sort of a yearly stability, and therefore, I am surprised now that the Government is now changing its tack not to give these contracts which were promised, which were said by the Chief Minister would happen. The insistence of my putting questions in this House is that it was, as far as the previous Minister of Education was concerned, imminent, it was there, the contract was written, it was nearly out, and certainly, there is no contract and the Government have turned round and said that they do not have the contracts.

**HON C G BELTRAN:**

Mr Speaker, where is the question?

**HON S E LINARES:**

Yes, I do exactly like the Chief Minister. I am giving an explanation, as he does for hours on end, okay and the answers usually do not have anything to do with the question. Here I am at least trying to keep the question relevant. Does the Minister not agree then that there has been a change of Government policy in relation to Supply Teachers?

**HON C G BELTRAN:**

I think that my reply to that will be less vehement than the Chief Minister's would have been had he been here. There has been no U-turn, never has there been a contract imminently waiting on the sidelines to come in. There is no anomaly and there has been absolutely no promise whatsoever, at all, ever, go back into Hansard. What the Chief Minister has said, and I quote him because I was expecting the hon Member to bring up the Chief Minister's comment, and I did my homework, contrary to what the hon Member opposite seems to have done because he has quoted all the wrong words and all the wrong decisions taken by Government. There is no decision, there is no promise, there is no anomaly, there is nothing imminent ever having been promised or said, even intimated by the Government. What the Chief Minister said was that there might be merit possibly in a contract and that he was sure the Department of Education would look into it. That is exactly what I have done since I came in and that is the conclusion that the Government have arrived at. It is not in the best interests of either those young teachers in the group of teachers who make themselves available for supply, and certainly not in the best interest of the education service, which is what I am here to make sure works and to protect. That is the answer. No U-turn whatsoever. A decision has now been taken and the matter certainly for the mid-term should be closed.



**NO. 483 OF 2009**

**THE HON S E LINARES**

**EDUCATION – ST BERNARD’S SCHOOL**

Can Government state how much it has cost to paint the outside of St Bernard’s School and when was the decision to paint the building made?

**ANSWER**

**THE HON THE MINISTER FOR EDUCATION AND TRAINING**

From teacher to teacher, from former teacher to former teacher, I have to say that the hon Member again has not done his homework. The outside of St Bernard’s School has not been painted, which is the statement that he makes, “can Government state how much it has cost to paint the outside of St Bernard’s?” Well, St Bernard’s has not been painted on the outside and, therefore, the premise on which the rest of the question is based on is, therefore, also incorrect.

**SUPPLEMENTARY TO QUESTION NO. 483 OF 2009**

**HON S E LINARES:**

Can the Minister state why the scaffolding has been placed outside the school?

**HON C G BELTRAN:**

Yes indeed, see I thought that was it. The hon Member has assumed. He has either passed along Castle Road or one of his ex colleagues, friends or whatever, GSLP sympathisers within the system, have said there is somebody up there painting and he has immediately jumped to the conclusion. The scaffolding is there as part of the long-term maintenance and minor works programme to actually replace some shutters.

**HON S E LINARES:**

Can the Minister state how much it has cost to put the scaffolding in and change the shutters then?

**HON C G BELTRAN:**

Not at all, I do not have that information here.

**NO. 484 OF 2009**

**THE HON G H LICUDI**

(On behalf of the Hon F R Picardo)

Mr Speaker, Questions Nos. 484 to 495 stand in the name of Mr Picardo. Mr Picardo is currently on his way back to Gibraltar having attended the United Nations with the Leader of the Opposition to argue Gibraltar's case, something which the Government seem to refuse to do these days. So our understanding was that he was due to be here by 2.30 p.m. but there seems to be a slight delay in his arrival. Could I ask that we just delay Question Nos. 484 to 495 until Mr Picardo is here. I understand that he is due to arrive imminently.

**MR SPEAKER:**

These are addressed to the Minister for the Environment and Tourism, but while he is in the House I am sure he has no objection to the slight change in order.

**HON LT-COL E M BRITTO:**

No, I understand that there was consultation this morning and that it was agreed that the order of proceedings would not be interrupted. Therefore, I cannot agree. But let me take the opportunity now that I am standing on my feet to refute the statement made by the hon Member opposite, and to say that Gibraltar's case is better defended by not attending than by attending.

**HON G H LICUDI:**

I am sure we could have a long debate this afternoon on that.

**MR SPEAKER:**

It is not on the Order Paper.

**HON G H LICUDI:**

It is not on the Order Paper. Let me correct, if I may, the issue this morning because the Minister has suggested that there was consultation this morning. What there was this morning was a request because there were some questions for Mr Bossano this morning and we expected him to be back at 2.30 this afternoon, so we requested that those questions be delayed, Mr Bossano's questions be delayed until 2.30 p.m. My understanding is that the Chief Minister wanted to be present for those questions and those questions certainly proceeded.

**HON MRS Y DEL AGUA:**

The questions were asked.

**MR SPEAKER:**

The questions were asked.

**HON G H LICUDI:**

Yes, I asked the questions. The questions proceeded on the basis that the Chief Minister refused to agree that those questions be put back until 2.30 p.m. What I am now saying is that Mr Picardo should have been here, we expected him to be here. It is not the same thing, I am not asking that they should be delayed until tomorrow when the Minister will not be here.

**HON LT-COL E M BRITTO:**

Point of Order. This is just filibustering I have already given the Government's decision on behalf of the Chief Minister, can we carry on?

**MR SPEAKER:**

I will allow the hon Member a minute to complete what he was going to say. The point has been made.

**HON G H LICUDI:**

Yes, we have heard

**MR SPEAKER:**

Mr Picardo is here.

**HON G H LICUDI:**

It would appear that my filibustering has actually worked, because during this period of filibustering Mr Picardo has arrived, I have been proved correct that his arrival was imminent, he is now here and I therefore give way to Mr Picardo.

**MR SPEAKER:**

I am sure we are all pleased to see the Hon Mr Picardo back.

**HON F R PICARDO:**

I understand we are at Question No. 484 and I understand there was a desire that I should not ask this question, but as I am here I will be delighted to ask it.

**HON LT-COL E M BRITTO:**

On a Point of Order, if we start off making misleading statements then we are going to get nowhere. Get on with the Order Paper and let me say that I welcome the fact that the hon Member is now present because it will liven up the proceedings from what they would have been otherwise if he had not.

**MR SPEAKER:**

It was certainly not my understanding that there was a desire that the Hon Mr Picardo should not ask the question. The statement I have heard from the Minister here was that we proceed with the questions in the order in which they appear in the Order Paper. That is what it was and I did allow the Hon Mr Licudi to put the questions on the hon Member's behalf.

**HON F R PICARDO:**

Of course, I look forward to reciprocating that kindness and geniality at some time in the future in some way. So, Question No. 484 of 2009.

**EPIDEMIOLOGICAL STUDY**

What will be the cost of the epidemiological study commissioned by the Government?

**ANSWER**

**THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM**

Answered together with Question Nos. 485 to 487 of 2009.

ORAL

**NO. 485 OF 2009**

**THE HON F R PICARDO**

**EPIDEMIOLOGICAL STUDY**

When does Government expect the epidemiological study it has commissioned to be completed?

**ANSWER**

**THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM**

Answered together with Question Nos. 484, 486 and 487 of 2009.

ORAL

**NO. 486 OF 2009**

**THE HON F R PICARDO**

**EPIDEMIOLOGICAL STUDY**

Will Government now publish the terms of reference of the epidemiological study commissioned by it?

**ANSWER**

**THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM**

Answered together with Question Nos. 484, 485 and 487 of 2009.

**NO. 487 OF 2009**

**THE HON F R PICARDO**

**EPIDEMIOLOGICAL STUDY**

Will Government now agree to publish the Employer's Requirement document referred to in respect of the supplementary questions relating to the epidemiological study being commissioned by the Government?

**ANSWER**

**THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM**

As has already been publicly announced, the tender for the epidemiological study has been awarded to the National Environmental Research Institute, University of Aarhus, Denmark. This is a credible, independent institution with a track record in environmental cancer epidemiology.

As with any epidemiological assessment, the fundamental requirements of our study includes the study of the distribution and determinants of diseases in human populations, with this being done by "investigating clusters of health effects" and "investigating supposedly hazardous exposure". The two main aims of our study, which basically comprise the Terms of Reference and Employers Requirement are therefore:-

1. To establish whether Gibraltar is a high risk community for cancer due to its location within the vicinity of potential sources of environmental exposure or health hazards, resulting in unacceptable levels of exposure to contaminants or pollutants.
2. To establish whether there actually exists an incidence of cancer greater than expectations.

Although the aims are fairly narrow in scope, it should be appreciated that these underlie the need to paint a broader picture of the health and environmental safety of the area, with the following related questions also being addressed as part of the study:

1. Is there evidence to suggest a greater incidence of diseases other than cancer, but known to be related to an excessively prevalent environmental pollutant or pollutants?
2. Is there an increased incidence of a type of cancer not knowingly linked to environmental pollutants?



3. If an environmental cancer risk is found, can it be related to a particular industry or activity?

The appointed consultant's initial assessment is that they believe that they will complete the assessment in about seven months.

The quote price for the study is not something that I am willing to release at this moment in time as it is dependant on a final decision being taken on a optional item for the assessment, which is still under discussion but which will not materially affect the study or the outcome of the same.

### **SUPPLEMENTARY TO QUESTION NOS. 484 TO 487 OF 2009**

**HON F R PICARDO:**

I am grateful for what is obviously a very full answer. Would the Minister accept that this is something that the Opposition is in favour of and that we have made that position clear from 2003, and will he tell us why it is that he has not specifically answered, and I am not trying to corner him in cross examination style, but why he has not specifically answered Question Nos. 486 and 487 in terms of will he agree to publish those two items, namely the Terms of Reference and the Employers Requirement documents? Is it that he has read us everything that those contain, because I know that in his answer he said "includes", which suggests that he has taken only a part of what it is that that document contains?

**HON LT-COL E M BRITTO:**

Well, the answer to Question No. 486 is clearly no Sir, and I thought that was implicit in what was said, but maybe it was not spelt out. Secondly, I think I have referred to the two main aims of the study and, I am not quite sure what the hon Member is after, but if he is after a copy of the document, or if he is after greater detail, the Government are not prepared to release it at this stage. The consultants need to do their work and once the work is finished then it is the intention of the Government to publish the results, and at that stage the document can be published as well.

**HON F R PICARDO:**

The Minister will agree with me because I know he has been an advocate of this happening for some time, that these are important documents, these are the documents that set in frame exactly what it is that is going on. Can I ask him why there is a resistance on the part of the Government to publish the document which are the terms of reference of the study that we all agree should happen and is now happening?

**HON LT-COL E M BRITTO:**

Nothing sinister, other than it is a normal consultant's contract. The Government policy is not one of releasing contracts hither and thither on any subject in particular. Although I am not supposed to ask questions from this side, I do not see the interest

of the hon Member in reading the small print of the document. If he had been a tenderer he would have seen it, if he was interested in bidding for it he would have seen it, he is not, he and I will not have an active part to play in this until the report is finished, other than to speculate, which I am not prepared to do. It would be a pointless exercise. Can I suggest we wait until December and then we can revive the debate, because at this stage, it is all speculative.

**HON F R PICARDO:**

Well, I will tell him why I think it is important, because although he and I are not technical men who would be able to tender or understand the terms, and I am not asking to see the detail of the contract, clause 3 termination, clause 4, I am not asking to see that. I am asking to see the exact terms of reference. Now, is it that the Minister is telling us that he has told the community what those exact terms of reference are in what he has read out in this answer, or is it that the terms of reference are wider and that what we have had read out is a part of it, which the Minister may have selected for whatever reasons I may not be able to pinpoint at this stage? If he has told us everything that is in the document in terms of terms of reference, then of course I would be satisfied that the community has the information available.

**HON LT-COL E M BRITTO:**

Indeed they are, I have quoted, the first two quotes I have made are exactly in line with the two aims, the two main reasons, and the scope as well. The document is in the form of a briefing paper and what I said faithfully reflects what is in it.

**HON F R PICARDO:**

In that case I am grateful, we are quite happy to accept that. But the Minister will know that at the time when the Government announced the epidemiological study was to be embarked on, they said that they were delayed in their announcement because they tried to obtain cooperation from the other side of the frontier so that we could have a cross border epidemiological study. It has not been clear to us what happened to those attempts to get the other side to cooperate, other than we are simply now proceeding with our own study, and there was a delay between the initial announcement and the commencement, both because of the tender process and as I understood it because of the attempt to get the other side to cooperate. Can the Minister tell us why it was that the attempt to get the other side to cooperate did not prosper?

**HON LT-COL E M BRITTO:**

I cannot go into the details simply because I do not know them. I have not been involved in contacts with the other side, as the hon Member calls it. I do know there has been, or there have been in the past the odd expressions of interest by individuals but there has never been a formal approach, despite public invitations. I do not mean a formal approach by anybody from within the hinterland to actually take part. But what the consultants are going to do is they are going to try to broaden the database as widely as they can, and I met them only this morning, (1) by obtaining as much data from official sources within the Spanish hinterland, a lot of which is

available on websites and full public sources. I take this opportunity to thank the ESG who have, through meetings with me and Government officials, been more directly involved with me with the contacts with the consultants. The ESG have supplied a lot of information, a lot of data, all of which has been passed. Let me be quite specific, all the data that has been given to the Government by the ESG has been passed to the consultants, in its entirety. Right, and similarly, if there is any way that the Government in the future, and I made this offer this morning, can try and help the process by obtaining any further information that the consultants have been unable to obtain but which the Government might be able to obtain, I say might, I have invited them this morning to inform us and we will try to obtain it through our own lines of communications. But obviously I cannot make any promises on that.

**HON F R PICARDO:**

Would the Minister agree with me that it is right to thank the ESG, not just for providing the information that they have provided, which he has usefully passed on to those involved, but it is right to thank the ESG, that the whole of the community should thank the ESG for putting this epidemiological study on the agenda as far back as 2002. The Minister will know that he and I have disagreed in this House as to what our respective commitments have been, we were committed to it in 2003, I am delighted that the Government are now committed and embarking upon it. But it is right as a community as a whole, that we should be thanking the ESG for putting this firmly on the political agenda. It had been nebulously there before but this was really put on the political agenda for all the political parties to take notice of by the ESG, and it is right that the community as a whole should recognise that.

**HON LT-COL E M BRITTO:**

Yes, as I have said, I am grateful to the ESG for all the work that they have done. I am not sure that I agree but I do not have the detail in front of me to disagree, where the brownie points lie of who said what first. I seem to remember, when we had this discussion before, that I argued that it had not been the ESG who had initiated it, but I do not want to go down that route. The ESG have been working with the Government and are working with the Government, for which I am grateful, and yes, I am quite happy to thank the ESG for all the work they have done in this and in other spheres.

**HON F R PICARDO:**

Finally, the Minister referred to a further optional item that was still being negotiated. Can he tell us what that optional item is, or give us at least the flavour of what it is that it deals with? Or is it technical?

**HON LT-COL E M BRITTO:**

It is technical and I was trying to look for it a moment ago and I did not spot it. It is basically an extension, I cannot really remember, it is an extension of the study at a stage in the future depending on how things go. I would have to research it, I would have to get someone to research it for me. I do not have the information with me.

**HON F R PICARDO:**

Does he know if it is an extension in time or in subject matter?

**HON LT-COL E M BRITTO:**

It is something I saw some time ago and it is not clear in my mind. I would not like to say anything that would mislead the hon Member.

**NO. 488 OF 2009**

**THE HON F R PICARDO**

**LICENCES TO SHOOT SEAGULLS**

On what dates were licences granted to shoot gulls in Gibraltar and how many licenses were granted?

**ANSWER**

**THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM**

There are three licences currently in force in respect of the yellow legged gulls, their nests and their eggs. Two are dated 1<sup>st</sup> February 2009 and one is dated 1<sup>st</sup> April 2009.

**SUPPLEMENTARY TO QUESTION NO. 488 OF 2009**

**HON F R PICARDO:**

How many of these birds do the Government intend to eradicate in this way?

**HON LT-COL E M BRITTO:**

I have been down this route before in respect of a different species of the animal world and I have no intention of getting drawn down the same way, other than to say that the remit of the Government to the consultants who are carrying out the exercise is to maximise the six weeks that they are in Gibraltar and to make the number of sea gulls that are removed, their nests and their eggs as large as possible.

**HON F R PICARDO:**

Of course I take it that the Minister uses the word “removed” and “killed” interchangeably in that phrase. So, it is a period of six weeks that the licences will be extant for or that the contractors will be in Gibraltar?

**HON LT-COL E M BRITTO:**

Licences, I believe, are for a period of a year but they may be two years, I am not sure. The contract is for a period of six weeks, but of course that applies only to one

licence. The other two licences are in respect of a local contractor, which is an on-going effort throughout the year and not just for a six week period.

**HON F R PICARDO:**

The Minister will know, like I do, that many years ago the practice was to destroy or remove the eggs of the gulls. Why is it that we are moving to the much more dramatic shooting of the gulls? Is it because there has been a population explosion or not?

**HON LT-COL E M BRITTO:**

The hon Member should go outside and speak to people on the street and he will know the answer. But let me try and answer the question more specifically. It is not correct to say ....., well, it depends how far one goes into the past. There is no doubt either that the population ....., I would not say that the population has been growing but even that is not scientifically proven. There are gulls coming in from across the way in the Los Barrios rubble tip, there are gulls coming in from across the Strait from Africa, and over the years the practice of trying to limit the size of the gull population has changed. It is no good removing the eggs because all the gull does is lay another one. The usual practice is to prick it in a way that is not noticeable and then the chick is not born. But that has proved clearly not to be enough over the years and, as no doubt the hon Member will know, public opinion clearly wants something done. So although there is a local contractor doing this on a round the year basis, the Government decided to take more drastic action and to bring in a larger team than the local contractor can muster, using a variety of methods, and we will wait and see what the final results are. We are just over the halfway mark and the results are quite worthwhile. It is too early to make a commitment at this stage but it would not surprise me to see them again in Gibraltar.

**HON F R PICARDO:**

I am not surprised to hear the Minister implicitly accept that policy of the Government is set by public opinion. I think that was perfectly clear to us on this side, but obviously, there is a public health concern as well because the numbers appear, and I say "appear" because I accept that he has told us that it is not scientifically proven, to have increased dramatically. Now, is it that the egg issue is no longer relevant because not all the gulls are living in Gibraltar, they are coming to Gibraltar but living elsewhere? Is that what he is telling us in terms of gulls coming from across the way and gulls that come from, I assume he means the rubbish tip in Los Barrios, which appears to be a great ground for them to feed?

**HON LT-COL E M BRITTO:**

Let me just say to start with that the Government policy, like the Opposition's comments, is made in awareness of public opinion but that the Government are not scared and have frequently shown that they are not scared to make policies which are not directly influenced by what public opinion is, if Government think it is in the best interests of Gibraltar. Having said that, I do not think we should be misled too much about eggs, there has never been a scientific count of the population of gulls that I am aware of. I am not sure how figures that I have heard bandied about, and

even given to me officially in papers formally, of anything between 20,000 and 30,000, have been arrived at but I have seen no scientific basis for the establishment of the size of the population. However, currently there is a scientific exercise taking place which is based on photography, GPS and computer software, which actually counts gulls photographed in a given area, usually from above, from high levels on the rock and then the computer makes the count, which obviously one of us visibly could not do and I am not aware whether there is any other method of doing it. This has not been invented for Gibraltar, this is the methodology that exists in UK and that this team has been practising throughout the UK.

**HON F R PICARDO:**

Are the Government satisfied that, in terms of aircraft safety, the measures that they are taking will be sufficient?

**HON LT-COL E M BRITTO:**

The Government are completely satisfied with the safety of the airport and the safety of aircraft in Gibraltar, and so I am sure are the MOD, otherwise aeroplanes would not be flying in and out.

**HON S E LINARES:**

Can the Minister state whether as part of the licence, whichever of the three companies, there is something in that contract or licence that they have to clear the corpses, because there seems to be quite a large number of dead animals on the roads? Therefore, it seems as if ....., I am talking about health and safety, it is an issue. When they are shot down, and I am not going to go into the argument of whether they should or they should not, they lie as flattened seagulls on the ground and that is a health and safety issue. Is it within their remit when they shoot the bird to at least go to the nearest road to .....? Forget about the overgrown places and all that, but at least the nearest road to clear it out.

**HON LT-COL E M BRITTO:**

I am tempted to ask myself where the hon Member has been in the last five or ten years. It did not take this team to arrive for there to be dead seagulls on our roads. At this time of the year there have always been dead seagulls on our roads, small ones, medium ones and bigger ones and they are usually run over by vehicles not shot down. Now in answer to his specific question, the two as far as I know are by and large unlinked but there could be the odd exception. Most of the activity that has been taking place has been taking place on the east side and on the upper rock, and there is certainly a provision in the contract for the collection of the corpses, and the corpses are being burnt in the animal incinerator up beside the crematorium. It is true that not all the corpses can be burned because sometimes the seagulls fall on the cliffs on the upper rock. If they are falling on the roads they are picked up. If they are falling in inaccessible places on the cliffs, and even though there is a presence within the team of two expert abseillers in order to reach nests in difficult places, it is obviously not worth risking human life to pick up a dead seagull that is lodged in a cliff. The short answer is that seagulls on the road have nothing to do with the activity that is going on. Secondly, the corpses are being picked up and the

instruction on the contract says they have to be picked up. Thirdly, there may be the odd seagull in the odd crevice in a cliff somewhere which has not been able to be picked up, but the advice that we have is that that is not harmful to animal life or to human life.

**HON F R PICARDO:**

Just one final issue, can the Minister tell us what the costs of the contracts are?

**HON LT-COL E M BRITTO:**

I cannot because I do not have it, the question asked me about licences not about costs and no one has provided me with the information. On a correction to the hon Member, he said the contracts to three companies it is actually the contracts to two companies. I said there were three licences, two were on the same date to one particular company and the other to the UK team.

**HON F R PICARDO:**

Will the Minister find out and tell me. I know that we are coming up to the Budget session and it would be an important statistic to know when we discuss the Appropriation Bill?

**HON LT-COL E M BRITTO:**

As I think the hon Member will know, I am always reticent to agree to that on the floor, simply because I do not trust my memory or my ability to find out. If he would like to write to me I will certainly look at it.

**HON F R PICARDO:**

If I write to him the Minister will give me the statistic or he will look at it? Those are two completely different things.

**HON LT-COL E M BRITTO:**

Yes indeed, they are.

**HON F R PICARDO:**

Which of the two will he do, look at it or give me the answer?

**HON LT-COL E M BRITTO:**

Well, I will look at it first and then we will see what I do.



**HON F R PICARDO:**

What could there be to see that might suggest to the Minister that he should not give me the information on what the taxpayers' costs of these contracts is?

**HON LT-COL E M BRITTO:**

Let me spell it out, let him write to me and then I will make the decision.

**HON F R PICARDO:**

I am not going to write to seek the Minister's indulgences, I will simply pursue the matter at the time of the Appropriation Bill. So I ask that he ensure that he has the information available.

**NO. 489 OF 2009**

**THE HON F R PICARDO**

**APES**

Given the recent attack by a Barbary macaque on a child and recent correspondence in the local press, will Government now accept that its management of the ape population (in particular the killing of groups of these animals) is not effective?

**ANSWER**

**THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM**

Answered together with Question No. 490 of 2009.

**NO. 490 OF 2009**

**THE HON F R PICARDO**

**RUBBISH DUMPS AT TANKERVILLE AND TANK RAMP**

Of course it is the Minister's prerogative to do that but the question is totally unrelated and I smell a device.

Has any progress been made or any final policy decision been made in respect of the plans for the relocation of the rubbish dumps at Tankerville and Tank Ramp and at the foot of Castle Steps, opposite the entrance to St Bernard's School?

**ANSWER**

**THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM**

I am glad the hon Member smells a device and not a seagull, or even an ape. They are linked simply because in the past the hon Member has linked them in his own questions and the answers have been joined, and it is more convenient to join them up. Anyway, be that as it may the two answers are separate.

In answer to Question No. 489, the answer is no Sir.

In answer to Question No. 490, as explained in my reply to Question No. 155 of 2009 of the previous Parliament, the facility at Castle Steps referred to by the hon Member opposite was a refuse holding facility provided by the GSLP when in administration. The inadequate facilities have created the need to consider options to do away with it in a way that will not lead to further grievances in the future. The decision to proceed with the construction of a proper refuse holding facility at the area behind the Plater Youth Club has been made and the design agreed to. The construction drawings are currently being assessed from an engineering perspective. It seems to me that I could have saved a lot of time by simply saying the situation is exactly the same as when I last answered the question.

**SUPPLEMENTARY TO QUESTION NOS. 489 AND 490 OF 2009**

**HON F R PICARDO:**

It is not, with respect to the Minister, he has actually given us more information than he gave us last time. In the sense that last time they were considering whether they could do this at the Plater Youth Club area, now he has confirmed that it is actually going ahead, so I am grateful for that.

**HON LT-COL E M BRITTO:**

Good, I am glad we are progressing.

**HON F R PICARDO:**

It has only been 16 years since the GSLP put it there so it cannot have been that bad a decision if it has taken them 16 years to put it right. But in relation to the answer to Question No. 489, how can the Minister say that he believes that the ape management programme which his Government is running is effective when things are getting worse for the population, for the general human population in the area of the upper rock, for those tourists who visit us who have now seen what we all knew would happen if drastic action was not taken, which is that a Barbary macaque has attacked a tourist child? When are the Ministers going to wake up to the fact that the sporadic killing of these animals is not going to solve the problem and that they need to take drastic, non-killing action and they might have to spend some money? For example, given the howls of protest from the other side, spending money in exporting large numbers of the animals, spending money in cooperating with the international bodies that would know how to assist us in this respect, to ensure that these problems do not continue to afflict the tourist and the local population.

**HON LT-COL E M BRITTO:**

I am tempted to say that the answer remains as already given. I will just add that, I am sure the hon Member will agree, although neither he nor I are experts in the management of the macaque population, that he will accept from me the following advice that I have been given, that the management of the Barbary macaques is an on-going process, which requires different approaches depending on the circumstances at any given time and options that are available when making these decisions. That is the process that is being followed, including the one single item that he has mentioned of exportation which is on-going and where there is a possibility, I will not put it higher than that, of exporting possibly as high as 60 or 70 monkeys. But that is only one of the options we are looking at.

**HON F R PICARDO:**

Is this not actually the problem with this Government? First of all we are told that the advice is being followed when one does not have to put one's ear to the ground to know that the advisors complain that some of their advice, the most important parts of their advice, are not followed principally on grounds of costs. Secondly, that we are told that things may happen, that they might happen, that they will happen shortly et cetera, and then they do not happen or they take an age to happen. In the context of this particular issue, that, as in all the other issues, but in this context in particular that is just not good enough because now we have seen a child attacked, and I recognise that Mr Beltran is laughing when I am referring to the fact that a child has been attacked, so be it.

**HON C G BELTRAN:**

Point of Order, that is untrue. I am simply reacting to his comment that we in this Government treat or react to all other issues in the same way. That is what I am

laughing at. The question of children being attacked of course is a very serious business.

**HON F R PICARDO:**

Of course it is a very serious business that is why he should laugh in shame at the fact that his Government have not been able to prevent this from happening. Why is it that everything is going to happen shortly, that everything might happen and that then nothing happens? In the context of this particular problem that means either the local or the tourist population is attacked by macaques, because they cannot live side by side, or the apes are killed because the Government have not done anything this year either to export 17, so another 17 will have to be killed next year. Is it not time that the Minister, who I know is sometimes an effective Minister, grasps the nettle on this issue, stood up to whoever it is he needs to stand up to, spends the money and deals with this properly?

**HON LT-COL E M BRITTO:**

I regret to say that the hon Member once again displays what I accused him of a moment ago, which is ignorance of the size of the problem and of the roots of the problem, and of past history of the problem. Does he for a moment think that incidents, of what are called "ape related injuries" have suddenly happened this year for the first time, or in the last 12 years or whatever it is, since this Government have been in office? Does he think for a moment that it did not happen when the only Member who used to be on this side of the House, the Hon Mr Bossano and the rest of the GSLP was on this side? Does he think that it did not happen when the AACR were in Government? Does he think it did not happen back in the 1900s when the Army and the MOD were in charge of the monkeys? Of course it has always happened and regretful and sad as the recent incident which is out of all proportion to anything that has happened before has been, there is a record of similar incidents happening throughout the years from medical records. It is certainly not an exception and it is certainly something that whenever one has animals that are loose next to the human population, and mainly tourists, incidents of this kind are sometimes unavoidable.

**HON F R PICARDO:**

I never thought I would see the day when the Minister would deploy what I can best describe as the 19<sup>th</sup> century excuse. It used to happen in the 19<sup>th</sup> century so what is wrong with it happening now? It used to happen in the 1960s, in the 1970s, in the 1980s and in the 1990s, it is going to keep on happening now. Well, the fact is that he has told us that the ape population has grown exponentially, he has told us that it needs to be dealt with, he has told us that his Government's method for dealing with it is kill 30 odd apes, although he does not put a figure on it, every year. That obviously did not work in the 19<sup>th</sup> century, in the 1960s, in the 1970s or in the 1980s. Thank God it was stopped in the 1990s. Is it not time, as I told him before, that he stands up, that we see the Minister stand up and grasp the nettle and deal with this issue properly once and for all, even if that means considerably more cost on a one-off basis?

**HON LT-COL E M BRITTO:**

This is exactly what the Government are doing, looking at a number of options that have not even crossed the hon Member's mind and which he has not bothered to ask me, because I am not going to tell him until we make decisions. He is also standing up to say that certainly I have said that the population has grown, certainly it has grown because those who should have grasped the nettle on this side of the House when they were here and who are now on that side of the House, instead of keeping the population down, they took a deliberate policy decision, as the hon Member said thank god for the 1990s when it stopped. It is precisely because they stopped controlling the population, it is precisely because the GSLP thought that by having more Barbary macaques we would have more tourists, it is precisely because of that that we have the problem of the size that we have today. I have given the figures before, when the GSLP came into Government there were roughly two packs of 40 or 45 monkeys, when they left there were over 300 and nobody had a clue how many there were. They are now down to below 200, but of course, birth rates, and I do not know what the latest figure is, it might be over 200, I do not want to mislead the hon Member. We are in the period where births take place, so before he starts throwing mud at this side of the House he should look back over his shoulder at what his colleagues were doing before he arrived.

**HON F R PICARDO:**

Well, I mean, this really beggars belief. When rent-a-mob Beltran decides that he will allow me to speak I will carry on. First of all,

**HON C G BELTRAN:**

Point of Order. Can I ask for clarification as to the meaning of the word "mob" there? Could he please clarify that?

**HON F R PICARDO:**

First of all the .....

**HON C G BELTRAN:**

I take objection to being called "the rent-a-mob" with my name attached to it. What exactly does the hon Member, or should he not ..... I would ask him to think about removing what he has just said.

**HON F R PICARDO:**

First of all the hon Gentleman.....

**HON C G BELTRAN:**

Mr Speaker, I ask for a ruling on what I have said.

**MR SPEAKER:**

Is the hon Member going to explain or does he want a ruling?

**HON F R PICARDO:**

I will only explain if Mr Speaker asks me to not if the Minister asks me to.

**MR SPEAKER:**

Well, perhaps he will explain.

**HON F R PICARDO:**

The fact is that the hon Gentleman is most vociferous on the other side when one is on one's feet, interrupting, laughing, he was laughing before. He may not have realised but when I was making a serious point about a child being attacked, and I have decided to call him.....

**HON C G BELTRAN:**

It is what the hon Member does all the time.

**MR SPEAKER:**

Order, Order.

**HON F R PICARDO:**

Which is exactly, for those listening, what he is doing now. That is why I called him "rent-a-mob". It is a well know phrase for those who read politics. They would know exactly what I mean, so perhaps I should recommend to him that he should read The Times every day and see what the phrase means.

**HON C G BELTRAN:**

That is not an explanation, he is fudging the issue in order not to reply because he knows he has done a wrong and I would ask for a retraction.

**MR SPEAKER:**

Basically I think it boils down to me because I should rule whether that is an un-Parliamentary expression or not. It is not something which I would readily describe as an insulting expression in the context he has used it. "Rent-a-mob", "rent-a-crowd", I would not take the view that it was intended as an insult, but as a description which he applies to the hon Member's conduct. Rightly or wrongly, I am not saying he is right in his description or he is wrong. But I would not say it is an

insulting phrase so as to merit any further action. I am sure the hon Member is offended but as the Chief Minister said today, in politics we have got to sometimes get as good as we give.

**HON C G BELTRAN:**

I bow down to Mr Speaker's ruling.

**MR SPEAKER:**

Thank you.

**HON F R PICARDO:**

I am obliged. If it is any consolation, I would not call him a "mob" in any sense other than in a political sense. I have no personal animosity towards him in particular. So, I will not be deviated though. First of all, the Minister deploys the 19<sup>th</sup> century excuse. Then he deploys the "there are more things in heaven or earth than are thought of in your philosophy Picardo" excuse. Then he says to us, "well it is the GSLP that created the problem". Well, frankly, I think the community is entitled to say to the Minister, "look the GSLP has been out of power, for reasons that we can debate for hours, over 13 years". Is the Minister telling us that this is not a problem that he, with the resources of his Department and the resources of his Government cannot resolve in six months, that he cannot resolve in a year, that he cannot have resolved in a decade? That it is going to be almost a decade and a half since the hon Gentlemen were in power, that he still laments the size of the population, that he still is not able to tell us when it will be resolved, other than by the barrel of a gun.

**HON LT-COL E M BRITTO:**

The hon Member is falling into the trap of his own leader, which is to build false premises and then build on the false premises further onwards. I have not at any moment said, and he has said it twice, that my Ministry is either low on funds, low on resources or unable to deal with the problem. He starts off on that premise and then builds it up to something. The Government and the Ministry, both are very concerned about the latest developments in the familiarity of the macaque population with the human population. What is happening is that the monkeys, for a number of reasons and I do not want to go into controversial territory, well, it is just that I do not like being misquoted later. But basically, because we the humans have taught or have trained, is the word the experts use, the monkeys to lose their fear of us, because we feed them, we give them bars of chocolate, we given them packets of crisps, and then when they see plastic bags with a local supermarket name on it, they associate it with food and they come grabbing those bags. But I do not want to sidetrack. The Government are very concerned with this situation. The Ministry is very concerned with this situation. If we had "the barrel of the gun policy" which the hon Member is so fond of using, we would have reduced the numbers much more than we have done already. We are trying to use alternative methods and slower methods, because we are trying to use xxxxx and we are trying to use a different methodology, increased on what has been done on the past. Remember it is no good pointing back to 13 years. This problem has only existed at the scale that it is now in the last 12 months, 18 months. It has been developing, I agree. It is a matter



of concern, I agree. The recent incident of the child that was attacked is of grave concern, but this is not something that has happened this year because of anything else. It could have happened a year ago, it could have happened ten years ago. Let me tell the hon Member what happened, because I do not know whether he has bothered to find out, but he might have done before he made wild accusations. A family group were climbing Charles V Wall and there was a group of macaques on the wall which included a baby ape, or more than one baby ape. The behaviour of apes is very protective towards their young and if they perceive a threat, and I stress "perceive" because there may not have been a threat, I am sure there was not a threat on this occasion, but if they perceive a threat, the threat might be the approaching family group. There have been many examples of this and I have seen them for myself, the baby just squeals and the adults go wild. Wild is putting it too strongly but the adults jump to the defence of the baby, and that is what happened this time. Of course, the adults struggle and the situation just gets worse and other monkeys come in to help what they perceive as an attack on their fellow animals. That is what happened. Now, that could have happened yesterday, it could have happened a year ago, it could have happened ten years ago, it could have happened 50 years ago, and there are similar occasions but I am not aware of one as serious as this particular one. Before I sit down, and I am getting a bit weary of xxxxx the same argument again and again, the Government are very conscious of what is happening, are developing different ..... Well, when I say the Government are developing, the Government are asking those who are under contract to manage the macaques, despite what they may have said in newspapers in Gibraltar, the Government are asking those contractors to develop a more effective way of dealing with the problem, and if that more effective way is not forthcoming, then alternative methodology will have to be used.

**HON F R PICARDO:**

Let me start at the beginning of the Minister's answer. He says that we build issues on false premises. I am tempted to say that the only false premises that we have seen referred to in the past three years are the 790 flats that soon became 490 or 410 after the election. That is false premises. But the Minister has said that the problem has in fact developed in the past 12 months, so I think that helps to put the 19<sup>th</sup> century defence and the defence that the GSLP is at fault in its context. But I recognise that he is weary of this issue so I will move on to the next question. When is it that the rubbish dump at the area behind Plater will be finalised, or finished, and when will the rubbish dump at Tankerville and Tank Ramp finally be removed?

**HON LT-COL E M BRITTO:**

I have already answered that question. The plans are being currently assessed from an engineering perspective. I do not have a final date if that is what he is after.

**HON F R PICARDO:**

I originally did not hear what he said and then he said what?

**HON LT-COL E M BRITTO:**

I beg his pardon. What I said was firstly that I had already answered the question. Secondly what I said was that the drawings were currently being assessed from an engineering perspective, and thirdly, that if he is asking for a date, I do not have a date for him.

**HON F R PICARDO:**

As a Minister in charge of a department, knowing that this is causing a major problem to a number of families in the area, and for reasons which may be related to the apes, for reasons which are just the obnoxious smells of this area now, with the population in the area, does he not feel responsible to say "I have not been given a final date but I am going to make sure that it gets done at the very least before the end of this calendar year", which is to give him enough leeway.

**HON LT-COL E M BRITTO:**

Do we need to go round in circles on this question? I could find at least three occasions when I have given him answers similar to this one, when I have said to him that I am very concerned about it, when I have said to him that I am taking a personal interest in it. But things move at a certain pace and it will happen when it happens. I know it is near his home and that is why he is so concerned. But the fact is that there are other priorities that the Government deal with simultaneously.

**HON F R PICARDO:**

First of all, the hon Lady should be careful what gossip she listens to because it is still near my home. But this is the problem is it not? That things do move at a certain pace and the fact that the Minister may or may not have told us before that he is concerned about it, really does not avail the people in the area of any satisfaction. I mean, the Minister was, before, gesticulating as he was impersonating an ape. I am tempted to gesticulate those who have to walk through that area when it is raining and just gets completely flooded and is like a lake for the kids to go to the school at St Bernard's, for those who come down Castle Steps et cetera. Does he think, does the Minister honestly think that as we try and negotiate that lake, as we smell the whiff or those who live in the area smell the whiff of that rubbish dump, does he honestly really believe that people say to themselves, "it is fine, even though it smells bad I know the Minister cares. It is fine, things are being done at a certain pace. One day things will change". Is it not time for action? The Ministers had their mandate renewed almost two years ago now. In those two years since he took over again at the Environment, does he not feel ashamed that he has not been able to bring about any action in respect of this? Just that things will happen at a particular time because things move at a certain pace.

**HON LT-COL E M BRITTO:**

There are about three or four questions and I was trying to keep track. I think it was no Sir to the first one and yes Sir to the next two or three.

**HON F R PICARDO:**

I am grateful. So having recognised then that he feels ashamed that he has done nothing since he took over the Department?

**HON LT-COL E M BRITTO:**

Point of Order. Correction of fact. See, this is what I mean about false premises. He starts on the false premises and builds the argument on it. That is not what I said.

**HON F R PICARDO:**

Well, I will give him the benefit of the doubt. I do not think any politician would stand up in Parliament and say yes to a question that was "does he feel ashamed that he has not been able to do something". But the way that he gave me the answers it seemed that he had done that.

**HON LT-COL E M BRITTO:**

I was being a bit friendly.

**HON F R PICARDO:**

I accept that from the Minister. When is he going to get something done?

**HON LT-COL E M BRITTO:**

It is being done and I honestly think that I will not get up again after this answer.

**HON F R PICARDO:**

Well, I will take the opportunity to tell him that the community, especially the community in the area, expect something to be done effectively, not just planning, not just drawings, but something to be done as soon as possible. Would he not agree with me that he should get up because it does not seem as if he has got up and done much about it? He should at least get up now and tell the community that he is going to ensure that something is done about it soon, on the ground, at the bottom of Castle Steps, in the area of Tank Ramp and in the area of Tankerville, something will be done now.

**HON LT-COL E M BRITTO:**

Something is being done now, has been being done for quite some time, will continue to be done in the immediate future, and will be done in a way that is to the benefit of all the community there, not just those who walk past and smell the whiff but also those who if it is not done properly lose parking places, also those who if it is not done properly will have to walk 300 metres to come to the rubbish collection

point. Just two examples. Being done, has been done, is being done and will be done.

**HON F R PICARDO:**

When will it finally be completed?

**HON LT-COL E M BRITTO:**

When it is completed.

**HON F R PICARDO:**

I just hesitate to say to the Minister, does he not accept from me that sometimes when one gets given the run around so constantly on these issues, the community is entitled to say, "Lt-Col Ernest Britto please give us a date for when something will be completed", rather than simply telling us, in the future, soon, shortly being done, et cetera and yet nothing concrete occurs on the ground.

**MR SPEAKER:**

I think there is an element of repetition of questions now and I do not think we are going to get a different answer. We might move on to the next question.

**NO. 491 OF 2009**

**THE HON F R PICARDO**

**OESCO – SOUND ATTENUATION**

Have the works for the sound attenuation to the building presently housing the OESCO power station now been completed after the delays experienced and is Government now able to provide a final figure for the total cost of the project and the increase on the original contract price?

**ANSWER**

**THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM**

The works to provide sound attenuation to the building housing the OESCO power station have indeed been completed and the final account is currently being prepared. It is therefore still not possible to be conclusive about the final total cost of the project until the latter has been agreed. However, I understand that it is of the order that I gave the hon Member in answer to the previous question, which was virtually the same.

ORAL

**NO. 492 OF 2009**

**THE HON F R PICARDO**

**BOTH WORLDS MANAGEMENT CO LTD**

When was the last time that the Minister for the Environment met with the Both Worlds Management Co Ltd and when does he next expect to meet with them?

**ANSWER**

**THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM**

Answered together with Question No. 493 of 2009.

**NO. 493 OF 2009**

**THE HON F R PICARDO**

**SANDY BAY**

Is Government satisfied that Sandy Bay and the public access to it is safe for the public to use this summer?

**ANSWER**

**THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM**

I am not content for the hon Member to make it a practice to expect me to answer questions in this House about who I meet, especially when it relates to a matter for which the Government is not in itself accountable. Before he gets up and says that I have answered similar questions about this in the past, if he looks at the similar questions he will find that they were on specific matters about which the Government has responsibility, but not about diary management. The next thing I know, the hon Member will be asking me who I meet, when I meet, every single day of the week and every half hour.

In answer to Question No. 493, public access onto Sandy Bay beach is likely to be available this summer only from the northern steps. The beach can be used but a section in the area of the storm damaged building has been declared out of bounds on the grounds of safety until the matter is resolved, at which time the situation will be reviewed with a view to possibly also allowing access onto the beach from the southern ramp.

**SUPPLEMENTARY TO QUESTION NOS. 492 AND 493 OF 2009**

**HON F R PICARDO:**

Let us start with the first question. I see that the Minister is ruling himself out from being Prime Minister of the United Kingdom if we were ever to be integrated and magically be able to appear at Westminster. He will know that the first question at Prime Minister's Question Time every Wednesday is to ask the hon Gentleman to list his engagements and who he has met. So it is a perfectly proper Parliamentary question. Most Parliamentarians do not resist Parliamentary scrutiny of who they meet, because who they meet and when they meet them may have consequences for taxpayers funding et cetera. He is accountable for what he does with his time as Minister. What he wants to do in his private time is a matter entirely for him. Can I commend to him that he consider again answering the question that I have put and is numbered 492 on the Order Paper, because it really is a question of holding the

Government to account, which is what they accept we are here to do, and we are elected to do in this particular guise.

**HON LT-COL E M BRITTO:**

No, I do not accept that it is holding me to account for anything. The question is when was the last time that I met with a certain management company and when do I expect to meet them again. I do not see why the accountability comes into it at all. If he asks the question about something that happens at a meeting, or something that will happen, then it is a different thing. The hon Members do not seem to be listening or want to listen. I have given the answer and I am sticking to it.

**HON F R PICARDO:**

This Parliament should not be put in the position by Ministers where it is required to descend into farce. Is one going to be answered the question what happened the last time he met the Both Worlds management company and what will happen next time he meets them, but not when did he last meet them and when will he next meet them. It is a matter entirely for the Minister whether he likes the way I have characterised his answer or not and whether he answers or not. But I tell him that, in my view and I think he should accept that it is a democratic failing of accountability if he is not prepared to answer a simple question as this.....

**HON C G BELTRAN:**

Where is the supplementary question?

**MR SPEAKER:**

Order, Order.

**HON C G BELTRAN:**

It is a speech not a question.

**MR SPEAKER:**

Order, Order. Is there a question?

**HON F R PICARDO:**

Yes, but rent-a-mob has taken it out of my head.

**MR SPEAKER:**

Order, Order.



**HON F R PICARDO:**

Anyway, it begs the question why is it that the Minister does not want to give us this answer which he has given before? It is not just because of diary commitments, it must be a very long time since he met this group and it is going to be a very long time before he meets them again, and that belies a failure on his part, would he not agree, to fulfil his obligations as Minister for the Environment in respect of this collective?

**HON LT-COL E M BRITTO:**

See, again, false premises and then building his conclusions and arguments on it. False premises. To start with, I did not say that it was okay to ask me what happened at the last meeting or what would happen at the next. What I said was it would be okay to ask me about specific items that may have been discussed or that would have been discussed, but not about the date. What is the question, the last time that I met and when we are going to meet again? To satisfy the false premises point, it is not true that it will be a long time before I meet them again, and it is also true that I have met them whenever they have requested a meeting.

**HON F R PICARDO:**

As I have said before, I hate to labour the point, if we are going to talk about false premises we should talk about the 790 homes that became 490 homes with just an election in between. But so be it. Is it not true that this collective have been requesting meetings with the Minister, and that despite what he has told the House, he has not agreed to meet them, without going back to them, and insisting on knowing exactly what it is that they want to have on the agenda and insisting on knowing why it is that they want to discuss certain things?

**HON LT-COL E M BRITTO:**

Not true.

**HON F R PICARDO:**

Then what is true?

**HON LT-COL E M BRITTO:**

What is not true is the allegation he has made.

**HON F R PICARDO:**

So what is the truth? Given that I have not made an allegation, I made a very clear point in this Parliament saying that he insists on knowing why it is that they want to meet and does not agree to meet them until certain things are made clear to him, which seems to be a very obstructive way of organising a positive meeting with a collective. So what is the truth? If that is not the truth what is the truth?

**HON LT-COL E M BRITTO:**

The truth is that he has just quoted from the latest exchange of correspondence, so he is obviously aware exactly what is happening. So if he knows the answer, so why does he not just go on to the next question?

**HON F R PICARDO:**

See, in this community it appears that under the GSD, would the Minister agree with me, that collectives in this community are being told to make a choice? That they either speak exclusively to the Government or they speak to the rest of the community but do not enjoy the cooperation of the Government. Is he saying to that collective that in democratic Gibraltar, in the year 2009, they either speak to him and they do not speak to me, or they do not speak to him and they can speak to the rest of the community?

**HON LT-COL E M BRITTO:**

Another false premise. That is not what I have said, that is just what the hon Member is saying and I will say this once more and I will say it only once. It is not true that I have not met with this body or with any other body. I meet with any body either a single person or groups that ask to meet me, I have always done so since I have been a Minister and I will always continue to do so. It is not true that it has been or that I have refused to meet with any particular group, including this one. It is true, as is my normal practice, that I have asked for an agenda from the particular group of what they want to discuss. That agenda is on my desk and, as far as I am aware, a meeting is being arranged. So it is not true that the meeting will not take place. It will take place and has always taken place when it has been requested before, with this group and with anybody else. The point of the answer which still remains, which is a point of principle, and what I am not prepared to do is to account in this House to the hon Member for my diary management. If he wants to ask about specific items, if he wants information for which I am politically responsible for, I will give it. But not on dates of diary management.

**HON F R PICARDO:**

I accused the Minister before of almost reducing this Parliament to a farce by the way he was trying to point the supplementaries. I did not expect that he would immediately then move us to a rendition of 'Allo 'Allo and I will say this only once. But does he not accept that, in fact, his diary management is what he is elected to do? He is meeting with the community. He is giving effect to the policies that they have in their manifesto to whatever else it is that they are required to do in Government. But one of the most important aspects of that is meeting members of the community. What is wrong with the Opposition asking him who he has met? I have not even done that, I have asked him whether he has met this collective. What is wrong with me saying to him who he has met yesterday in his official capacity? I should be entitled to know and so should the rest of the community, and I will listen if he only says it once.

**HON LT-COL E M BRITTO:**

I did say it only once, I have nothing to add.

**NO. 494 OF 2009**

**THE HON F R PICARDO**

**ENVIRONMENT – AIR QUALITY**

What action if any has Government taken to put in place measures to distinguish between alarming readings of PM<sub>10</sub> and natural phenomena which potentially create mis-readings in the air in Gibraltar and if so what equipment has been put in place for this purpose?

**ANSWER**

**THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM**

Answered together with Question No. 495 of 2009.

**NO. 495 OF 2009**

**THE HON F R PICARDO**

**ENVIRONMENT – INFRACTION PROCEEDINGS RE AIR QUALITY**

Has the Minister for the Environment now received and will he make available a copy of the letter notifying the infraction proceedings being brought against the United Kingdom by the European Commission in part as a result of the excess of PM<sub>10s</sub> in the air in Gibraltar?

**ANSWER**

**THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM**

Yes I have received a copy of the notification of the infraction proceedings brought against the UK by the EC. As explained in reply to Question Nos. 151 and 152 of 2009, there was no reason for Gibraltar to have been included in the exceedences once the natural dust occurrences were deducted. The natural dust occurrences deduction was communicated to the EC but the notification had been issued just a few days before.

As also explained in reply to Question Nos. 151 and 152 of 2009, following the advice given by the Environmental Agency and their UK consultants, AEA Energy and Environment, the Government have put into place a system that will enable it to carry out a more accurate characterisation of the PM<sub>10</sub> within Gibraltar. In this way we will be able to deduct natural particulate matter, such as Saharan dust and sea salt that can affect readings. There is no measure or equipment on its own that is able to distinguish or identify instantaneously the component of natural particulate matter within PM<sub>10</sub> readings.

**SUPPLEMENTARY TO QUESTION NOS. 494 AND 495 OF 2009**

**HON F R PICARDO:**

So what is it that this programme does? If there is not one particular piece of equipment to detect this what is the programme that is being put in place?

**HON LT-COL E M BRITTO:**

The system that the Government have put in place provides for the following. (1) Establishment of an improved inventory and modelling. This will also include data such as traffic flows and vehicle composition, industrial parameters, processes and stack characteristics, construction type and activity and shipping fleet or composition

and activity. (2) Expansion of current monitoring programme to include monthly chloride monitoring and increased resolution PM<sub>10</sub> analysis. The increased temporal resolution will be provided by the installation of an osiris analyser at Rosia Road, to be installed on the 11<sup>th</sup> June 2009, is that not a coincidence. (3) Examination of trends in construction activity and to allow correlation with increases in measured PM<sub>10</sub>. (4) Use of advanced statistical analysis of monitoring data which will extract more information from the existing monitoring network. (5) Analysis of road traffic associated re-suspended dusts. (6) Modelling of emissions of shipping transiting the Strait of Gibraltar and those visiting the Strait of Gibraltar. Not only natural dust events, such as the African dust storms, as the hon Member is no doubt aware, but also sea salt can give rise to PM<sub>10</sub> occurrences or intrusions throughout Europe. The exceedences of the EU limit values for PM<sub>10</sub> that are caused by such events can be deducted from the total number of exceedences in any one year. So in short, the politically expedient and alarm bell ringing part of the question, that talks about alarming readings of PM<sub>10</sub> and the insinuation in what action have the Government done if any, is more than adequately answered by the long list of measures that are being taken and by the fact that not just in Gibraltar but in other European countries, notably our neighbours, which are as affected by Saharan dust as we are, there are exceedences which on paper appear to be exceedences but then once the natural occurrences of PM<sub>10</sub> are deducted, like dust, like salt, et cetera, then they become lower than the exceedences level and are no longer a cause for infraction.

**HON F R PICARDO:**

Does the Minister accept from me, although I have not got the Hansard here because he knows I have just arrived from New York, that the politically expedient and alarmist phrase "alarming" was actually used in his last answer to differentiate between alarming readings, which actually should not cause alarm and actual readings because of the natural phenomena? In fact, it is not something introduced by me but something taken from his answer last time round. Will he, in accepting my gratitude for that very long answer which has set out the programme, now also agree to make available a copy of the letter notifying the pre-169 infraction proceedings?

**HON LT-COL E M BRITTO:**

No Sir, I am not prepared to make available a copy of a letter that is not mine, that is written by another party to another party, and for which I have a copy. I do not think it would be appropriate, and in any case, even if it were I do not think the Government are prepared to do it.

**HON F R PICARDO:**

Will he at least tell us what it is that was alleged in that letter, if it is outside the parameters of simply dealing with PM<sub>10</sub>?

**HON LT-COL E M BRITTO:**

This is a long technical document which, to be honest, I have not read in detail. But what I am aware of is that the infraction proceedings were on the basis of exceedences of PM<sub>10</sub>, both for the UK and for ourselves. The only thing is the UK

seems to have defended its case better than ours and theirs disappeared and ours did not.

**HON F R PICARDO:**

I know it is technical but does the Minister accept that he is the Minister for the Environment, he cannot come to this Parliament that he has not read in detail, a very serious document like a pre-169 letter, making a complaint against Gibraltar or partly against Gibraltar in respect of these matters in the European Commission. Will he agree to read that letter, will he agree to let us know whether there are any differences between the questions which deal with the PM<sub>10</sub> issue and anything in that letter which may go further?

**HON LT-COL E M BRITTO:**

No, I did not say I had not read the letter, I said I had not read it in preparation for this meeting so I could have the details at hand. I did then go on to say that the basis of the infraction, which shows that I had read the letter, is on the basis of exceedences of PM<sub>10</sub>.

ORAL

**NO. 496 OF 2009**

**THE HON G H LICUDI**

**MAIN STREET LAY-BYS**

Can Government say what was the cost of constructing and then removing the lay-bys at the southern end of Main Street and what additional amount this is expected to add to the original tender sum?

**ANSWER**

**THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM**

Answered together with Question Nos. 497 to 500 of 2009.



ORAL

**NO. 497 OF 2009**

**THE HON G H LICUDI**

**MAIN STREET LAY-BYS**

Can Government say why the lay-bys which were provided and constructed at the southern end of Main Street were then removed, on whose orders and for what reason?

**ANSWER**

**THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM**

Answered together with Question Nos. 496 and 498 to 500 of 2009.

ORAL

**NO. 498 OF 2009**

**THE HON G H LICUDI**

**MAIN STREET LAY-BYS**

Can Government say how many lay-bys between The Convent and Referendum Gates (on both sides of the road) were provided and then removed in the on-going works for the beautification of the southern end of Main Street?

**ANSWER**

**THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM**

Answered together with Question Nos. 496, 497, 499 and 500 of 2009.

ORAL

**NO. 499 OF 2009**

**THE HON G H LICUDI**

**MAIN STREET LAY-BYS**

Can Government say how many lay-bys between The Convent and Referendum Gates (on both sides of the road) will now be provided in the beautification of the southern end of Main Street?

**ANSWER**

**THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM**

Answered together with Question Nos. 496 to 498 and 500 of 2009.

**NO. 500 OF 2009**

**THE HON G H LICUDI**

**MAIN STREET LAY-BYS**

Can Government say how many lay-bys between The Convent and Referendum Gates (on both sides of the road) were provided for in the tender documents for the beautification of the southern end of Main Street?

**ANSWER**

**THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM**

The variation to the contract arising from a review of the overall situation regarding the provision of lay-bys will add approximately £3,500 to the contract sum.

The original design concept for the beautification works to the southern end of Main Street aimed to provide as wide a footpath as possible along the eastern side in order to enhance the use of the area by pedestrians. This had to be taken into consideration, together with other needs identified at the time such as the provision of a bus stop lay-by, loading and unloading bays and parking spaces. The design prepared and tendered for was therefore a balance between these factors, hence the decision to include lay-bys along the eastern footpath. Following the start of the works on site, a reappraisal of the situation was undertaken and it was considered that the needs of the area could be adequately served by providing lay-bys along the western side only. This in turn allowed the footpath along the eastern side to be constructed across its full width, thus achieving the original design intention. The only concession to this will be the bus stop lay-by, which has to be located on the eastern side due to the position of the passenger doors on the buses.

A total of three lay-bys were removed on the eastern side of the on-going works for the beautification of the southern end of Main Street.

A total of eight lay-bys will now be provided in the beautification works to the southern end of Main Street.

A total of 15 lay-bys were provided for in the tender documents for the beautification of the southern end of Main Street.

**NO. 501 OF 2009**

**THE HON G H LICUDI**

**DUDLEY WARD TUNNEL**

Can Government state why six years after the closure of the Dudley Ward Tunnel it decided that changes had to be carried out to the project design for the works necessary for the reopening of the tunnel?

**ANSWER**

**THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM**

Answered together with Question No. 502 of 2009.

**NO. 502 OF 2009**

**THE HON G H LICUDI**

**DUDLEY WARD TUNNEL**

Can Government state what is the current status of the award of the tender for the realignment and concreted protection of the approach road to Dudley Ward Tunnel?

**ANSWER**

**THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM**

As stated in reply to Question No. 163 of 2009, the original tender as designed was reappraised due to technical issues. Included amongst these was a change in the physical characteristics of the site arising from the designation of the area as a facility to receive construction rubble. The new design incorporates the existing material into the project and uses it as part of the rock fall protection strategy for the area.

As stated in reply to Question No. 163 of 2009, the original tender process was concluded. However, due to technical issues it was decided not to proceed with the project as originally designed. The works have been divided into separate packages which are being individually tendered for. The first contract involving the erection of rock fall catch fences has already been awarded. Work started on the site on 2<sup>nd</sup> June 2009 and these works are programmed to take 16 weeks to complete. The second contract involving demolitions and earth works has been put out to tender on 22<sup>nd</sup> May 2009 and is due to be returned on 12<sup>th</sup> June 2009. This phase of the works will entail the removal of the existing structures in the path of the new road and the re-profiling of the rubble mound, which will incorporate a rock catch ditch as an integral part of the rock fall protection strategy of the area. The documents for the third contract, involving the construction of the rock fall canopy and the road, are currently being finalised and will be put out to tender shortly.

**SUPPLEMENTARY TO QUESTION NOS. 501 AND 502 OF 2009**

**HON G H LICUDI:**

Can the Minister say when we finally see light at the end of this particular tunnel?

**HON LT-COL E M BRITTO:**

No, I have left my crystal ball behind.

**HON G H LICUDI:**

It is not a question of gazing into a crystal ball. Not too long ago in this Parliament the Minister said that the works would finish 18 months after they have started. Well, they have now started on 2<sup>nd</sup> June, are the Government keeping to their original position that 18 months after the 2<sup>nd</sup> June all the works will be finished, notwithstanding that there has been a reappraisal of the project design?

**HON LT-COL E M BRITTO:**

Yes, again I was being flippant and maybe the hon Member misunderstood, but I have been given no information to suggest that that target of 18 months will not be met.

**HON G H LICUDI:**

So do I take it from that that Government are still working to that particular target, notwithstanding the project design changes?

**HON LT-COL E M BRITTO:**

That is my understanding and I have nothing to tell me to the contrary.

**NO. 503 OF 2009**

**THE HON DR J J GARCIA**

**GTB – MINISTER’S OVERSEAS VISITS**

Can the Minister with responsibility for tourism give the dates when he has been away from Gibraltar on Government business, since the last Question Time in this Parliament, giving the event or function attended, the venue, the city and the country visited?

**ANSWER**

**THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM**

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



**Answer to Question 503 of 2009**

<b>Dates</b>	<b>Event/Function</b>	<b>Venue</b>	<b>City</b>	<b>Country</b>
20/04/09 to 22/04/09	Meeting of The UKGTA	Gibraltar Government Office	London	UK

**NO. 504 OF 2009**

**THE HON DR J J GARCIA**

**GTB - UPPER ROCK NATURE RESERVE FEES**

Why has Government failed to comply with the improvement document circulated to tour operators at the time of the last price increase in fees payable for access to the Upper Rock Nature Reserve?

**ANSWER**

**THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM**

Government did not circulate an improvement document to tour operators at the time of the last price increase for access to the Upper Rock Nature Reserve. However, the hon Member may be referring to a letter sent to tour operators by the Gibraltar Tourist Board on 6<sup>th</sup> December 2006, which detailed the price increases due to come into effect on 1<sup>st</sup> April 2005. This letter briefly explains that the additional income generated by the increase will be invested in the Upper Rock and there have been many improvements to the Upper Rock since the date of this tariff increase.

**SUPPLEMENTARY TO QUESTION NO. 504 OF 2009**

**HON DR J J GARCIA:**

Can the Minister say what the additional level of income raised has been?

**HONLT-COL E M BRITTO:**

I can tell the hon Member that in the financial year 2005/2006 the additional revenue was £401,986.83, and that in that year to the I&D Fund a sum of £650,000 was allocated. In the financial year 2006/2007, the increase in revenue was £227,689.01, and similarly, the amount in the I&D Fund was £650,000. In the financial year 2007/2008, the increase of revenue raised was £339,801.73 and the amount allocated to the I&D Fund was £500,000. In the year 2008/2009, there was a decrease in revenue of £145,763.42 and the amount allocated to the I&D Fund was £25,000.

**HON DR J J GARCIA:**

In relation to the amounts allocated to the I&D Fund, can he say in each of those cases, if he has that information there, how much was actually spent?

**HON LT-COL E M BRITTO:**

Yes, in 2005/2006 £112,050; in 2006/2007 £284,214; in 2007/2008 £313,644 and in 2008/2009 £24,925.

**NO. 505 OF 2009**

**THE HON DR J J GARCIA**

**GTB – REVENUE RAISED**

Can Government say how much revenue has been raised on a monthly basis since the information supplied at the last Question Time in this Parliament:

- (a) by charging coaches that use the coach park;
- (b) in admission fees to the Upper Rock;
- (c) in admission fees to the Gibraltar Museum?

**ANSWER**

**THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM**

Answered together with Question Nos. 506 and 507 of 2009.

ORAL

**NO. 506 OF 2009**

**THE HON DR J J GARCIA**

**GTB – TOURISM ADVISORY COUNCIL**

How many meetings of the Tourism Advisory Council have taken place since the information supplied in the last Question Time in this Parliament and on what dates?

**ANSWER**

**THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM**

Answered together with Question Nos. 505 and 507 of 2009.

**NO. 507 OF 2009**

**THE HON DR J J GARCIA**

**GTB – HOTEL STAYS**

Can Government say how many interviews have been carried out with persons who said:

- (a) that they had stayed at a hotel;
- (b) that they had not stayed at a hotel,

since the information supplied at the last Question Time in this Parliament, stating where they were interviewed and the number interviewed at each location, and in the case of those who stayed at hotels what was the average length of stay in each case?

**ANSWER**

**THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM**

One meeting of the Tourism Advisory Council has been held on 6<sup>th</sup> April 2009.

The rest of the information requested by the hon Member is contained in the schedules which has been handed over to him.

**ANSWER TO QUESTION 507**

**Answer to Question 505 of 2009**

<b>MONTH</b>	<b>UPPER ROCK</b>	<b>COACH PARK</b>	<b>MUSEUM</b>
February 2009	£ 111,345.50	£ 7,765.52	£ 1,747.25
March 2009	£ 172,673.79	£ 6,511.50	£ 1,351.50
April 2009	£ 281,097.22	£ 5,580.00	Not yet available
<b>TOTAL</b>	<b>£ 565,116.51</b>	<b>£ 19,857.02</b>	<b>£ 3,098.75</b>

Answer to Question 507 of 2009

a) Stayed at Hotel:-

	Total No. of Interviews	Stayed at Hotel	Airport Interviews	Average length of Stay	Frontier Interviews	Average length of Stay	Elsewhere Interviews	Average length of Stay
Jan 2009	1250	1	-	-	1	6.0	-	-
Feb 2009	1253	1	-	-	1	7.0	-	-
Mar 2009	1250	-	-	-	-	-	-	-
Apr 2009	1326	15	15	4.1	-	-	-	-

b) Not stayed at Hotel

	Total Interviews Not Stayed at Hotel	Airport	Port	Frontier	Waterport	Marina	Coach Park
Jan 2009	1249	-	-	1249	-	-	-
Feb 2009	1252	-	-	1252	-	-	-
Mar 2009	1250	-	-	1250	-	-	-
Apr 2009	1311	43	1	1267	-	-	-



ORAL

**NO. 508 OF 2009**

**THE HON DR J J GARCIA**

**GTB – TENDER FOR BEACH CONCESSIONS**

Can Government say whether the tenders for “Beach Concessions” and “Beach Concessions – Kiosks” were all awarded to the highest bidder?

**ANSWER**

**THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM**

Answered together with Question No. 509 of 2009.

**NO. 509 OF 2009**

**THE HON DR J J GARCIA**

**GTB – TENDER FOR BEACH CONCESSIONS**

Can Government list who were awarded the tenders for “Beach Concessions” and “Beach Concessions – Kiosks”, showing in each case the amount bid, the nature of the concession and its location?

**ANSWER**

**THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM**

As has been explained to the hon Member before when this question has been asked in previous years, all beach concessions are charged at the same rate of £325 for the 13 week period.

The rest of the statistical information asked for by the hon Member is now being handed over to him.

**Answer to Question 509 of 2009**

**BEACH CONCESSIONS**

<b>APPLICANT</b>	<b>COST</b>	<b>NATURE OF CONCESSION</b>	<b>LOCATION</b>
Sunrise Beach Bar Restaurant Ltd	£325	Hiring of beach umbrellas and sun loungers	Eastern Beach (South)
Latino's on the Beach	£325	Hiring of beach umbrellas and sun loungers	Eastern Beach (South)
Bounce-R-us	£325	Bouncing castle	Camp Bay

**BEACH CONCESSIONS – KIOSKS**

<b>APPLICANT</b>	<b>COST</b>	<b>NATURE OF CONCESSION</b>	<b>LOCATION</b>
El Chiringuito	£325	Beach kiosk	Western Beach (South)
Little Bay Kiosk	£325	Beach kiosk	Little Bay
Sunrise Beach Bar Restaurant Ltd	£325	Beach kiosk	Eastern Beach (South)
Willy's Return	£325	Beach kiosk	Camp Bay

**SUPPLEMENTARY TO QUESTION NOS. 508 AND 509 OF 2009**

**HON DR J J GARCIA:**

Has that £325 remained unchanged for a number of years now?

**HON LT-COL E M BRITTO:**

I think it has, I am not sure, the figure of £300 is at the back of my mind. But if it has changed it has changed only very slightly.

**NO. 510 OF 2009**

**THE HON DR J J GARCIA**

**GTB – AUDIO SYSTEM FOR ST MICHAEL’S CAVE**

Can Government say who was chosen to provide a new audio system for St Michael’s Cave, on what date, at what cost, when the works commenced and when they were completed?

**ANSWER**

**THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM**

Answered together with Question Nos. 511, 512 and 514 of 2009.

**NO. 511 OF 2009**

**THE HON DR J J GARCIA**

**GTB – TOILET FACILITIES AT ST MICHAEL’S CAVE**

On how many days have the toilet facilities at St. Michael’s Cave been inoperable since 1 January 2009 and how many complaints have been received?

**ANSWER**

**THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM**

Answered together with Question Nos. 510, 512 and 514 of 2009.

ORAL

**NO. 512 OF 2009**

**THE HON DR J J GARCIA**

**GTB – COST OF REPAIRING “CITY UNDER SIEGE” EXHIBITION**

What will be the “unavoidable and substantial” cost of repairing the City Under Siege Exhibit at the Upper Rock Nature Reserve?

**ANSWER**

**THE HON THE MINISTER FOR THE ENVIROMENT AND TOURISM**

Answered together with Question Nos. 510, 511, and 514 of 2009.

**NO. 513 OF 2009**

**THE HON J J BOSSANO**

**CEMETERY – POST OF P&GSE**

Can Government state how long the post of P&GSE in the complement of the cemetery has been vacant?

**ANSWER**

**THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM**

The last holder of the post of Cemetery Keeper, the position analogued to the grade of P&GSE in the Cemetery, retired in November 2005.

**SUPPLEMENTARY TO QUESTION NO. 513 OF 2009**

**HON J J BOSSANO:**

Well, given that the post continues to appear in the annual complement in the Estimates, is it that they still have not selected the person to occupy the post or is there somebody acting in it?

**HON LT-COL E M BRITTO:**

Certainly no one has been selected. I am not sure if someone is acting in it. The reason why the vacancy still remains is that, as the hon Member will know better than I do, that is a particular grade that there are not many of, it is probably the only one left in the Government, as I was told some time ago. But the whole issue has been caught up in the much bigger issue of the review of the Department of the Environment, not just the Cemetery, and a restructure of that Department which includes the restructure of the staff of the Cemetery. That is the main reason why it has not been filled, pending decisions on the overall review.

**HON J J BOSSANO:**

But surely the Minister did not know in 2005 that he was going to be conducting this review in 2008/2009. The job became vacant in 2005. Is it that the job disappeared, the function disappeared and nobody has been doing whatever it was the Cemetery Keeper did, or has somebody else been doing it and have they been paid the rate in an acting capacity? If it has been going on for four years he must know if somebody has been doing the work or not in the last four years.



**HON LT-COL E M BRITTO:**

My understanding is that somebody has been acting or somebody has been doing the work. Obviously I was not there in 2005 so I do not know the decision that was made. But I do know that since I took over it has been an issue that has come up several times, but as I say, there has been a reluctance to recruit in to the post. One of the reasons being that there is discussion whether it should be a PTO post or a P&GSE. It is a relatively, I choose my words carefully, minor issue, it would not be to the person concerned, relatively minor issue in the overall scheme of the overall restructure of the Department. But I do not defend the fact that it has been vacant for so long.

**HON J J BOSSANO:**

From my recollection, the budget is not underspent and we have provided in the annual estimates, the post and the personal emoluments. Presumably, somebody did xxxxx that money. If it is being done on the basis of acting from the industrial grades, because there is nothing below P&GSE other than the industrial grades, does he know how the absence of that person in the pool of industrial grades is being covered?

**HON LT-COL E M BRITTO:**

No I am afraid I do not.

**NO. 514 OF 2009**

**THE HON S E LINARES**

**GTB – UPPER ROCK WATER SUPPLY**

Is the Minister satisfied with the provision of the water supply and that there are adequate numbers of fire hydrants should a fire break out in the Upper Rock?

**ANSWER**

**THE HON THE MINISTER FOR THE ENVIRONMENT AND TOURISM**

The Government have not installed a new audio system at St Michael's Cave.

The toilets at St Michael's Cave have been operable on all days since 1<sup>st</sup> January 2009, with the exception of two days in early February when the ceiling in the ladies toilet only was undergoing repairs.

The Gibraltar Tourist Board has received no complaints to date on this matter.

In answer to Question No. 512, the costs have not yet been determined, but considering the damage caused and the specialist repairs required, these are expected to be high.

The main salt water supply to the existing fire fighting system within the Upper Rock is pumped from Europa Road reservoir to Haynes Cave reservoir.

Currently there are static tanks placed throughout the Upper Rock and in the year 2006 two new tanks with capacities of approximately 26,000 litres each were installed. These tanks augment the current hydrants which are available, presently 25 in number. These are supplied by water mains or reservoir. In the event of a fire AquaGib would assist the Fire Brigade by boosting the pressure flow of water supply to the hydrants.

The Upper Rock needs to be seen as a rural rather than a built up area and, in common with all other rural areas everywhere, a system of hydrants similar to what would be found in built up area is difficult to implement.

There have been at least two schemes designed and estimated by AquaGib in recent years. The first was in 1999 and the estimated cost was £300,000. The second was in 2006 and was much more extensive with an estimated cost of some £2.2 million. Neither of these two schemes have been funded by Government.

The current system in place to fight fires on the Upper Rock is therefore a combination of water points, fire hydrants and water tanks at certain locations, along with a system of fire breaks which are cleared every year.

**SUPPLEMENTARY TO QUESTION NOS. 510 TO 512 AND 514 OF 2009**

**HON S E LINARES:**

Did the Minister say that the fire breaks were cleared every year?

**HON LT-COL E M BRITTO:**

Yes.

**HON DR J J GARCIA:**

In relation to the sound system at St Michael's Cave, have there been any changes to the system which has been in place up to now, recent changes or any changes being planned?

**HON LT-COL E M BRITTO:**

The hon Member would know that if the Government chose to install a new audio system at St Michael's Cave this would go out to public tender, so he would be aware. I am told that the hon Member may be referring, and this is speculation on my part, or on the part of those who informed me, that he is referring to a news item on website of a company called AV Interactive. The news item was posted on 10<sup>th</sup> March 2008 and refers to a brand of speakers used in the Cave, but that this is a very old item of news, as it refers to the existing speakers which were installed in the year 2001.

**HON DR J J GARCIA:**

That is exactly the news item to which I referred. But my reading of the date was March 2009 which is why the question is tabled. But I take the answer of the Minister and will leave it at that.

**NO. 515 OF 2009**

**THE HON N F COSTA**

**GHA – PARKING AT EUROPLAZA FOR HOSPITAL USERS**

Can Government say whether they have decided on the number of parking spaces and the number of floors that will be made available in Europlaza for users, staff and visitors to the hospital?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY  
AND TRANSPORT**

Answered together with Question Nos. 516 to 518 of 2009.

ORAL

**NO. 516 OF 2009**

**THE HON N F COSTA**

**GHA – PARKING AT EUROPLAZA FOR HOSPITAL USERS**

Can Government now say whether the new arrangements for hospital users to park at Europlaza are operational?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY  
AND TRANSPORT**

Answered together with Question Nos. 515, 517 and 518 of 2009.

ORAL

**NO. 517 OF 2009**

**THE HON G H LICUDI**

**QUESTION WITHDRAWN**

This question is very similar to other questions being asked by my Colleague, Mr Costa, therefore I ask Mr Speaker's permission to withdraw that question.

**NO. 518 OF 2009**

**THE HON N F COSTA**

**GHA – PARKING AT EUROPLAZA FOR HOSPITAL USERS**

Can Government now say what the new arrangements for hospital users to park at Europlaza will be: whether the car park will be available for use by hospital patients and/or staff and/or visitors and whether or not at cost to all users or some users?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY  
AND TRANSPORT**

The position remains as stated in my reply to Question No. 182 of 2009.

**SUPPLEMENTARY TO QUESTION NOS. 515 TO 518 OF 2009**

**HON G H LICUDI:**

Can Government state what the current problem is, or whether there is a problem and when we are likely to see that matter resolved?

**HON J J HOLLIDAY:**

There is no problem. The issue is that the new arrangements for the Europlaza car parking facilities are part of the Government's general traffic and parking policy which will shortly be announced, which is part of a wider strategy which will be announced shortly.

**HON G H LICUDI:**

Is the problem to do with staffing?

**HON J J HOLLIDAY:**

No it is not.

**HON G H LICUDI:**

Is the car park, as far as the Minister is aware, in a fit state to be operational today?

**HON J J HOLLIDAY:**

It is.

**HON G H LICUDI:**

If the car park is in a state to be operational immediately and there is no staffing problem, is the Minister aware of the continuing difficulties that users of the hospital have as a result of lack of parking facilities, especially at night time, and does this not merit a little bit of urgency on the part of the Government so that this particular part of the parking arrangements should be implemented immediately without having to wait for the wider picture, as the Minister has indicated?

**HON J J HOLLIDAY:**

The Government are aware of the circumstances described but I think as part of the overall Government policy on this particular issue of parking and traffic, we will wish to wait until the whole strategy is announced and put into place. As I say, this will be done very shortly.

**HON G H LICUDI:**

Will the Minister be able to give us an explanation as to why this necessarily has to be linked to the wider traffic and parking issues in Gibraltar? Whatever issues there may be in respect of traffic arrangements by the old Queens Cinema or other parts of Gibraltar, surely have absolutely nothing to do and no impact whatsoever on parking arrangements in Europlaza which is ready to be used. Why cannot that be done straight away without having to wait? What is the necessity to have to wait for this wider process?

**HON J J HOLLIDAY:**

The Government have agreed or decided that they will not be implementing any changes piecemeal and will be doing it as part of their overall policy, and that is what has been decided and what will follow. But as I say, this will happen very, very shortly.



**NO. 519 OF 2009**

**THE HON S E LINARES**

**GEA – GENERATING SETS**

Can the Minister state how many times the 100 kilowatts and the 200 kilowatts generating sets have had to be deployed giving a breakdown as to the location, number of hours it was needed for, cost for its usage and the reason why they were needed?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY  
AND TRANSPORT**

None. The Gibraltar Electricity Authority was able to restore power supplies to all sites that have been affected by loss of electricity power within the stipulated eight hours before these generators are deployed.

ORAL

**NO. 520 OF 2009**

**THE HON F R PICARDO**

**GIBTELECOM – CHIEF EXECUTIVE**

Has the Government as shareholder of Gibtelecom now considered with its co-shareholder whether it will agree to reveal to the public the terms of engagement, retirement and pension agreed with the Chief Executive of Gibtelecom?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY  
AND TRANSPORT**

Answered together with Question No. 521 of 2009.

**NO. 521 OF 2009**

**THE HON F R PICARDO**

**GIBTELECOM – CHIEF EXECUTIVE**

Is Government as a 50% shareholder satisfied that its appointed CEO of Gibtelecom does not have a conflict of interests in his post given his remunerated role also in a major gaming company?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY  
AND TRANSPORT**

As I informed the hon Member in my reply to Question No. 190 of 2009, the Government are not prepared to divulge this information.

The Government are satisfied that the CEO of Gibtelecom does not have a conflict of interests in his post given his remunerated role in a major gaming company.

**SUPPLEMENTARY TO QUESTION NOS. 520 AND 521 OF 2009**

**HON F R PICARDO:**

With respect to the Minister, one of the things that he said in answer to supplementaries in respect of Question No. 190 of 2009, was that he would consider with the co-shareholder whether they would make the information available. So although his first answer may have been that they were not going to give the information, his subsequent answer suggests that there was actually going to be a process of consideration of whether or not to reveal the terms of engagement, retirement and pension agreed with the Chief Executive of Gibtelecom. Is it that he has not had that consultation?

**HON J J HOLLIDAY:**

That is correct, the opportunity has not arisen because the co-shareholders are from Slovenia and it is something that I wish to do on a face to face, personal basis. But that will happen shortly at the next Board meeting.

**HON F R PICARDO:**

I am obliged. In that case, I would like to give the Minister notice that I will be pursuing this issue at the next meeting of the House, so I look forward to that. In relation to the next question, the CEO of the company, as the Minister will know, has a post on the Board of a major gaming company that also happens to be one of the major clients of Gibtelecom. Does that not automatically create a case of conflict of interests?

**HON J J HOLLIDAY:**

No and that is a matter that has been considered both by the Government and by the Telecoms Slovenia and it was decided that there was no conflict of interests.

**HON F R PICARDO:**

Is the Minister not in fact telling us that they considered the conflict and decided that they would live with it, but not that there is not a conflict of interests?

**HON J J HOLLIDAY:**

No, the co-shareholders never considered the conflict of interests. What the co-shareholders considered was an approach by the Chief Executive of Gibtelecom saying that this was a possibility, an option open to him, and whether the co-shareholders were in agreement for this to happen and whether they felt that he could proceed to accept that. That was considered and accepted.

**HON F R PICARDO:**

In other words, the Government then with its co-shareholder considered the potential of a conflict of interests, considered the obvious conflict of interests, and decided that they would give leave, if I could use that phrase, to the CEO to go ahead and take the post, confident that the conflict would not manifest itself in a manner that was problematic for the company. But not that there was not any conflict of interest, correct?

**HON J J HOLLIDAY:**

Well, it is an issue that definitely crossed my mind and I was satisfied that that would not be a problem. This was agreed to by my co-shareholders as well.

**NO. 522 OF 2009**

**THE HON F R PICARDO**

**NEW POWER STATION**

Can Government now confirm that the diesel engines which will be used for the new power station will be “the best available technology” and what technology this will be?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY AND TRANSPORT**

The Government are committed to using the best available technology for the new power station.

The new power station project is currently at the public consultation and tender stage and, therefore, the precise details of the diesel engines and technology to be used will not be confirmed until the public consultation process is complete and the tender for the works awarded.

**SUPPLEMENTARY TO QUESTION NO. 522 OF 2009**

**HON F R PICARDO:**

When will the public consultation process finalise?

**HON J J HOLLIDAY:**

I do not have this information to hand but I know that the public consultation exercise was actually much longer than is required under the law. From the initial stages, I think that two months consultation period was offered. I think that this was subject to a press advert which had stipulated the date. So he can check that, it is in the public domain and, therefore, the consultation period is, I think, coming up now to almost conclusion.

**NO. 523 OF 2009**

**THE HON G H LICUDI**

**PARKING AT MORRISONS CAR PARK FOR HOSPITAL USERS**

Can Government state whether it has made any arrangement with Morrisons to ensure that persons who have to attend hospital at night and park at the Morrisons car park are not clamped?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY  
AND TRANSPORT**

There are no parking arrangements with Morrisons for persons who have to attend the hospital at night. Morrisons car park is in fact closed at night.

**SUPPLEMENTARY TO QUESTION NO. 523 OF 2009**

**HON G H LICUDI:**

The question is whether they have made any arrangements on that. I take it from the answer that it is no. Has there been any consultation or any contact with Morrisons for that facility to be made available, in the same way as apparently it is made available during the day, where hospital users can park for a certain limited amount of time?

**HON J J HOLLIDAY:**

Well, Morrisons car park opens from eight in the morning to ten at night and there is an allowance for three hours of parking for all users. Whether one goes to the supermarket or to the hospital, one can make use of the car park. However, the GHA provide parking facilities at night time within the designated lay-bys and persons attending the hospital at night are given a provisional car parking permit by GHA security.

**HON G H LICUDI:**

Can the Minister say how many bays are available for this?

**HON J J HOLLIDAY:**

I do not have an exact figure but if one knows the lay-bys at the bottom in front of the hospital, I think they probably are able to take six cars on either side. I think, possibly, about 12 cars.

**HON G H LICUDI:**

The information we have is that this is a real and practical problem that people have to attend hospital at night time either because of an emergency or bereavement and have real problems in finding a place to park, particularly at short notice. I note what the Minister says about Morrisons being closed at night, is he aware, my understanding is that the car park is not physically closed so that cars are able to get in and are able to get out, but once they get in and park to go to the hospital they are actually clamped. The information we have is just about on a nightly basis. A lot of users of the hospital who attend usually in circumstances of distress, or emergency, then end up having their car clamped and facing that additional difficulty. So it is not the case, according to the information I have, that people cannot get in or out of the car park, it is that when they get in they get clamped. If that is the case and the car park is actually physically open, even though not operationally open, is it not possible for the Government to engage Morrisons in consultation to try and address this practical problem in order to assist those who have a very dire and often a stressful need to use the hospital at night?

**HON J J HOLLIDAY:**

I am very conversant with the problems that the hon Member has stated. I recently had the experience of having to attend hospital at short notice.

**HON G H LICUDI:**

Was the Minister clamped?

**HON J J HOLLIDAY:**

No I was not clamped, I was actually given a security pass by the GHA to be able to park at the lay-by because there was room there. I think the issue with Morrisons would be who would be able to use the car park at night and who would be going to hospital and who would be using it for their own parking. I think that we are basically on the last lap of a long marathon and I think that the Europlaza car park will shortly be available for use, and I think the problem will be overcome. So, I think that we are now trying to probably solve the problem in that way rather than engaging Morrisons in discussions.

**HON G H LICUDI:**

Can the Minister give a commitment to this House that the problem will be resolved within a month?

**HON J J HOLLIDAY:**

I cannot give a commitment to any timescale. All I am saying is it will be done very shortly.



**NO. 524 OF 2009**

**THE HON G H LICUDI**

**ABANDONED VEHICLES**

Can Government state why it has failed to tackle adequately the problem of abandoned vehicles on our roads?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY  
AND TRANSPORT**

The Government do not accept that they have failed to tackle adequately the problem of abandoned cars on our roads.

**SUPPLEMENTARY TO QUESTION NO. 524 OF 2009**

**HON G H LICUDI:**

It does not take too much effort to go round even the main roads in Gibraltar and see the problem that exists. So, although the Government might not accept that they have failed in this particular duty, we say it is a duty, it is quite obvious to everyone in the street that that is in fact the case. The Minister will be aware and was involved quite recently, following a complaint by a concerned citizen firstly to the police and having been directed to his department, having raised the matter of abandoned vehicles in Devil's Tower Road in particular, because the Minister wrote to the concerned citizen and said, essentially, "I am now writing to inform you that from the information that you supplied I gave instructions for the area to be cleared of derelicts". So we certainly applaud the fact that the Government react to concerns from citizens but does that not in fact show that there is an existing problem and the Government should not have to wait for individuals? This is someone who persisted because first he went to the police, went to the Police Complaints Board, had a letter saying he had gone to the wrong place and then went to the Minister's department and the matter was addressed. This was something that was obvious, it was on Devil's Tower Road. Why is it that the Government, although as I said it is laudable that they should react to concerns of citizens, have to wait for these matters to be raised by concerned citizens before they actually do anything about a problem?

**HON J J HOLLIDAY:**

I think the issue of abandoned cars is actually quite a serious one in the sense that the number of abandoned cars seems to be on the increase all the time. I think the

House needs to be made aware of the fact, and I do not have figures here in front of me, but speaking from memory, that the number of abandoned cars actually removed from our roads averages something like 700 a year. That, I think, is not a small number by any means. I think that there is a strategy of trying to remove abandoned cars from our roads as quickly as possible. I think one of the areas that I am currently reviewing, which opens up further questions in the future as to how the review is going, but I will not tell him anyway, is the system that currently is in place in order to remove the cars from the roads themselves. In other words, the procedure that needs to be gone into in terms of advertising that the car is going to be removed from the public highway, the notices that have to be issued and there is a long procrastinated, I think, procedure in order to safeguard the removal of cars that may not necessarily be abandoned. I think that that adds to the ability to be able to react and remove cars as and when we want in a very quick and efficient manner. I think that the review of the system in the procedure of this, will alleviate the problem. But I think from that position to the position that his original question insinuated of Government having failed, I do not think is a fair one. That is why I felt that the hon Member's use of the word "failure" was not acceptable. So, therefore, all I can say is that the Government are conscious of the problems that exist, are addressing them but I feel that an average yearly figure in the last three years of 700 cars, I think is by no means a small number of abandoned cars that have actually been removed.

**HON G H LICUDI:**

A total of 700 cars a year may not be a small number but it clearly is not enough because the problem persists, and it is a problem that the Minister acknowledges even though he does not acknowledge that the Government have failed in this particular matter. In the same way, one imagines, that the Government do not acknowledge that they have failed in carrying out works to re-open the tunnel which has been closed for six years, and what we have today are the same explanations that we have had again and again and again, this is subject to a review. Well, we have had explanations since 2003 of a review of the position with regard to Dudley Ward tunnel and the position is still the same. We on this side of the House get very concerned when we hear the word "review" and we had some insight not too long ago by the hon Member, Mr Britto, about matters which are subject to review which seemed to be an on-going review and never reach a solution. Is the Minister not aware that, although I accept that there is a need to review the system, there is an urgent need particularly having regard to the parking problems that exist and cars taking up much needed parking ..... Although we certainly accept that the Government should not go round removing cars willy nilly in the belief, possibly erroneous that they may be abandoned, they certainly have to be sure that these cars are abandoned, but simply looking at pictures which were published recently in the press, cars without the front and without wheels, cars galore and these litter our streets, even on Willis's Road one can see a few cars which are clearly abandoned, will the Minister now commit to carry out whatever review needs to occur so that the procedures are streamlined and we do not have this problem recurring, and we do not have to come to this House with accusations of the Government having failed? Hopefully the next time I will be able to get up in this House and say that we applaud the efforts that the Government have made in actually tackling this problem and solving the problem. I will have no problem at all in doing that, but the problem at the moment is that we have to come and accuse the Government of failure. The question was, Mr Netto may ask what was the question, but I am sure the Minister has heard was the question was. Will the Government commit to carry out this review as a matter of urgency so that the problem can be solved? As I have said, I

will be more than happy to come to this House and applaud the Government for solving the problem.

**HON J J HOLLIDAY:**

Well, I look forward to the day when that happens. But let me say that it is I that have stood up today and said that there is a review on-going about the system, right, initiated by me because I feel that there is more that could be done and there is a problem that needs to be improved upon. The Government are reviewing it precisely because they want to improve the system. So there is no commitment, I mean, the commitment is already there. I have committed myself to it by standing up and warning the hon Member about this, so there is no need for me to commit myself on it because it is on-going already.

**HON G H LICUDI:**

Will the Minister commit himself to concluding that review within a month?

**HON J J HOLLIDAY:**

Obviously Mr Licudi has not been in Government to expect that a review such as this takes place in a month. There is legislation that will need to be prepared, there will be legislation that will need to come to the House and that will not happen in a month let me tell him. So, I suggest that before committing to a timetable or trying to commit me to a timetable, he is realistic about the realities.

**HON G H LICUDI:**

We are realistic and we are realistic about the practical problem that exists out there on the street which the Ministers seems to be oblivious to. What I am asking the Minister to do is commit to the conclusion of the review. That does not mean, of course, that legislation that needs to be published will have been published and will have been passed, but at least the review, which is not going to be on-going for years on end, will have been concluded and we will see what the conclusion is in the very, very near future. Will the Minister commit to that at least?

**HON J J HOLLIDAY:**

No.

**NO. 525 OF 2009**

**THE HON G H LICUDI**

**CLAMPING – AREA AT WATERPORT**

Can Government state why the area at Waterport adjacent to the Tangier ferry terminal has been designated “private property” with clamping being carried out by a private company?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY  
AND TRANSPORT**

The area close to the ferry terminal is under the jurisdiction of the Gibraltar Port Authority and is classified as an area under International Port Security legislation. As with all port jurisdiction it is monitored by a security company contracted by the Government.

**SUPPLEMENTARY TO QUESTION NO. 525 OF 2009**

**HON G H LICUDI:**

The thrust of the question is that the area has been designated private property. I can understand that it is subject to the jurisdiction of a particular authority, of a public authority, but that does not make the area private property. There are actually signs up that say “private property”. So the concern is whether there has been some private granting of rights to anybody, such as a lease or a licence to a private company. There are actually big signs that now say “private property” and I am struggling to understand why that is the case if it is under the jurisdiction of a public authority.

**HON J J HOLLIDAY:**

I am not aware of the signage but they may have been put up by the security company. Are these portable ones or are they actually hanging from somewhere?

**HON G H LICUDI:**

These are the normal signs that one sees, “do not park” and the clamping and the tow away truck and it actually says “private property” on the top. So I would ask the Minister to look at it, I can understand that this area needs to be regulated and

controlled, and parking needs to be restricted, that is one thing, but if there has not been a private concession given to anybody, then the area should not be designated private property.

**HON J J HOLLIDAY:**

Well, I will check the signs that have been put up.

**NO. 526 OF 2009**

**THE HON G H LICUDI**

**CAR PARK ADJACENT TO REGAL HOUSE**

Can Government state why it has allowed the car park adjacent to Regal House to be closed when no work is being carried on at the site?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY  
AND TRANSPORT**

The car park adjacent to Regal House has been closed as it has been handed over to the developers of the site.

**SUPPLEMENTARY TO QUESTION NO. 526 OF 2009**

**HON G H LICUDI:**

We obviously assumed that that is the case, it has been handed over to developers. The question really is why it has been handed over at a time when apparently the developers do not need immediately to develop the site and it could have been the subject of continued use by the general public to alleviate the parking problem. The issue really is, although I understand that it has been handed over to a developer, if there was no need for the developer to take possession of that facility so soon because no work was going to be carried out for months, and it has been actually closed for a few months now, are the Government not able to make that facility available to the general public, through arrangements with the developer?

**HON J J HOLLIDAY:**

My understanding is that the developers are in the process now of mobilisation and that will involve the bringing down of the multi-storey car park structure that is there and will be moving along those lines. I am not privy to the timetable but there was a Government commitment to hand over the site to the developer at the time. In fact, there were very long delays as a result of various logistical problems in vacating the site. Therefore, it is now in the hands of the developer for them to move. But I will raise the matter with them in case there are going to be long-term delays, but I am told that that is not the case.

**NO. 527 OF 2009**

**THE HON G H LICUDI**

**NEW HARBOURS CAR PARK – LIFTS**

Can Government state what is the reason for the continuing problems with the lifts at the new car park at New Harbours?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY  
AND TRANSPORT**

There are no current problems with the new car park lift.

**SUPPLEMENTARY TO QUESTION NO. 527 OF 2009**

**HON G H LICUDI:**

This is a matter that I raised at the last Question session when the Minister acknowledged that there had been a problem going back to possibly January and it had been fixed and the lifts were operational. The reason for this question is that only two weeks ago I have received reports that there are continuing problems with the lifts. The lifts keep breaking down and often elderly people have difficulty in getting to the car park. From the answer the Minister has given, it appears that he is not aware or has not been made aware of these continuing problems. Can I ask the Minister to look into this matter and if there is a continuing problem to make sure that it is redressed?

**HON J J HOLLIDAY:**

Yes.

**NO. 528 OF 2009**

**THE HON G H LICUDI**

**GIBRALTAR BUS COMPANY LIMITED – PAYING PASSENGERS**

Can Government state the number of paying passengers that were transported and the value of fares from these passengers by the Gibraltar Bus Company Limited in the months March to May 2009 giving a breakdown by month?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY  
AND TRANSPORT**

The number of paying passengers that were transported and the value of fares from these passengers by the Gibraltar Bus Company Limited for the months of March to May 2009 are as follows:

	<b>No. of Passengers</b>	<b>Fare Revenue</b>
March	140,214	£66,658
April	148,820	£70,993
May	145,401	£69,649



ORAL

**NO. 529 OF 2009**

**THE HON G H LICUDI**

**BUS SHELTERS**

Can Government give full details of all works of maintenance and repair to the bus shelters during the months of March to May 2009?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY  
AND TRANSPORT**

No works have been carried out during this period.

ORAL

**NO. 530 OF 2009**

**THE HON G H LICUDI**

**GIBRALTAR BUS COMPANY LIMITED – ROUTE NO. 2**

Can Government state what is the reason for the operational difficulties in the last month to route number 2 which has resulted in passengers having to wait up to one hour for the bus?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY  
AND TRANSPORT**

Answered together with Question No. 531 of 2009.

**NO. 531 OF 2009**

**THE HON G H LICUDI**

**GIBRALTAR BUS COMPANY LIMITED – NEW BUS FOR ROUTE NO. 2**

Can Government state whether a final decision has now been taken with respect to the buses to be ordered for route number 2?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY AND TRANSPORT**

The Gibraltar Bus Company is unaware of any operational difficulties.

There are times, however, when the Bus Route No. 2 bus is full and potential passengers may have to wait for the next bus in the schedule. This could result in a wait of approximately 50 minutes.

A final decision has now been taken to purchase the buses intended for Route No. 2 on the open market without going through the tender process, as efforts to do so have proved fruitless.

**SUPPLEMENTARY TO QUESTION NOS. 530 AND 531 OF 2009**

**HON G H LICUDI:**

The Minister says that the company is unaware of operational difficulties. The information we have is that there are two buses which operate this route and one of them was out of action for about a week during May. That resulted in only one bus being available because these are small buses which are not interchangeable with the other buses that are used. The Government or the company apparently have no alternative solution. When one is out of action there is only one bus left which needs to do the full rounds and therefore passengers have to wait an inordinate amount of time. Is the Minister aware that these are small buses carrying, I understand, nine or ten passengers? They get full pretty quickly and if there is only one bus that is operational and people are not able to get in, then the next time it comes around, which is about another hour, people will have been waiting for a very, very long time. Can the Minister say when we can expect .....? Again it is a question of timing and I am tempted to ask for a solution in the next month for the buses to be here and ready, painted and operational within another month, but this is a matter that we have been debating in this House for quite some time, from the time that the Minister's predecessor was in charge of traffic and transport, and we are aware of the issues of the tender process which has not resulted in buses. I have suggested on more than

one occasion that where there is a dire need there is a need to go to the market and identify the bus and actually buy it. Does it really take that long to buy a bus?

**HON J J HOLLIDAY:**

Well it does not take that long to buy a bus but then to get delivery of it does take time. One can buy a bus in ten minutes but then one will not get delivery of the bus in ten minutes. It will take a few months because the buses are built to order and to relevant specifications et cetera. So I think we are looking at a few months, is the answer to the timescale that we are looking at, but we are actively trying to look now at different options in order to be able to do that. A decision will be taken very shortly and then it will depend on the timescale of the delivery. There are buses that can be delivered between three and four months, some as much as six months, but that is the reality of the market today, as we speak.

**NO. 532 OF 2009**

**THE HON G H LICUDI**

**WEIGHT EXEMPTION CERTIFICATES**

Can Government state how many applications for weight exemption certificates were turned down during the months of March to May 2009 giving a breakdown by month?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY  
AND TRANSPORT**

Answered together with Question Nos. 533 and 534 of 2009.

**NO. 533 OF 2009**

**THE HON G H LICUDI**

**WEIGHT EXEMPTION CERTIFICATES**

Can Government state how many applications for weight exemption certificates were granted during the months of March to May 2009 giving a breakdown by month?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY  
AND TRANSPORT**

Answered together with Question Nos. 532 and 534 of 2009.

**NO. 534 OF 2009****THE HON G H LICUDI****WEIGHT EXEMPTION CERTIFICATES**

Can Government state how many companies have been issued with monthly weight exemption certificates between the months of March to May 2009 giving a breakdown between heavy traffic roads and other roads?

**ANSWER****THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY AND TRANSPORT**

No application for weight exemptions was turned down during the period March to May 2009.

Weight exemption certificates granted during the months of March to May 2009 are as follows:

<b>2009</b>	<b>Cranes</b>	<b>Trucks</b>	<b>Motor vehicle designed for excavation or shovelling works</b>
March	4	16	1
April	13	14	1
May	8	12	3

There are 15 companies that have been issued with monthly permits for heavy traffic roads.

**SUPPLEMENTARY TO QUESTION NOS. 532 TO 534 OF 2009****HON G H LICUDI:**

In relation to the monthly exemption certificates, can the Minister say what checks and balances exist, because when there is a specific application which is either granted or turned down, even though none appear to have been turned down in the last few months, there is clearly an evaluation of what it is for, what the weight is and whether the application should be granted or not. In respect of monthly certificates, is there any process for checking what vehicles are actually brought in, what the weights are, what the damage is to the roads? Is there any monitoring at all or is it basically once the company gets the certificate they can do whatever they want on heavy traffic roads?

**HON J J HOLLIDAY:**

No, these monthly permits are usually issued to companies that have one particular type of vehicle that may be operating to a particular site on a daily basis with the same type of vehicle and not necessarily changing. These monthly certificates actually specify the routes, the vehicles and what procedures to follow. If there is any departure from that, then they have to go and apply for an exemption on a one to one basis as in the ones that have been highlighted earlier on in the question.



**NO. 535 OF 2009**

**THE HON DR J J GARCIA**

**MID HARBOUR RECLAMATION**

From where was the sand used to reclaim the area in front of the Yacht Club (for the Mid Harbour Reclamation) extracted?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY  
AND TRANSPORT**

The sand was extracted from a licensed area to the north of Gibraltar on the East Side.

**SUPPLEMENTARY TO QUESTION NO. 535 OF 2009**

**HON C A BRUZON:**

Licensed by whom?

**HON J J HOLLIDAY:**

By the Government.

**NO. 536 OF 2009**

**THE HON DR J J GARCIA**

**MID HARBOUR RECLAMATION**

Can Government list the criteria used by the Minister for Enterprise, Development, Technology & Transport to determine that the Mid Harbour Reclamation is not an EIA development?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY AND TRANSPORT**

The Minister for Enterprise, Development, Technology and Transport considered the following criteria in conducting the Mid Harbour Reclamation. I assume he is referring to Phase II because Phase I was subject to an EIA, and this was not an EIA development. That is the characteristics of the development, the location of the development and the characteristics of the potential impact.

**SUPPLEMENTARY TO QUESTION NO. 536 OF 2009**

**HON DR J J GARCIA:**

Was that decision taken on advice from a panel or experts?

**HON J J HOLLIDAY:**

Obviously the Minister is not professionally qualified, technically qualified to assess any of this. Under the legislation, this is done by the Town Planner and it is on the recommendation of the Town Planner that the Minister accepts or rejects what is being suggested. The Town Planner actually carries out a screening opinion of the particular proposal and then puts it to the Minister for consideration. I actually take an extra consultation loop to the whole exercise which is not statutory but I bring it to the DPC and I circulate the screening opinion, because there are people within DPC who may have interests and may have different angles. If there is a unanimous acceptance of it then I accept it because I do not feel qualified to be able to assess, so I have to go by what the Town Planner advises me, or in my case, I bring it to DPC as an extra which is not required.

**NO. 537 OF 2009**

**THE HON DR J J GARCIA**

**DRAFT DEVELOPMENT PLAN**

Can Government say how many representations have been made by members of the public in respect of the amendments to the draft development plan that were exhibited from 23 April to 14 May?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY  
AND TRANSPORT**

The Development and Planning Commission has received two representations in respect of the proposed amendments to the draft Development Plan.

**SUPPLEMENTARY TO QUESTION NO. 537 OF 2009**

**HON DR J J GARCIA:**

Can the Minister say whether they were made by individuals or by organisations?

**HON J J HOLLIDAY:**

One is a company, an individual I would say and the other one is a group, an association.

**HON DR J J GARCIA:**

Have those representations now been considered and might they be taken on board before the Plan is finally enacted?

**HON J J HOLLIDAY:**

A date has been set I think it is later this month, to actually meet both parties. In other words, the DPC will meet both parties and discuss their representations before we make a decision as a Commission.

ORAL

**NO. 538 OF 2009**

**THE HON G H LICUDI**

**PARKING TICKETS AT LAGUNA ESTATE**

Can Government say whether the issue of parking tickets is proving an effective deterrent to the parking of unauthorised vehicles in allocated parking spaces in Laguna Estate?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY  
AND TRANSPORT**

Answered together with Question No. 539 of 2009.

**NO. 539 OF 2009**

**THE HON C A BRUZON**

**FOREIGN VEHICLES PARKING WITHIN LAGUNA AND GLACIS ESTATES**

Are Government aware of the problems that exist within Laguna and Glacis Estates on account of foreign vehicles using parking spaces within these estates?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY AND TRANSPORT**

Reports from the Laguna Estate Tenants Association indicate that the parking restrictions introduced at the Laguna Estate are effective in deterring unauthorised persons from parking within the Estate.

However, the Government are fully aware of the problems of foreign vehicles using car parking spaces within the Glacis and Laguna Estates, which is precisely why in consultation with the respective tenants associations, parking restrictions were introduced for the benefit of the authorised tenants. This has had a major positive impact for respective Government tenants and the situation has greatly improved.

**SUPPLEMENTARY TO QUESTION NOS. 538 AND 539 OF 2009**

**HON C A BRUZON:**

Not from the reports that come to me. I have had a number of constituents from the Glacis Estate area and some from Laguna, and I believe so has my Colleague the Hon Gilbert Licudi. It is, I think, important that the Government address the problem because, rightly so, I think it was a former Minister for Housing who issued these discs to vehicle owners within these Estates, to facilitate the parking of their own vehicles. I think the problem ....., I do not know whether the Government will acknowledge it they probably will not, but it is a serious one.

**HON J J HOLLIDAY:**

Government are not aware that that is the case and the feedback, as I have said that we have had from the tenants associations, is not as such. But, obviously, we will give the matter consideration.

**HON J J BOSSANO:**

Is there a particular problem when it comes to foreign registered cars as to what can be done, is there a difference, because the feedback that I have had is that there is a bigger problem about foreign registered cars that are left there from people who come across and do their shopping and dump their car in one of the housing estates, than there is with local people who should not be there but can be traced?

**HON J J HOLLIDAY:**

Yes, but that problem is not just in Laguna and Glacis it is really across Gibraltar generally, in that foreign registered vehicles are being given parking tickets for parking illegally and, generally, these parking tickets are not paid. They are just not, ignoring really the actual ability to find these cars. Government are now considering, as part of their parking and traffic policy, the introduction of on-the-spot fines. I think that that will create a structure which will enable us to be able to enforce the law on foreign registered vehicles that just are not observing the law today.

**HON F J VINET:**

If I can just add, I think it is fair to say that there are some policing/enforcement issues that could be improved upon, that is precisely what is being looked at as my Colleague has just said. But the feedback I get from my meetings with the tenants associations is that whilst the current set up may not be entirely perfect, it is a huge improvement to what existed previously.

**NO. 540 OF 2009**

**THE HON DR J J GARCIA**

**GIBRALTAR AIRPORT – FLIGHTS TIMETABLED AND CANCELLED**

How many flights between Gibraltar and the following airports were timetabled and how many were cancelled on a monthly basis to or from:

- (a) London Gatwick (British Airways);
- (b) London Gatwick (Easyjet);
- (c) London Luton;
- (d) Manchester;
- (e) Madrid,

since the information supplied at the last Question Time in this Parliament?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY  
AND TRANSPORT**

Answered together with Question No. 541 of 2009.

**NO. 541 OF 2009**

**THE HON DR J J GARCIA**

**GIBRALTAR AIRPORT – FLIGHTS DELAYED**

Can Government say how many flights from Gibraltar to the following airports were delayed by more than half an hour on a monthly basis:

- (a) London Gatwick (British Airways);
- (b) London Gatwick (Easyjet);
- (c) London Luton;
- (d) Manchester;
- (e) Madrid,

since the information supplied at the last Question Time in this Parliament?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY  
AND TRANSPORT**

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



**SCHEDULE TO QUESTION NO. 541/2009**

Flights timetabled and cancelled between Gibraltar and the following airports on a monthly basis were as follows:

	March		April		May	
	Timetabled	Cancelled	Timetabled	Cancelled	Timetabled	Cancelled
London Gatwick (British Airways)	31	0	30	0	31	0
London Gatwick (Easyjet)	53	0	52	0	52	1
London Luton	31	2	26	0	27	0
Manchester	13	0	13	0	13	0
Madrid	N/A		1	0	52	3

Flights delayed from Gibraltar to the following airports delayed by more than half an hour on a monthly basis is as follows:

	<b>March</b>	<b>April</b>	<b>May</b>
London Gatwick (British Airways)	0	1	0
London Gatwick (Easyjet)	3	3	3
London Luton	0	0	0
Manchester	0	0	1
Madrid	0	0	2

**NO. 542 OF 2009**

**THE HON DR J J GARCIA**

**GIBRALTAR AIRPORT – PLANS**

Can Government state the policy reason why it has not yet published the plans of Gibraltar Airport referred to in section 25 of the Civil Aviation Act 2009?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY  
AND TRANSPORT**

There is no policy reason why the plans for Gibraltar Airport referred to in section 25 of the Civil Aviation Act 2009 have not been published. Discussions continue with the MOD regarding the remaining transfer of land at the airport around the tunnel/road project. Once this final lands agreement is signed, a plan of the Airport will be published.

**SUPPLEMENTARY TO QUESTION NO. 542 OF 2009**

**HON DR J J GARCIA:**

Has this legislation already been commenced?

**HON J J HOLLIDAY:**

I think it has.

**HON DR J J GARCIA:**

Is it not possible that there could be legal issues which may arise where having a plan could actually be helpful? Is it not possible that legal issues could arise and actually having a plan would be helpful?

**HON J J HOLLIDAY:**

No, I mean, the negotiations with the MOD have now been agreed. They are going through the relevant documentation which basically is the lands agreement in order to formalise what has already been agreed. Thus all the relocations that have taken place and all the different projects that have commenced, all that has been agreed,

we cannot be just building without having had an agreement. The agreement is there, it is just the logistics of getting the documentation done, formalised and then published in the right format.

**HON DR J J GARCIA:**

The documentation is what, actually putting the agreement which already exists into a plan, is that the documentation, the actual transfer?

**HON J J HOLLIDAY:**

It is not just a plan it is the documentation which basically will explain what land has been transferred and what land has not been transferred and, therefore, on the basis of that documentation there will be an attachment which will have a clear plan of what is MOD and what is not MOD. Then we will publish, like the legislation says, in the Gazette in order for everybody to be fully conversant with the details of that.

**HON DR J J GARCIA:**

Is there a time frame within which it is envisaged that this will be complete?

**HON J J HOLLIDAY:**

I think this is imminent. The last Question Time I think we discussed the same issue and I followed it up and I was told at the time that the logistics of putting it together were being worked on. So I assume it is now imminent.

**NO. 543 OF 2009**

**THE HON DR J J GARCIA**

**GIBRALTAR AIRPORT – MANDATORY OCCURRENCE REPORTS**

Can Government say how many mandatory occurrence reports have been raised in relation to incidents at Gibraltar Airport since the information supplied at the last Question Time in this Parliament, with a breakdown giving the date of the incident, the name of the airline and aircraft involved, and a short description of each case?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY  
AND TRANSPORT**

Answered together with Question Nos. 544 and 545 of 2009.

**NO. 544 OF 2009**

**THE HON DR J J GARCIA**

**GIBRALTAR AIRPORT – REPORTING OF AVIATION DEFICIENCIES**

Can Government say whether the system of voluntary reporting of observed deficiencies in aviation which are not required to be reported under the system of mandatory reporting, but which are perceived by the reporter as an actual or potential hazard, is now in place and if so from what date and can Government list the incidents that have been so reported?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY  
AND TRANSPORT**

Answered together with Question Nos. 543 and 545 of 2009.

**NO. 545 OF 2009**

**THE HON DR J J GARCIA**

**GIBRALTAR AIRPORT – BIRD STRIKES**

Can Government list the bird strikes that have been reported to the Director of Civil Aviation since the Civil Aviation (Air Navigation) Regulations 2009 came into force, showing the date of the incident the name/model of the aircraft or airline and the damage caused if any?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY  
AND TRANSPORT**

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

**SCHEDULE TO QUESTION NO. 545/2009**

**Answer to Question 543/2009**

The Government can confirm that since the last Question Time in this Parliament the Director of Civil Aviation has received nine Mandatory Occurrence Reports.

The question requests a further breakdown of these mandatory occurrence reports by date of the incident, the name of the airline and aircraft involved and a short description of each case. Regulation 96 of the Civil Aviation (Air Navigation) Regulations 2009 directs that "the Director of Civil Aviation shall only use any information he receives in accordance with the terms of this regulation solely for the purposes set out in this regulation". As such the Director of Civil Aviation is not at liberty to divulge all the information requested, however he has provided a schedule of information, which ensures that the requirements of Regulation 96 are met. I am now handing the schedule to the Honourable Member.

<b>MOR Number</b>	<b>Date of Occurrence</b>	<b>Description of Occurrence</b>
03 / 2009	03/04/09	Aircraft reported hot brakes after landing – Emergency State 2 declared
04 / 2009	22/04/09	Aircraft reported undercarriage problems – Emergency State 3 declared
05 / 2009	24/04/09	Ground Handling vehicles infringe Taxiway B
06 / 2009	25/04/09	Vehicle drives in front of a taxiing aircraft
07 / 2009	27/04/09	Ground Handling vehicles infringe Taxiway B without permission
08 / 2009	20/05/09	Aircraft taxied off the prepared surfaces
09 / 2009	21/05/09	Aircraft taxied off the prepared surfaces
10 / 2009	25/05/09	Aircraft taxied past holding point A1 without clearance
11 / 2009	26/05/09	Aircraft taxied past holding point A1 without clearance and enters runway

**Answer to Question 544/2009**

The Government can confirm that the Director of Civil Aviation has promulgated a procedure, which states the requirements of the Voluntary Reporting System of observed deficiencies in aviation. The requirements of the Voluntary Reporting System are included within the Procedure that details the Mandatory Occurrence Reporting system, which was

Cont'd....

**CONTD ANSWER TO QUESTION 545**

published on 29 January 2009 and is available to be viewed on the Civil Aviation Page of the Government's Website.

As of the 2<sup>nd</sup> June 2009, no voluntary reports have been submitted to the Director of Civil Aviation.

**Answer to Question 545/2009**

The following birdstrikes have been reported at Gibraltar Airport to the Director of Civil Aviation since the Civil Aviation (Air Navigation) Regulations 2009 came into force on 29<sup>th</sup> January 2009:

<b>Serial No.</b>	<b>Date</b>	<b>Aircraft Type</b>	<b>Stage of Flight</b>	<b>Damage</b>
1 - 2009	6 April 2009	Airbus A-320	On approach to the airfield the aircraft struck 2 x Swallows.	There was no damage to the aircraft.
2 - 2009	3 May 2009	Airbus A-319	On departure from the airfield the aircraft struck 1 x Yellow-Legged Gull	There was no damage to the aircraft.
3 - 2009	30 May 2009	Airbus A-320	On approach to the airfield, the pilot saw a number of birds. After landing bird remains found in engine intake. Bird type to be confirmed.	Engine inspected by maintenance engineer and aircraft declared fit to depart.



**SUPPLEMENTARY TO QUESTION NOS. 543 TO 545 OF 2009**

**HON DR J J GARCIA:**

Does the Minister know why the type of aircraft can be given in relation to bird strikes but not in relation to the mandatory occurrence incidents?

**HON J J HOLLIDAY:**

I believe that regulation 96 of the Civil Aviation (Air Navigation) Regulations 2009 directs that the Director of Civil Aviation only uses the information received in accordance with the terms of this regulation, and is not privy to make that information public. So, therefore, the information that he has made available is obviously the number of the incident, the date of occurrence and the description of the occurrence, without actually being able to make available the type of aircraft.

**HON DR J J GARCIA:**

But on the next page, in relation to the bird strikes, those do list the types of aircraft.

**HON J J HOLLIDAY:**

I cannot really give him a reply apart from, maybe that this second part of Question No. 545 is not subject to regulation 96, so therefore, it is not restricted in being able to give the information. I think that in regulation 96, the objective of the regulation is to contribute to the improvement of air safety by ensuring that relevant information on safety is reported, collected, stored, protected and xxxxxx. The sole objective of this is for the prevention of accidents and incidents and not to attribute blame and liability, so therefore there may be an issue of wanting to establish what has happened to try and address the safety issues in relation to them, but without actually putting any ..... or to attribute blame or liability on any particular airline company or type of aircraft.

**NO. 546 OF 2009**

**THE HON DR J J GARCIA**

**GIBRALTAR AIRPORT – AIR ACCIDENT INSPECTORS**

Can Government say whether they intend to appoint Inspectors of Air Accidents, as well, following the appointment of a Chief Inspector of Air Accidents as required by the Civil Aviation (Investigation of Air Accidents and Incidents) Regulations 2009?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY  
AND TRANSPORT**

The Government have appointed a Chief Inspector of Air Accidents and have agreed with him that should an incident occur which requires investigation, the Chief Inspector of Accidents will submit to the Minister for Transport a list of available personnel from within the body of inspectors in the Air Accident Investigation Branch of the Department for Transport of the United Kingdom. At that point, the Minister will appoint the required number of personnel to act as inspectors of air accidents for that particular occurrence, and they will then conduct the investigation under the Civil Aviation (Investigation of Air Accidents and Incidents) Regulations 2009.

**NO. 547 OF 2009**

**THE HON DR J J GARCIA**

**GIBRALTAR AIRPORT – TRANSIT PASSENGERS FROM MADRID**

Can Government say, of the passengers who arrived in Gibraltar by air from Madrid since flights were resumed by Andalus, on a monthly basis, how many were deemed to be in transit through Gibraltar and how many stayed in Gibraltar?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY  
AND TRANSPORT**

Answered together with Question Nos. 548 to 551 of 2009.

ORAL

**NO. 548 OF 2009**

**THE HON DR J J GARCIA**

**GIBRALTAR AIRPORT – BUS FROM LA LINEA FOR DEPARTING PASSENGERS TO MADRID**

Can Government say how many departing passengers on the flight from Gibraltar to Madrid arrived at the Air Terminal on the bus from La Linea on a monthly basis since the flights were resumed by Andalus?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY AND TRANSPORT**

Answered together with Question Nos. 547 and 549 to 551 of 2009.

**NO. 549 OF 2009**

**THE HON DR J J GARCIA**

**GIBRALTAR AIRPORT – BUS TO LA LINEA FOR ARRIVING PASSENGERS FROM MADRID**

Can Government say how many arriving passengers on the flights from Madrid to Gibraltar boarded the bus to La Linea after landing here on a monthly basis since the flights were resumed by Andalus?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY AND TRANSPORT**

Answered together with Question Nos. 547, 548, 550 and 551 of 2009.

**NO. 550 OF 2009**

**THE HON DR J J GARCIA**

**GIBRALTAR AIRPORT – PASSENGERS ON GIBRALTAR/MADRID ROUTE**

What was the total number of passengers carried on the Gibraltar/Madrid route, showing inward and outward bound on a monthly basis since flights were resumed by Andalus?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY  
AND TRANSPORT**

Answered together with Question Nos. 547 to 549 and 551 of 2009.

**NO. 551 OF 2009**

**THE HON DR J J GARCIA**

**GIBRALTAR AIRPORT – OPERATIONAL COSTS OF GIBRALTAR/LA LINEA BUS**

What was the operational cost, with a breakdown on a monthly basis, of the bus service that runs between Gibraltar airport and La Linea since flights to Madrid were resumed by Andalus?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY AND TRANSPORT**

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

## **SCHEDULE TO QUESTION NO. 551/2009**

### **Answer to Question 547/2009**

During April 2009, 50 passengers arrived on the Air Andalus Madrid flight, of these, 42 were deemed to be in transit and 8 stayed in Gibraltar.

In May 2009, 748 passengers arrived in Gibraltar of which 657 were deemed to be in transit and 91 stayed in Gibraltar.

### **Answer to Question 548/2009**

Passengers departing on the flight from Gibraltar to Madrid who arrived at the Air Terminal on the bus from La Linea on a monthly basis since flights were resumed by Andalus are as follows:-

April – Nil (30<sup>th</sup> onwards)  
May – 2  
June – None (up to 2<sup>nd</sup> June)

### **Answer to Question 549/2009**

Passengers arriving on the flights from Madrid to Gibraltar who boarded the bus to La Linea after landing here on a monthly basis since the flights were resumed by Andalus were as follows:-

April – Nil (30<sup>th</sup> onwards)  
May – 5  
June – None (up to 2<sup>nd</sup> June)

### **Answer to Question 550/2009**

The total number of passengers carried on the Gibraltar/Madrid route, showing inward and outward bound on a monthly basis since flights were resumed by Andalus are as follows:-

	<b><u>Arriving</u></b>	<b><u>Departing</u></b>
April	50	29
May	748	786

### **Answer to Question 551/2009**

The cost of providing the bus service, including the requirement for a GibAir Service Agent on the inbound bus, equates to £65.50 per round trip – La Linea Bus Terminal – Gibraltar Airport – La Linea Bus Terminal.

The breakdown of cost is as follows:

April	-	£ 131
May	-	£3,144
June (up to 2 <sup>nd</sup> June 2009)	-	£ 262



**SUPPLEMENTARY TO QUESTION NOS. 547 TO 551 OF 2009**

**HON DR J J GARCIA:**

Just to clarify, in relation to Question Nos. 548 and 549, these are the questions about the bus to La Linea. It says here that two people used the bus in May, used the bus from La Linea in May and that five people used the bus to get to La Linea in May. Can I ask, does the bus have to be on standby all the time when each flight arrives because they do not know whether people are going to use it or not?

**HON J J HOLLIDAY:**

That is correct.

**HON DR J J GARCIA:**

So, actually, there will be a cost involved even if nobody decides to use it, is that the case?

**HON J J HOLLIDAY:**

Yes, I think if he looks at the answer to Question No. 551, there is a round trip cost of £65.50 irrespective of use.

**HON J J BOSSANO:**

Can the Government explain the identification of people who are in transit, how this is done if it is not on the basis that they choose to go straight to La Linea as opposed to entering Gibraltar?

**HON J J HOLLIDAY:**

In order to identify the issue of how many passengers arrived in Gibraltar who are deemed to go in transit, normally the Passport Immigration Control ask the question whether they are staying in Gibraltar or transiting into Spain. That is the normal procedure. It does not happen to me or I because they know we are coming into Gibraltar, but for visitors normally, who are not known to the Immigration. There may be an element of error there because, obviously, it is a personal judgement. They actually do ask whether one is in transit or staying in Gibraltar, in order for us to gauge not just on this particular flight but at flights from the UK as well, in order to be able to gauge the number of passengers that are actually coming in to Gibraltar and those that are using Gibraltar as a transit point.

**NO. 552 OF 2009**

**THE HON DR J J GARCIA**

**SHIPS CALLING AT GIBRALTAR**

How many ships have called at Gibraltar since the information supplied at the last Question Time in this Parliament on a monthly basis for:

- (a) bunkering;
- (b) cargo;
- (c) repairs,

and how many tonnes of bunker fuel were sold each month?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY  
AND TRANSPORT**

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

**SCHEDULE TO QUESTION NO. 552/2009**

	March	April
(a) Bunkering	524	564
(b) Cargo	14	21
(c) Repairs	8	13

Bunkers Sold (Tonnes)

March	April
381,402	382,150

**NO. 553 OF 2009**

**THE HON DR J J GARCIA**

**BUNKERING LICENCES**

Can Government say whether any new bunkering licences have been issued, or whether any application for such a licence has been made since the last Question Time in this House?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY  
AND TRANSPORT**

No new bunkering licences have been issued nor has any application for such a licence been made since the last Question Time in this Parliament.

**NO. 554 OF 2009**

**THE HON DR J J GARCIA**

**CONFERENCES SPONSORED OR CO-SPONSORED BY GOVERNMENT**

Can Government list the conferences that they have sponsored or co-sponsored, both in Gibraltar or elsewhere, since the last Question Time in this Parliament, showing the dates when the conferences were held, the cost and the department that was most directly involved?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY  
AND TRANSPORT**

Since the last Question Time in Parliament, my Ministry has sponsored the Red Ensign Group conference that was held in Gibraltar.

All the invoices in respect of this conference have yet to be received but it is expected that the final cost will be around £20,000, which is what was budgeted for the event.

**NO. 555 OF 2009**

**THE HON DR J J GARCIA**

**ADVISORY COUNCIL MEETINGS**

How often and on what dates have the following met since the information supplied at the last Question Time in this Parliament:

- (a) the Port Advisory Council;
- (b) the Business and Commerce Advisory Council;
- (c) the E-Business Advisory Council?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY  
AND TRANSPORT**

Since the information supplied at the last Question Time in Parliament, the Port Advisory Council has met once on 20<sup>th</sup> April 2009 and the Business and Commerce Advisory Council and the E-Business Advisory Council met twice on 19<sup>th</sup> March 2009 and 28<sup>th</sup> May 2009.

ORAL

**NO. 556 OF 2009**

**THE HON DR J J GARCIA**

**PORT ADVISORY COUNCIL**

Can Government list the composition of the Port Advisory Council?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY  
AND TRANSPORT**

Answered together with Question Nos. 557 and 558 of 2009.

ORAL

**NO. 557 OF 2009**

**THE HON DR J J GARCIA**

**PORT ADVISORY COUNCIL**

Can Government say whether the components of the Port Advisory Council that come from the private sector sit in the Council purely in a personal capacity?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY  
AND TRANSPORT**

Answered together with Question Nos. 556 and 558 of 2009.



**NO. 558 OF 2009**

**THE HON DR J J GARCIA**

**PORT FEES – INCREASES**

Can Government list the entities that were consulted before they took the decision to increase port fees in April and give the respective dates when such consultation took place?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY AND TRANSPORT**

In answer to Question No. 556, the composition of the Port Advisory Council is as follows:-

Myself as Chairman, and then we have two ex-officio members which are Mr Peter Canessa as Principal Secretary of the Ministry and Captain Peter Hall who is the Captain of the Port. The independent members are Mr John Bassadone, Mr Paul Imossi, Mr Joe Corvelli, Mr George Desoisa (Junior), Mr Darren Laguea, Mr Mark Porral and Mr John Gaggero.

In answer to Question No. 557, the components that come from the private sector sit purely in a personal capacity.

In answer to Question No. 558, the decision to increase Port Fees in May 2009 was taken by Government after extensive consultation with members of the Port Advisory Council and the Directors of the Board of the Gibraltar Port Authority. This process of consultation commenced on 30<sup>th</sup> June 2008 and continued until shortly before the fees came into effect in April 2009.

**SUPPLEMENTARY TO QUESTION NOS. 556 TO 558 OF 2009**

**HON DR J J GARCIA:**

Was there any consultation with anybody who was not represented in the Port Advisory Council, in terms of anybody in the private sector?

**HON J J HOLLIDAY:**

No.

**HON DR J J GARCIA:**

So how did the Government determine whether the view of the businessmen who are the independent members of the Port Advisory Council, was actually a broad view which was also shared by everybody else, by those who were not represented on the Council?

**HON J J HOLLIDAY:**

Well, the independent members of the Port Advisory Council, I believe represent a wide cross-section of the shipping community and they include bunkering, they include the cruising industry, ship repairing, shipping agents, leading shipping companies, stevedores, so they have a wide cross-section. I mean, all along there was a unanimous view that fees had to be increased, to their own detriment if anything. At the end of the day they were the ones who then needed to work with these new fees. But it was very obvious, having worked through for nearly a year in the introduction of these fees, that the need for the increase in fees was definitely something that the Port could afford without there being any detriment to business. Obviously, we have taken it like we do as a standard practice anyway to monitor the business activity, to monitor to see whether there is any particular area which is suffering as a result. Not now as a result of the new increase but previous to that as well. In fact, the indications are that business has continued to grow and ship calls are up by something like 14 per cent and business in the Port is not suffering at the moment, from any sort of world recession that is affecting the shipping industry generally in the world. Gibraltar seems to be getting away from any direct adverse effect as a result of this. Otherwise we would not have introduced the fees if we felt that this was going to damage the industry or any particular sector. The reality is that I know that there were a number of operators who came out against this, and on the basis of the presentation that they then made to the Captain of the Port, on trying to formulate their views as to why they thought that was the case, their figures were all incorrect, they were working from a completely wrong basis and, generally speaking, they have not come back to us after that. They have realised that ..... Remember when we did this it was not just a case of increasing fees, we compared fees and structures in neighbouring ports and other Mediterranean ports. Remember that, for example, in the field of bunkering we have got to compete with places like Malta, places like Athens, Piraeus, which are leading bunkering ports, so it is not just a matter of Gibraltar and here we are and let us compare ourselves to Algeciras and Ceuta. Yes, they are important, they are our next door neighbours and possibly the ones that we actually need to be more observant about, but the comparison we have done is on a sort of pan-Mediterranean competitive analysis. The results are that Algeciras have actually put up their prices as a result of us putting our prices up. So, I think we have acted correctly. Obviously time will tell whether ..... that the decision was taken after very careful and extensive consideration and consultation with industry players.

**HON DR J J GARCIA:**

In terms of the actual consultation exercise, is it the case then that although this had been going on since June 2008, there were industry players who did not find out until April 2009 when the fees actually took effect, is that the position?

**HON J J HOLLIDAY:**

That apparently is correct. I mean, one cannot carry out a consultation ..... The whole purpose is that this is something that I have advocated to them for a long, long time. What they should have is an active shipping association, which existed at the beginning when I first came into office in 1996, and the consultation was done with the shipping association which then had a representative committee who then reported to its membership and came back with one voice. That, basically, went away and there has been no activity of the shipping association now for many years, and that actually brought in the Port Advisory Council because I felt that there needed to be an element of consultation with the industry, and members of the Advisory Board are actually changed every two years. Some have stayed on because they want to stay on. It is very much a situation of wanting to have representation from the different sectors. I mean, it is important that bunkering is in there, that we have the cruising industry there, which are the two main areas of industry but then stevedores, shipping agents and ship repairing. They are all represented there in order to make sure that any decision that is taken, the alarm bells will be rung by one of them if we feel we are going down the wrong way. The reality is that the members of the Port Advisory Council came out, I think, publicly saying, "we have been consulted, we feel that this is the right way forward", because they want to see the Gibraltar Port Authority increasing fees, increasing their revenue, to be able to re-invest in the Port. I think that that is the basis. We want to keep up with world trends and make the Port of Gibraltar a very commercially viable operation, which will work in the industry of Gibraltar plc.

**HON DR J J GARCIA:**

I understand the point that the Minister makes that the members in the Port Advisory Council, those entities represented there were consulted. That is quite clear, they came out with the statement saying it. My concern is over those who were not consulted and who claim that they knew nothing about this and it was suddenly sprung upon them. Given what the Minister said about the lack of a shipping association, does he not think it might have been a better idea to have produced a consultation paper and send it to everybody in the industry, which might have been perhaps a more effective way of getting a broad view?

**HON J J HOLLIDAY:**

I think if one does do that one will never get anywhere, because everyone has their own opinion and if one does a straw poll, of anybody, that said "we are going to be increasing your rental at home or whatever", nobody really wants to have prices increased in order for them to operate. So I think we need to take a more focussed view, and as I said, my preferred option would have been to have done something with the shipping association, representing everybody who is a member of the shipping association. Unfortunately, for some reason or other, it has not been functioning for a number of years. I think and I hear that this may have led to regeneration of interest in building up a shipping association, and I would welcome it. It is something that I have been saying for many months to a number of operators. They ought to be working with a shipping association, there should be a representation of all players in the industry, but not having that option then I think they have got to target this. One cannot speak to every individual, one has to speak to a committee or a group of people that represent the rest, otherwise one ends up with 200 different opinions and one will never get anywhere. The people who

operate within the bunkering industry will say, "yes fees really should go up with the cruise liners and whatever". The cruise liner people say "please no, the industry is in a very delicate situation and I think the bunkering people are the ones that need to have their fee increased". One has got to take a balanced view. There was even an element of that in the Port Advisory Council. The only thing is that because they are one to one it becomes very difficult for them to expose their personal interest on a one to one meeting with a group of six or eight people around the table. But if it were not, if it were just a normal, open public consultation across every single operator, one would get people standing up for their own sector and their own interests.

**HON DR J J GARCIA:**

My understanding is the letter which expressed satisfaction with the increase and said that xxxxxx had been consulted, there were seven entities. The ones who came out saying they had not been consulted and knew nothing about it and wanted more time were eleven entities. Surely it does not involve consulting that many parties as the Minister has just suggested.

**HON J J HOLLIDAY:**

No, I think the issue is that generally everybody felt that the fees were reasonable in the sense that some of them were quite substantial increases, but I think the timing, not actually the timing but the notice period that was given was felt to be short. On the other hand, if one gives the industry too much time to react, then one places oneself in a situation where one could be creating problems for oneself. But I think that everybody in the end recognised that a 30 day notice was adequate.

**HON J J BOSSANO:**

The Minister said that the idea was that the monies raised would be ploughed back to improve facilities in the Port. Is this money channelled through the Consolidated Fund or does it go into a fund in the Port Authority that therefore is not available for anything else?

**HON J J HOLLIDAY:**

No, at the moment it is going through the Consolidated Fund and if he looks at the Estimates he will see it is actually going into the Consolidated Fund. I hope, and this is my own personal wish, that once the Port Authority is constituted, I mean it is constituted but is actually operational in its proper manner, that the Port will actually be making use of the income that it generates. But this is further down the road not as we speak today. As we speak today it is going into the Consolidated Fund and I&D Fund monies have been allocated, as is done every year, in order to put into place certain aspects of project development and new initiatives that we have in mind.

**HON J J BOSSANO:**

So, in fact, what he said in answer to a previous question that the money would be ploughed back, it is not that it will happen but that he hopes it will happen.

**HON J J HOLLIDAY:**

Absolutely. Yes, I think what I was saying was that I think the industry recognises that if we go into a Gibraltar Port Authority which is divorced from Government, as such, in terms of income and expenditure, then there will be sufficient funds in there. In fact, the Port will then be operating at a reasonable profit margin and will still be able to generate income to be able to plough into upgrading facilities and keeping up with market requirements, and be able to have funds available to improve what the Gibraltar Port has to offer generally.

**HON J J BOSSANO:**

But this will not be happening in the current financial year?

**HON J J HOLLIDAY:**

No it will not be, according to the Estimates it will not be, but I am hoping that I will be able to convince my Colleagues in the future that that would be the case.

**HON J J BOSSANO:**

One Colleague in particular?

**NO. 559 OF 2009**

**THE HON DR J J GARCIA**

**REVENUE COLLECTED FROM VESSELS USING EAST SIDE ANCHORAGE**

Can Government say how much revenue has been collected from vessels using the East Side anchorage in May since fees were introduced?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY  
AND TRANSPORT**

Since 9<sup>th</sup> May 2009 a total of 22 vessels have used the East Side anchorage.

As at 2<sup>nd</sup> June 2009 a total of £10,223 has been collected from such vessels.

**NO. 560 OF 2009**

**THE HON DR J J GARCIA**

**EU FUNDING APPLICATIONS**

Can Government list the parties who have applied for:

- (a) EU funding;
- (b) Gibraltar Government funding,

since the last Question Time in this Parliament, indicating the amount of funding requested and the purposes for which it was intended listing those applications that have been successful, those that have been unsuccessful and those applications that are still pending?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY  
AND TRANSPORT**

I now hand the hon Member a schedule with the information requested.

**Schedule to Question 560/2009**

**ERDF C&EO 2007-2013 PROGRAMME**

<b>Project No.</b>	<b>Sponsor</b>	<b>Status</b>	<b>ERDF</b>	<b>GOG</b>	<b>PS</b>	<b>Purpose of Grant</b>
11	Dental Services	Active	£16,568.53p (30%)	£0.00p (0%)	£38,659.91p (70%)	Dental Equipment and Import Duty (12%)



**NO. 561 OF 2009**

**THE HON DR J J GARCIA**

**FERRY LINK BETWEEN GIBRALTAR AND ALGECIRAS – VIABILITY STUDY**

Are Government aware of the viability study of a ferry link between Gibraltar and Algeciras which is being conducted in Spain and have they been asked to participate or give their view on the matter?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY  
AND TRANSPORT**

Government are aware of two entities that have shown an interest in operating a ferry service between Gibraltar and Algeciras. In either case, Government have not been asked to participate or give their views on any viability study.

**SUPPLEMENTARY TO QUESTION NO. 561 OF 2009**

**HON DR J J GARCIA:**

Are those two entities Gibraltar based or are they Spanish based?

**HON J J HOLLIDAY:**

They are Spanish based.

**HON DR J J GARCIA:**

Is this simply a case of somebody making an informal enquiry or formal enquiry or has it actually been progressed into a negotiating stage?

**HON J J HOLLIDAY:**

No, I have met both they have both come with a business plan and a proposal. They have asked for our views on the matter and they are now going through procedures with, I believe, the Junta de Andalucia who in the end is the one that needs to licence them from their side, and the relevant logistics of operating out of Algeciras. We in turn would have to do our own licensing and we would have to carry out our own inspection of vessels and things done by the Maritime Administration in Gibraltar if it

is going to be operating on a daily basis out of the Port of Gibraltar. But that is the stage where both entities are and none have come back with anything further than that.

**NO. 562 OF 2009**

**THE HON DR J J GARCIA**

**MARINE SURVEYOR VACANCY**

Can Government say whether the vacancy for Marine Surveyor which was advertised in November 2008, for which there were 22 applications, has now been filled and if so when?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY  
AND TRANSPORT**

The vacancy for Marine Surveyor which was advertised in November 2008 was filled on 27<sup>th</sup> April 2009.

**SUPPLEMENTARY TO QUESTION NO. 562 OF 2009**

**HON DR J J GARCIA:**

Can the Minister say whether it was filled by a Gibraltarian?

**HON J J HOLLIDAY:**

Yes it was a Gibraltarian.

**NO. 563 OF 2009**

**THE HON DR J J GARCIA**

**DEVELOPMENT AID ADVISORY COMMITTEE**

Can Government list the date of meetings of the Development Aid Advisory Committee since the information supplied at the last Question Time in this Parliament?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY  
AND TRANSPORT**

There has been one meeting of the Development Aid Advisory Committee since the last Question Time in this Parliament. This was held on 9<sup>th</sup> June 2009.

**NO. 564 OF 2009**

**THE HON DR J J GARCIA**

**DEVELOPMENT AID LICENCE 5/2004**

Can Government state why Development Aid Licence 5/2004 issued to Queensway Quay Marina Ltd was transferred to Marina Properties Ltd and confirm whether the completion date has been extended ?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY  
AND TRANSPORT**

Development Aid Licence 5/2004 issued to Queensway Quay Marina Ltd was transferred to Marina Properties Ltd as it was claimed that the original application was inadvertently made under Queensway Quay Marina Ltd instead of Marina Properties Ltd who had undertaken the development. Queensway Quay Marina Ltd is the company which actually operates and owns Queensway Quay Marina. It was established that the beneficial ownership of both companies were the same. The completion date has not been extended.

**NO. 565 OF 2009**

**THE HON DR J J GARCIA**

**DEVELOPMENT AID LICENCES 3/2006, 5/2006, 2/2008**

Can Government state the reasons why the following Development Aid Licences were amended to extend the completion date of the project:

- (a) No 3/2006 Longhorn Properties Ltd
- (b) No 5/2006 Commercial Developments Inc Ltd
- (c) No 2/2008 GRP Investments Company Ltd?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY AND TRANSPORT**

These licences were amended to extend the completion date of the projects as it was envisaged by the respective developers that the projects would not be completed by the specified completion date.

**SUPPLEMENTARY TO QUESTION NO. 565 OF 2009**

**HON DR J J GARCIA:**

Do they have to give reasons in each of the cases?

**HON J J HOLLIDAY:**

Yes, they have to give an explanation as to why they are requesting an extension, and in the three cases the Development Aid Committee recommended to me that the extension ought to be granted.

**HON DR J J GARCIA:**

Could the Minister say what the reasons were in each of the cases?

**HON J J HOLLIDAY:**

I cannot really recall the details of each one of them but I think in most cases it was the fact that there had been delays in the construction of the actual developments

and the anticipated timescale had not been met so, therefore, they requested an extension. That is the essence, but there were more details submitted at the time.

**NO. 566 OF 2009**

**THE HON DR J J GARCIA**

**DEVELOPMENT AID LICENCES 5/2004, 3/2006, 5/2006, 2/2008**

Can Government say whether the applications for the amendment to the completion date of the following Development Aid Licences were all submitted before the existing licences expired:

- (a) No 5/2004 Marina Properties Ltd
- (b) No 3/2006 Longhorn Properties Ltd
- (c) No 5/2006 Commercial Developments Inc Ltd
- (d) No 2/2008 GRP Investments Company Ltd?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY  
AND TRANSPORT**

The application for amendment of the completion date for the following were all made prior to the expiry of the licence:

- No. 3/2006 Longhorn Properties Ltd
- No. 5/2006 Commercial Developments Inc Ltd
- No. 2/2008 GRP Investments Company Ltd

No extension to the completion date of Marina Properties Ltd has been granted.



**NO. 567 OF 2009**

**THE HON DR J J GARCIA**

**PLANNING PERMISSION APPLICATIONS**

Can Government list the applications for planning permission in respect of projects that have been granted and rejected since the last meeting of this Parliament, showing those that are still under consideration, including the name of the applicant and of the project in question?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY  
AND TRANSPORT**

A list of applications received between 17 March 2009 and 2 June 2009 is being handed over to the hon Member. For each application the decision, applicant name, description and site address is given.

ANSWER TO QUESTION 567

**APPLICATIONS RECEIVED BETWEEN: 17/3/09 AND 2/6/09**

<b>App No</b>	<b>ApplicantName</b>	<b>Description</b>	<b>Decision</b>	<b>SiteAddress</b>
11096	Jonathan Garcia	Proposed alterations to flat.	Approved	Tilbury Court Harbour Views
11107	Europort (Int.) Holdings Ltd.	Proposed additional sea-water pipe line.	Approved	Europort Building Europort Road
11108	Mr A Vella	Proposed change of use from canteen to workshop for motor cycles.	Approved	51 Cumberland Road
11109	Mr K Ignacio & Ms K Perea	Proposed alterations to flat.	Pending	Poppy House North Mole Road Waterport Terraces
11111	Gibtelecom Limited	Proposed internal alterations in 1st floor.	Approved	Mount Pleasant South Barracks Road
11112	Mr C Heymann	Proposed structural repairs.	Pending	234 Main Street
11113	Graham Olivero	Proposed internal alterations.	Approved	Jasmine House North Mole Road Waterport Terraces
11114	A.D. Cohen Ltd.	Proposed installation of security shutters.	Pending	207 Main Street
11115	Ian McCormick	Proposed enclosure of existing terrace & re-location of bathroom.	Pending	6A Chicardo's Passage
11116	Gibtelecom LTD	Proposed alterations to opening, including the construction of a new external concrete pathway and steps located at ground floor, west elevation.	Approved	Mount Pleasant
11117	John Baldachino	Proposed new door opening.	Approved	21 Edinburgh House
11118	Mr Russel & Mrs Pauline Nagle	Proposed internal alterations and new balcony glazing.	Approved	26 Britannia House Marina Bay
11119	Government of Gibraltar	Proposed formation of new rowing club storage shed and pontoon access.	Pending	Europort Road
11120	Gibtelecom Ltd.	Proposed erection of antennas for telecommunications.	Approved	Block 5 Watergardens
11121	Frank Owen	Proposed internal alterations.	Approved	Sea lavender House North Mole Road Waterport Terraces

<i>App No</i>	<i>ApplicantName</i>	<i>Description</i>	<i>Decision</i>	<i>SiteAddress</i>
11122	Department of Education &	Proposed new 2 storey high extension to incorporate new facilities for the Home Economics classrooms and with an addition of a new dance studio.	Pending	12 Westside School Queensway
11123	Jonathan Poccock & Mary	Proposed internal alterations.	Approved	Sea Clover House North Mole Road Waterport Terraces
11124	J J De La Paz Consulting	Proposed demolition of changing rooms.	Approved	Eastern Beach Road
11125	Mr A Turner & Miss G Zammit	Proposed interior alterations	Pending	Buttercup House Waterport Terraces
11126	Mr Angel Martinez	Proposed extension to existing building.	Pending	Elliot's Battery
11127	Mr A Massias	Proposed new lift	Approved	1d Europa Road
11128	Government of Gibraltar	Proposed refurbishment of Public Market	Pending	Public Market West Place Of Arms
11129 Ramp	Ms Lucinda-Jayne Ellis	Proposed demolition of existing shed and construction of new one.		Pending 3 Hargraves Cottage Charles V
11130	Miss Eugenie Cottrell	Proposed demolition of dividing wall between kitchen and living/dining room.	Approved	Sea Clover House Waterport Terraces
11131	Alison Lopez & Dylan Crisp	Proposed alterations to flat.	Approved	Sea Daffodil House North Mole Road Waterport Terraces
11132	J & S Martin	Proposed alterations to flat.	Pending	Aloe House North Mole Road Waterport Terraces
11133	Mr & Mrs M S Francis	Proposed conversion of existing loft space, patio extension and internal/external alterations.	Pending	Unit 2/38 Europa Flats Europa Point Europa Cottages (Lighthouse)
11134	Watergardens Management	Proposed re-design of car park area to increase number of spaces.	Pending	Watergardens
11135	Gibtelecom Ltd	Proposed construction of new A.C. and generator platforms.	Pending	Mount Pleasant South Barracks Road
11136	Mr W J McLaren	Proposed timber pergola on driveway.	Approved	Sir Herbert Miles Road Catalan Gardens
11137	The trustees of the hebrew	Proposed refurbishment of existing property and installation of a three person lift.		Pending 15 Governor's Parade
11138	Mark & Giselle Santos	Proposed layout of new basement apartment.	Pending	17/3 Gardiner's Road

<i>App No</i>	<i>ApplicantName</i>	<i>Description</i>	<i>Decision</i>	<i>SiteAddress</i>
11139	William Hill Organisation	Proposed fit-out of existing suites within development.	Pending	Waterport Place North Mole Road
11140	Collingwood Insurance	Proposed internal alterations.	Approved	Waterport Place North Mole Road
11141	Breckland Trading Co. Ltd.	Proposed 2 storey extension above first floor and conversion to offices.	Pending	22 Main Street
11142	Mr Zane Bennenworth	Proposed extension to flats 1 & 3.	Pending	2 F Block Naval Hospital Hill
11143	Peffre (Gibraltair) Limited	Proposed fit-out of existing office suite within Waterport Place development.	Approved	Waterport Place
11144	Mr and Mrs J C Camilleri	Proposed alterations to flat.	Approved	2 Marigold House Waterport Terraces
11145	Ms. A Witteveen	Proposed demolition of Nissan Hut.	Approved	Nissan Hut Devils Tower Road Aerial Farm
11146	Ms A Witteveen	Proposed demolition of garage block.	Pending	Garage Block Devils Tower Road Aerial Farm
11147	Mr J Tante	Proposed alterations to flat.	Pending	Marigold House North Mole Road Waterport Terraces
11148	Melissa Cortes	Proposed alterations to flat.	Pending	Poppy House North Mole Road Waterport Terraces
11149	Mr N Cruz & Ms N Romero	Proposed alterations to flat.	Pending	Freasia House North Mole Road Waterport Terraces
11150	Bharat Ltd. (c/o) Mr B Ninchalani 68/70 Main Street	Proposed refurbishment of shop premises and conversion into two units.	Proposed	Proposed refurbishment of shop premises and conversion into
11151	Michael Bautista	Proposed alterations to shop front.	Pending	Casemates House Casemates Square
11152	Alcatel lucent submarine	Installation of a submarine telecommunications cable in territorial waters and to existing ducts and manhole at North Mole.	Approved	
11153	Patrick S Plicher	Proposed construction of swimming pool and gazebo.	Pending	8 Rose Tree Cottage North Pavillion Road
11154	O'Callaghan Elliott Hotel	Proposal to fix a water supply pipe along the external wall of the hotel.	Pending	10/12 Elliott Hotel Governor's Parade
11155	Gibraltar Pool Association	Fit-out of existing vault to suit GPA American Pool premises.	Pending	20 North Jumper's Bastion Rosia Road

<i>App No</i>	<i>ApplicantName</i>	<i>Description</i>	<i>Decision</i>	<i>SiteAddress</i>
11156	Ms M Chelleram	Proposed glazed enclosure to ground floor balcony on the eastern elevation of block No 1 The Anchorage	Pending	1 Rosia Road The Anchorage
11157	Veena Co Ltd	Proposed construction of a structural opening within a commercial shop premises.	Pending	9a Engineer Lane
11158	Mr & Mrs Gerada	Proposed attic conversion	Pending	21 Rosia Court Rosia Road
11159	Futures Betting	Proposed interior fit-out to form office.	Pending	Leisure Island Building Ocean Village
11160	Mr C D Neal and Miss H D	Proposed alterations to flat.	Pending	Amaryllis House North Mole Road Waterport Terraces
11161	RLS	Proposed new beam over shop front	Pending	129-131 Main Street
11162	Prem Mahtani	Proposed new shop front	Pending	47-49 Main Street
11163 Road	Haymills Gibraltar	Construction of an additional flat (flat 23) centrally situated, on the top of the new St Peter's Close residential development.	Pending	Pending St Peter's Close Sir Herbert Miles
11164	Vivek Budhrani	Proposed internal alterations	Pending	Aloe House Waterport Terraces
11165	Mr & Mrs Yome	Proposed demolition of garage, part of boundary wall and construction of new garage, parking bay, entrance, swimming pool and garden landscaping.	Pending	16/20 Vista Alegre Europa Road
11166	Charles Bosano	Proposed extension of property into existing void.	Pending	403 Endeavour Sir Herbert Miles Road Both Worlds
11167	Mr Michael Celecia	Proposed swimming pool.	Pending	61 Flat Bastion Road

**NO. 568 OF 2009**

**THE HON DR J J GARCIA**

**PLANNING PERMISSION – ST PETER’S CLOSE, SIR HERBERT MILES ROAD;  
22 MAIN STREET**

Can Government say whether the following applications for planning permission have been granted and how many representations have been received in respect of each project:

- (a) Haymills (Gibraltar) Ltd – to develop an additional flat on the top of the development at St Peter’s Close, Sir Herbert Miles Road;
- (b) Breckland Trading Co Ltd – to construct two storey extension over existing property at 22 Main Street?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY  
AND TRANSPORT**

BA11163 – St Peter’s Close, Sir Herbert Miles Road, no planning permission has been granted. To date one representation has been received.

In respect of BA 11141 – 22 Main Street, two representations have been received from the public. The application will be considered by DPC at their next meeting. No planning decision has been taken to date.

**NO. 569 OF 2009**

**THE HON DR J J GARCIA**

**DEVELOPMENT AND PLANNING COMMISSION**

How many meetings of the Development and Planning Commission have taken place since the information supplied in the last Question Time in this Parliament and on what dates?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY  
AND TRANSPORT**

Since the last session of Parliament on 13<sup>th</sup> March 2009, there have been three meetings of the Commission. On 23<sup>rd</sup> March 2009; 23<sup>rd</sup> April 2009 and on 21<sup>st</sup> May 2009.

**NO. 570 OF 2009**

**THE HON DR J J GARCIA**

**PLANNING PERMISSION – LIND HOUSE**

Can Government say whether the application for planning permission for the demolition of Lind House, 14 Europa Road and the construction of a new detached house has been granted, rejected or remains under consideration?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY  
AND TRANSPORT**

BA 10248 – Lind House, 14 Europa Road – Demolition Application. The demolition permit was granted on the 8<sup>th</sup> May 2009.



**NO. 571 OF 2009**

**THE HON DR J J GARCIA**

**IMPORTS – COMPUTER HARDWARE**

What was the value of computer hardware imported into Gibraltar on a monthly basis since the information supplied at the last Question Time in this Parliament?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY  
AND TRANSPORT**

Answered together with Question Nos. 572 and 573 of 2009.

**NO. 572 OF 2009**

**THE HON DR J J GARCIA**

**IMPORTS – GOODS VEHICLES**

What was the value and number of goods vehicles imported by:

- (a) individuals;
- (b) licensed dealers,

on a monthly basis since the information supplied at the last Question Time in this Parliament?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY  
AND TRANSPORT**

Answered together with Question Nos. 571 and 573 of 2009.

**NO. 573 OF 2009**

**THE HON DR J J GARCIA**

**IMPORTS – PRIVATE MOTOR VEHICLES**

What was the value and number of private motor vehicles imported by:

- (a) individuals;
- (b) licensed dealers,

on a monthly basis since the information supplied at the last Question Time in this Parliament?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY  
AND TRANSPORT**

The information sought by the hon Member is set out in the schedule which I now hand over.

### **SCHEDULE TO QUESTION 573**

#### **Answer to Question 571**

The value of computer hardware imported into Gibraltar on a monthly basis since November 2008 was as follows:

	Value of Computers (£ thousands)
November 2008	574
December 2008	418
January 2009	580
February 2009	762
March 2009	736

#### **Answer to Question 572**

The number and value of goods vehicles imported by individuals and licensed dealers on a monthly basis since November 2008 was as follows:

	<u>Goods Vehicles Imported by Individuals</u>		<u>Goods Vehicles Imported by Licensed Dealers</u>	
	<u>Number</u>	Value (£ thousands)	<u>Number</u>	Value (£ thousands)
November 2008	-	-	7	55
December 2008	1	1	3	11
January 2009	2	5	9	84
February 2009	-	-	5	67
March 2009	-	-	4	36

**Answer to Question 573**

The number and value of private motor vehicles imported by individuals and licensed dealers on a monthly basis since November 2008 was as follows:

	<u>Private Motor Vehicles Imported by Individuals</u>		<u>Private Motor Vehicles Imported by Licensed Dealers</u>	
	<u>Number</u>	<u>Value (£ thousands)</u>	<u>Number</u>	<u>Value (£ millions)</u>
November 2008	25	53	345	5.9
December 2008	16	32	173	1.8
January 2009	20	29	529	10.9
February 2009	24	66	298	5.7
March 2009	12	32	236	3.8

**NO. 574 OF 2009**

**THE HON DR J J GARCIA**

**FLOATING HOTEL**

Can Government say on what date they were approached by an investor interested in establishing a floating hotel in the port and can they confirm whether discussions are on-going with regard to this project?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY  
AND TRANSPORT**

The Government first met the investor interested in establishing a floating hotel in the Port on 13<sup>th</sup> August 2007. I confirm that discussions are on-going with regard to this project.

**SUPPLEMENTARY TO QUESTION NO. 574 OF 2009**

**HON DR J J GARCIA:**

Would this project require planning permission in the normal conventional way?

**HON J J HOLLIDAY:**

Absolutely.

ORAL

**NO. 575 OF 2009**

**THE HON DR J J GARCIA**

**HILTON HOTEL**

Can Government say what possible sites are being considered for the possible establishment of a Hilton hotel in Gibraltar?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY  
AND TRANSPORT**

Answered together with Question Nos. 576 and 577 of 2009.

**NO. 576 OF 2009**

**THE HON DR J J GARCIA**

**HILTON HOTEL**

Can Government say whether the intention of the Hilton group is that the hotel which they have expressed an interest in establishing in Gibraltar would be Hilton owned or Hilton managed?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY  
AND TRANSPORT**

Answered together with Question Nos. 575 and 577 of 2009.



**NO. 577 OF 2009**

**THE HON DR J J GARCIA**

**HILTON HOTEL**

Can Government say whether there have been any further meetings or contact between the Government and the Hilton group for the possible establishment of a Hilton Hotel in Gibraltar and if so on what dates did these meetings or contact take place?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY  
AND TRANSPORT**

At present there is one possible site being considered for the establishment of a Hilton hotel in Gibraltar.

It is the intention of the Hilton group that the hotel that is established in Gibraltar is managed by Hilton.

Government have not had any further meetings with the Hilton Group. However, we are in regular contact in respect of the project.

**SUPPLEMENTARY TO QUESTION NOS. 575 TO 577 OF 2009**

**HON DR J J GARCIA:**

In relation to the site, is that an existing building or is it sort of a vacant site which is available for construction?

**HON J J HOLLIDAY:**

It is a site that currently has something on it but will shortly no longer have it. Irrespective of whether the Hilton decides finally to build a hotel or not.

**HON DR J J GARCIA:**

Did the Minister say there has only been one original meeting?

**HON J J HOLLIDAY:**

Yes, I think I just need to explain to the hon Member that there is an investment company and there is Hilton. This investment company has done a number of joint ventures with Hilton, in terms of the investment being put into the building of the hotel and Hilton managing it over a period of 20 odd years. They have done this in a number of locations around the world and the formula has been very successful, and that is precisely what is being considered. In terms of the actual contact and meeting, we have had a number of meetings and contacts with the investment management group. Hilton, we have had a meeting with them. The Chief Minister alluded to this last time at which he and I met the Hilton in London and, basically, they are putting something together in respect of the project. But it is the investment management group that actually leads on the negotiations, if it can be called that, where they are the ones who consider the investment viability, the commercial viability of the project and, obviously, with Hilton putting in place the specifications that need to be met in order for a Hilton hotel to be built. There are certain specifications in terms of size, quality of the building, locations, facilities et cetera which all need to be met in order for Hilton to come on to the scene. But the projects that they have done, I think they have done four or five projects together in the last five years, work very well and have been very, very successful. So we are hopeful that we will be able to reach an agreement with them as well.

ORAL

**NO. 578 OF 2009**

**THE HON DR J J GARCIA**

**GTB –SEATRADE**

Can Government say what was the cost, with a breakdown of Gibraltar's attendance and participation at the Seatrade Cruise Shipping Convention in Miami in March?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY  
AND TRANSPORT**

Answered together with Question No. 579 of 2009.

ORAL

**NO. 579 OF 2009**

**THE HON DR J J GARCIA**

**GTB – SEATRADE**

Can Government say how many persons from Gibraltar attended the Seatrade Cruise Convention in Miami in March and what offices do they hold?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY  
AND TRANSPORT**

The information sought by the hon Member is set out in the schedule which I now hand over to him.

**SCHEDULE TO QUESTION 579**

**Answer to Question 578**

Airfares	£3,428.40
Hotel Accommodation	£3,737.35
Transport	£574.54
Exhibition Registration	£518.65
Exhibition Stand and Space Hire	£14,038.57
Freight Charges	£891.93
	<u>£23,189.44</u>

No Subsistence cost claimed

**Answer to Question 579**

Captain Peter Hall, Captain of the Port.

Mr Albert Poggio, Director London Office & UK Representative for MedCruise.

Miss Claire Lerner, Marketing Executive London Office.

**NO. 580 OF 2009**

**THE HON DR J J GARCA**

**GTB – EUROPEAN CRUISE COUNCIL CONFERENCE**

What was the cost, with a breakdown, of Gibraltar's attendance and participation at the European Cruise Council Conference in Rome on 19 May, how many persons represented Gibraltar and what offices do they hold?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY  
AND TRANSPORT**

The cost for European Cruise Council Conference, Rome, was as follows:

Air fares	£2,225.60
Hotel accommodation and Subsistence	£1,046.89
Transport	£331.81
	<hr/>
	£3,604.30

Personnel who attended were myself, Mr Peter Canessa, my Principal Private Secretary and Mr Albert Poggio, Director London Office and UK Representative for MedCruise and the European Cruise Council.

ORAL

**NO. 581 OF 2009**

**THE HON DR J J GARCIA**

**TENDERS FOR COMMERCIAL UNITS AT CHATHAM COUNTERGUARD**

Is it the policy of the Government to put units 11 and 12 at Chatham Counterguard out to tender again or to offer them to the next highest bidder after the original bidder declined the award?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY  
AND TRANSPORT**

Answered together with Question Nos. 582 to 586 of 2009.

**NO. 582 OF 2009**

**THE HON DR J J GARCIA**

**TENDERS FOR COMMERCIAL UNITS AT CHATHAM COUNTERGUARD**

Can Government say whether, other than units 11 and 12, there are any more unallocated commercial units at Chatham Counter guard and if so for what reason?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY  
AND TRANSPORT**

Answered together with Question Nos. 581 and 583 to 586 of 2009.



**NO. 583 OF 2009**

**THE HON DR J J GARCIA**

**TENDERS FOR COMMENCIAL COMMERCIAL UNIT AT IRONSIDE HOUSE**

Can Government say how many tenders were received for the allocation of a commercial unit at Ironside House, Glacis Estate, who was the successful tenderer and in what amount?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY  
AND TRANSPORT**

Answered together with Question Nos. 581, 582 and 584 to 586 of 2009.

ORAL

**NO. 584 OF 2009**

**THE HON DR J J GARCIA**

**TENDERS FOR GARAGE AT 15B NAVAL HOSPITAL ROAD**

Can Government say how many tenders were received for the allocation of a garage, previously a shop, at 15B Naval Hospital Road, who was the successful tenderer and in what amount?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY  
AND TRANSPORT**

Answered together with Question Nos. 581 to 583, 585 and 586 of 2009.

ORAL

**NO. 585 OF 2009**

**THE HON DR J J GARCIA**

**TENDERS FOR UNIT F15 EUROPA BUSINESS CENTRE**

Can Government say how many tenders were received for the allocation of Unit F15 at the Europa Business Centre, who was the successful tenderer and in what amount?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY  
AND TRANSPORT**

Answered together with Question Nos. 581 to 584 and 586 of 2009.

ORAL

**NO. 586 OF 2009**

**THE HON DR J J GARCIA**

**TENDERS FOR GARAGES AT VINEYARD ESTATE**

Can Government say how many tenders were received for the sale of 3 garages at Vineyards Estate, who was the successful tenderer in each case and in what amount?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY  
AND TRANSPORT**

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

## **SCHEDULE TO QUESTION NO. 586/2009**

### **Answer to Question 581**

Units 11 and 12 at Chatham Counterguard as well as Unit No. 8, which is also unallocated will be offered to the next highest bidder.

### **Answer to Question 582**

Unit No. 8 at Chatham Counterguard is also unallocated as the successful tenderer has decided not to proceed with its acquisition.

### **Answer to Question 583**

Four tenders were received. No decision has yet been taken.

### **Answer to Question 584**

Thirty tenders were received. No decision has yet been taken.

### **Answer to Question 585**

Six tenders were received. No decision has yet been taken.

### **Answer to Question 586**

Thirty-three tenders were received. No decision has yet been taken.

**NO. 587 OF 2009**

**THE HON DR J J GARCIA**

**PORT DEPARTMENT – VTS SYSTEM**

I notice that the actual tender has now been published since the question was tabled but I will ask the question anyway in case anybody submitted a tender.

Can Government say whether the tender for the supply of an upgraded Vessel Traffic Management and Information system (VTS) for the Port Department was issued in March as planned, and if so how many entities submitted a tender?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY  
AND TRANSPORT**

No, the tender for the supply of an upgraded Vessel Traffic Management and Information System (VTS) for the Port Authority was not issued in March, as the hon Member has already alluded to. The tender was issued on 3<sup>rd</sup> June with a closing date of 3<sup>rd</sup> July.

ORAL

**NO. 588 OF 2009**

**THE HON J J BOSSANO**

**GIBTELECOM – ESTIMATED REVENUE YIELD FROM TELEPHONE USERS**

Can Government state what the estimated revenue yield to Gibtelecom is in a full year of the increase of £3.25 a month from telephone users from the 1<sup>st</sup> June?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY  
AND TRANSPORT**

Answered together with Question No. 589 of 2009.

**NO. 589 OF 2009**

**THE HON J J BOSSANO**

**GIBTELECOM – INCREASE IN CHARGES**

Can Government state, whether and if so, when it approved the increases by Gibtelecom in the fixed line rental by £2 per month, and the removal of the £1.25 per month of free calls, representing a £3.25 increase from 1<sup>st</sup> June?

**ANSWER**

**THE HON THE MINISTER FOR ENTERPRISE, DEVELOPMENT, TECHNOLOGY  
AND TRANSPORT**

The information requested by the hon Member in Question No. 588 is commercially sensitive and therefore cannot be made available.

The Government were not directly involved in the approval of the increases by Gibtelecom in the fixed line rental nor the removal of the free call allowance.

The Gibraltar Regulatory Authority confirmed to Gibtelecom, by way of its market review on “Significant Market Power (SMP) Obligations, in relation to Retail Fixed Markets – Application of Rebalancing and a Price Cap control on Gibtelecom” issued on 16 March 2009, which had been the subject of a public consultation, that Gibtelecom was permitted to complete tariff rebalancing on its fixed line business, as required by the Communications Act, implementing EU Directives. This statement included a price cap of inflation less 3 per cent in certain markets and was made in the context of per second billing being introduced for local calls. Per second billing for local calls is a requirement under the Significant Market Power Obligations. The GRA was provided with estimates by Gibtelecom that showed tariff rebalancing, the removal of free call allowance and the introduction of per second billing for local calls, would provide a net benefit to almost all residential and business subscribers.

**SUPPLEMENTARY TO QUESTION NOS. 588 AND 589 OF 2009**

**HON J J BOSSANO:**

Is it not the case that when local calls were raised, using the same argument that is being used today, what we were told was that this was a recommendation from the Regulator which then had to be approved by the Government?



**HON J J HOLLIDAY:**

Well, I can tell the hon Member that in this instance the recommendations were made by the GRA but not with any approval from the Government. I was aware of it but with my Gibtelecom hat, not as Government.

**HON J J BOSSANO:**

The point is that the last time there was an increase in local calls, this argument about the rebalancing was being used. We were being told that this was an EU requirement, we were being told that this was the first stage, and then when we raised all these objections nothing further happened. So all the arguments that had been used to justify the increase in local calls proved not to be accurate, given the fact that we were being told that it was an inescapable obligation and, in fact, no such inescapable obligation materialised in subsequent years and no so-called further rebalancing took place. At the time it emerged as a result of the matter being raised that, in fact, the Regulator only had the power to recommend, not the power to approve and that the power to approve rested with the Government.

**HON J J HOLLIDAY:**

I mean, I was trying to refer to my predecessor as Chairman at Gibtelecom. I cannot recall what the hon Member is saying. But I can only report on what has happened in this particular case. He may be perfectly right in assuming the previous scenario and I am happy to look at it and come back to him with the realities of what happened in the past.

**HON J J BOSSANO:**

Let me just make clear that the issue is not on the basis of the Minister's role in Gibtelecom and it was not either with his predecessor. It may be that, given that the Government is on the Board and the Government derives revenue from this, there is a tendency from the Government to be supportive of these things, but that is a separate issue. The whole point is that what we are being told today, which is that the Government have no say on this as a Government, as opposed to having a say as a shareholder, is not what we were told the last time. The background is identical and there has been no change in EU law in the interim. Indeed, the fact that we were told last time that there was no choice, and then when we indicated our disagreement with what was being done, it did not happen again after that, suggests that there is choice. One cannot argue that there is a requirement to rebalance the revenue stream from, say, international calls and local calls and line rentals and so on, and that when the first increases take place this is the first step in a process, and then when people object to that first step, there is no second step and no third step and no fourth step. So, therefore, it must raise some doubt as to the accuracy of the explanation given in the first step. This time it appears that it is being done by Gibtelecom as Gibtelecom applying to the Regulator and the Regulator giving consent without Government involvement, from the answer I have been given.

**HON J J HOLLIDAY:**

No, it was the Regulator that notified Gibtelecom that after having carried out the Significant Market Power Obligations on the Retail Fixed Markets Application of Rebalancing, it recommended to Gibtelecom that that had to be done.

**HON J J BOSSANO:**

So the initiative to raise this money did not come from Gibtelecom. The Regulator asked Gibtelecom to do it or told Gibtelecom to do it, which of the two is it?

**HON J J HOLLIDAY:**

Well I think it informed Gibtelecom it had to do it in order to finalise the complete rebalancing of the fixed line assets as required by the Communications Act implementing EU Directives. I remember asking at the time what that meant in terms of both income to Gibtelecom and the effect it had on consumers and businesses, and the result was that it actually made no difference. I mean, I am quite happy to speak to the hon Member on a confidential basis, although as I have said, I am not willing to divulge figures in the House because of the sensitivity of the telecommunications industry at the moment. I am happy to give the hon Member figures which basically show that the pluses and negatives are almost identical. So there is no net loss to the consumer or the business community as a result of it, and neither is Gibtelecom actually deriving additional income as a result of this. Obviously, it will take a year to verify what actually happens and transpires as a result of the change, but on the basis of historical data, it is a non-effect change.

**HON J J BOSSANO:**

Well, I am grateful for the offer of figures that support the argument the Minister is using. But of course, it may well be that it is revenue neutral as far as the company is concerned because they are increasing revenue from one source and losing revenue from another. That may well be so and the figures that he has promised may well show that, but it cannot be true of consumers because there will be consumers that gain and consumers that lose.

**HON J J HOLLIDAY:**

Absolutely. It all depends on the individual concerned.

**HON J J BOSSANO:**

It all depends on the usage and, therefore, effectively what is being done is that people who use the telephone least are being asked to pay most in that exercise, because that is likely to hurt more the consumer that makes least use of the fixed telephone. What I find extraordinary in this initiative of the Regulator, and I can tell the Minister that the last time I took the matter up directly with him, and it was very clear that the answer that I got was that these were recommendations and it was not something that the telecom company was required to do. But all one needs to do is to look at the advertising that takes place daily, where there is competition with

different companies, where all sorts of offers of rent free connections are being made. Here in Gibraltar what is it? Is it that we have got a different set of EU laws? It seems to me that if it is not a question of raising money then there is also a Government obligation to look at which segment of society is likely to be on the losing side.

**HON J J HOLLIDAY:**

Can we discuss this outside of the House? Thank you.

**NO. 590 OF 2009**

**THE HON C A BRUZON**

**HOUSING – SALE OF GOVERNMENT 50% SHARE IN CO-OWNERSHIP HOMES**

Can Government state if there has been any sale of the Government 50% share of co-ownership homes since the answer to Question No. 253 of 2009, providing a breakdown by month and estate?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question No. 591 of 2009.

**NO. 591 OF 2009**

**THE HON C A BRUZON**

**HOUSING – BAYVIEW TERRACES, CUMBERLAND TERRACES AND NELSON'S VIEW**

With reference to Bayview Terraces, Cumberland Terraces and Nelson's View, can Government give a breakdown of the current sales details for each, as follows:

- (a) How many flats are being sold with 100% financing from the purchaser;
- (b) How many are being sold with the 50/50 ratio;
- (c) How many are being sold at any other ratio and specify what that ratio is?

**ANSWER**

**THE HON THE CHIEF MINISTER**

I now hand the hon Member schedules containing the information that is requested in both Question Nos. 590 and 591 of 2009.

**ANSWER TO QUESTION 591**

**Answer to Question 590**

**Sales of Government- Co Ownership share of Properties**

	SWJG	Montagu Gardens	West View Park	Harbour Views	Montagu Crescent	Totals
Mar-09	Monies Received	£29,870.96	£0.00	£0.00	£0.00	£57,623.24
Apr-09	Monies Received	£22,253.00	£0.00	£0.00	£0.00	£22,253.00
May-09	Monies Received	£0.00	£0.00	£0.00	£0.00	£0.00
Totals		£52,123.96	£0.00	£0.00	£0.00	£79,876.24

**ANSWER TO QUESTION 591**

**Breakdown of sales details at Nelson's View, Bayview Terraces and Cumberland Terraces by purchaser share**

Development	Purchaser share										Total		
	50%	55%	60%	65%	70%	75%	78%	80%	82%	85%		88%	100%
Nelson's View	17	3	15	1	23	5	1	5		1		50	121
Bayview Terraces	6		9	1	23	5		5				31	80
Cumberland Terraces	39		24	2	25	4		5		2		29	130
<b>Total</b>	<b>62</b>	<b>3</b>	<b>48</b>	<b>4</b>	<b>71</b>	<b>14</b>	<b>1</b>	<b>15</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>110</b>	<b>331</b>

**SUPPLEMENTARY TO QUESTION NOS. 590 AND 591 OF 2009**

**HON C A BRUZON:**

With reference to the answer given to Question No. 591, the Chief Minister told the House last time that all the houses were sold and the total given then was 276 in the similar schedule that I received. I know I have another question on the Order Paper asking Government to confirm the total number of flats in the South District affordable housing schemes, but the figure is now 331. Can the Chief Minister explain how this is or why this is please?

**HON CHIEF MINISTER:**

Yes, because the question asks “can Government give a breakdown of the sales” and since the draw took place in January and February, at the time there were 217 applicants for 34 units, some flats have been returned since that January and February draw, increasing the number of flats available for allocation. There are currently 77 flats available. This accounts for the difference between the total number of flats, which is 408, and the 331. See, because the hon Member formulates his question around the number of flats that are sold. That is a very moving target, some people give them back because they do not want to proceed with the sale, in which case, the number available for allocation to the reserve waiting list increases. So at any given time, “sold” there are a varying number. But there are 408 flats in all in those three developments.

**HON J J BOSSANO:**

Is there a time limit beyond which people will not be able to say they do not want to complete?

**HON CHIEF MINISTER:**

Well, it is not a question of strict legalities. I suppose at some point there is a binding contract and the Government could seek to enforce it. That would not be the Government’s position. If somebody wants to opt out of the purchase, there are always people who want to purchase it. There is a reserve waiting list already drawn, in order that they can access precisely flats that are surrendered. It goes to the next person on the waiting list and that waiting list was drawn as an extension of the original allocation draw. Well, it is more than improbable. I would have thought that it is not ever going to be the Government’s policy to oblige somebody to complete if they change their mind.



ORAL

**NO. 592 OF 2009**

**THE HON C A BRUZON**

**HOUSING – ALBERT RISSO HOUSE COMPLETION**

Can Government state what is the current date of completion of “Albert Risso” House for Senior Citizens?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 593 and 594 of 2009.

ORAL

**NO. 593 OF 2009**

**THE HON C A BRUZON**

**HOUSING – WATERPORT TERRACES COMPLETION**

Can Government state what are the current dates for completion in connection with the various phases of Waterport Terraces?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 592 and 594 of 2009.

**NO. 594 OF 2009**

**THE HON C A BRUZON**

**HOUSING – BAYVIEW TERRACES, CUMBERLAND TERRACES, NELSON'S VIEW COMPLETION**

With reference to Bayview Terraces, Cumberland Terraces and Nelson's View, can Government state what is the current date of completion for each of these home ownership schemes?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The current programme date of completion of Albert Risso House is September 2009.

In respect of Waterport Terraces, completion notices have been issued in respect of eight of the 18 blocks. Properties in a further five blocks have recently been snagged and are due to receive completion notices shortly. The snagging programme continues with a view to the remaining properties being snagged by the end of July 2009 and completion notices issuing shortly thereafter.

With regard to the three South District developments, according to the Government's consultants, Cumberland Terraces is estimated to be completed in July 2009.

Progress in Bayview Terraces and Nelson's View has slowed down over recent months and GRP is currently engaged with the contractor Haymills in relation to the reasons for this. We are advised that neither of these two developments will be in fact completed this summer as had been envisaged.

**SUPPLEMENTARY TO QUESTION NOS. 592 TO 594 OF 2009**

**HON C A BRUZON:**

This morning in our discussions the word "shortly" was used about a dozen times. They give the impression to us that it is a GSD policy in answer to questions about when things are going to be ready, to use the expression "shortly". May I remind the Chief Minister that in the newsletter they published, not they directly but GRP Investments, they stated in February 2008 that phase 1 would be ready by May 2008, and this was after they went to the highest authority in Madrid to consult the experts, so to speak, to see when completion would take place. Would the Chief Minister please tell us what was or is their involvement with the publication of newsletters by GRP Investments concerning completion dates?

**HON CHIEF MINISTER:**

Yes, the hon Member can of course remind me as often as he wishes, which is very frequently, that completion dates are often not achieved. But that prompts me to remind him of the answer that he always gets, and that is, that if he asks questions which it must be obvious to him it is not in the Government's gift to deliver, in terms of accuracy, then he has to understand that all the Government can do is give the best information and advice that they have available. The Government in general and Ministers in particular cannot put on a monkey suit and go on to a building site and put one brick on top the other and build houses. Therefore we rely on contractors and contractors delay. The hon Member can persist in trying to hold the Government responsible for delay in construction projects, and as often as he tries to do that I will tell him that the information that I can bring to this House is the information that I have, and the newsletters are written in conjunction between the Government and GRP, and certainly the Government endorse and approve everything that is in it. Which is why they so carefully choose their words about "according to this" and "according to that" and "the best current estimate" and "according to the contractor". The Government have not made themselves responsible from the very first piece of literature. Advertising these houses for sale the Government have been saying that they do not hold themselves responsible and do not guarantee any completion date because it is just outside the Government's physical control. Now, the hon Member obviously sees the opportunity to do politics out of this, and that is fine, we take all these things on the chin, that is his role and yes. Otherwise, if it were no then the hon Member would simply ask about the reasons for the delay, and express his regret, and ask the Government whether there is anything they could do to gee the constructor along. But that is not the way he does it. The way he does it is to remind me of what I have said as if I had been in breach of some promise that I had made. The Government have never made any promise of completion dates. The Government are keener than he is for these houses to be delivered to their patient purchasers at the earliest possible opportunity. But of course, what we want the purchasers to get is good quality houses that they will be able to enjoy from day one. I have often reminded him in the past that if that means taking longer rather than rushing it through for political expedience, then we will protect the long-term interests of the buyers by taking as long as it takes to deliver good quality, well built houses. I really cannot say more to him than that, and as often as he asks me the question I have got to give him the answer because there is nothing else that I can give him. Therefore, the hon Member believes that the Government is open to criticism for this, we regret the delay but these are facts outside of our physical control, and there is nothing that the Government have done or omitted to do which has contributed to the delay or that has contributed to the elimination of delay. Neither one way nor the other, it is out of our control.

**HON C A BRUZON:**

I am sure that the Government do not want these delays it would be stupid for them to want it. But when we ask questions we seek information and when they consult consultants we expect the information that the Government get from their consultants is reasonably accurate. Anybody can go for a walk in the South District and come to the conclusion that the information provided by the Government, which they in turn get from their consultants, cannot possibly be correct because it is clear that the completion dates that we are given by the Government after they have consulted the experts, cannot possibly humanly speaking be achieved. So do the Government not take some responsibility for that? Who are these consultants? Do they trust the information they get from them?

**HON CHIEF MINISTER:**

Well, I do not know on the basis of what technical expertise the hon Member impugns the integrity of professional men and women who are simply doing a job for a fee. What the hon Member is saying is either that the consultants are giving me information which is demonstrably untrue, or that they are giving me information that is demonstrably true and I am doctoring it and bringing to this House information that is untrue. Either way what the hon Member is doing, from his position of complete layman's ignorance about these technical matters, is just spreading the taint of a lack of integrity on some of Gibraltar's most respected professional men. Now, if he wants to do that let him do it and let him take responsibility for it, but I am not willing to engage with him on a debate based on accusations of that sort. If he thinks that there are professional men in Gibraltar doing these things let him go out and say so. But before doing so, he might like to reflect on the fact that with building sites delays can happen. I mean, as I have given him the answer today. Since I last answered the questions about the South District there has been a slowing down in the weekly productivity output on the sites. Now, therefore the information given was accurate at the time that it is given. Since there has been a deterioration in progress, or complications on the site, or works that have had to be redone because they have been condemned by the professionals because they were not done as per contract, any number or a combination of issues such as those which retards delay. It is not necessarily either that he has been given false information or there is this half-way house that delays sometimes occur. Now, if he accepts that the Government have not reason to want to cause delay and he does not think, unless he can suggest something that he thinks that I can do that I am not doing to accelerate the building progress, unless one or either of those is true, honestly, I just do not see on what basis he seeks to castigate the Government for the delay. Either he thinks the Government are responsible or he thinks the Government are not responsible. But he cannot chop and change between those two positions every three minutes.

**HON C A BRUZON:**

Just for the record, I have in no way made any attempts to question the integrity of anybody, particularly the consultants of Government. What I have done and am simply trying to do is to represent the interests of constituents who come to us and ask us for explanations, and we in turn in the form of a question ask the Government. The Government must, in my opinion, take responsibility for an enterprise that is entirely and 100 per cent Government. Is that not true?

**HON CHIEF MINISTER:**

No it is not true. We are back to the events of yesterday. The hon Members say one thing and three minutes later they airbrush it out of their own memories, as if everybody else listening to them has either lost the ability to comprehend the English language, or has a one and a half minute memory span as they need us to all have for their political project to have the necessary degree of credibility. Look, he now stands up and says that he has not cast doubt on the integrity of any professional men. What he actually said was "what kind of consultants are they and do the Government trust their judgement?" Well, if that is not casting ....., the hon Member cannot say one thing at three minutes past three and then deny that he has said it at five minutes past three. Well, we just cannot have debates in this House on that basis. I am delighted that the hon Member has reformulated his views in three minutes and that he is not now casting ....., I do not want him to have said that. If

the hon Member wishes to refocus his point, I am delighted to give him the opportunity to do so. But not to stand up and pretend that he has not said what he has said. I am delighted that the hon Member thinks that the explanation is something other than professional men misleading the Government about things which in his words anybody taking a walk down there would know was not humanly possible. These are the same people whose integrity he is not impugning. Well, he is responsible for his own words. The responsibility does not lie with the Government's consultants, nor with the quality or accuracy of information that they give us. Nor does it lie with the Government, except to the extent that the Government have to take the political flack and the political responsibility for everything. I understand that, that is not what I am complaining to him about. The responsibility lies with contractors. These contractors and other contractors who enter into contracts, get paid what they are due, very often more than what was originally signed up for under the contract and then simply do not deliver in the hope that when it comes to the time to do the calculation of the account at the end of the day, they can balance additional claims on their part with the Government's claims for delays on the other. The Government are not the only victim of this, almost every contractor and every contractor site, this is the way this industry happens. Most people understand this however upset they might be by the delay, which I entirely sympathise with. But from that to suggest that the Government are physically, directly, primarily responsible for delay on the building site is just not a view that I can have any sympathy with, because it is just so obviously and physically inappropriate to think that the Government can accelerate or delay. Look, if the Government were constantly changing instructions to the contractor, or not paying them the money so that they refuse to carry on working, then he could come here and say that the Government are contributing to the delay. The reason is not the quality of the consultants who are excellent, and I hope he accepts that I am not bringing him false information different to the contractors. On that assumption, he has to agree with me that the delay on these Government company owned projects, as there have been in private sector developments, go and ask the developer of Ocean Village, luxury apartments, whether there has been delay. Go and ask the developers of the Anchorage and the developer of the blue building there down by the hospital whether there have been delays. There have been delays in all of these projects.

**HON J J BOSSANO:**

The Chief Minister has said this on previous occasions. Who does he suggest we should address questions in Parliament that will accept responsibility for delays in private developments when there is no public money involved? I do not understand why he says we do not ask him. We cannot ask him even if we wanted to, surely. Unless he tells me yes, they will answer questions on private developments in Gibraltar even though there is no Government involvement and no public money.

**HON CHIEF MINISTER:**

The hon Member has said that and it is a completely irrelevant issue not to the point. The question is not whether they can ask, of course they ask, and of course because they ask we provide the information. The issue is not whether they ask and about what they can ask. Clearly in this House they can only ask about Government controlled development entities. They cannot come here to ask me, but nor do they show concern outside this House about the delays suffered by Gibraltarian purchasers when the developer is a private sector development. What we are debating here is not whether they can ask. What I am debating with the hon

Gentleman is whether it is politically legitimate to seek to blame the Government for the delay. Look, the equivalent of what we are discussing today is whether, given that it was on public land, and given whether it was on home ownership, whether the delays in Westside I and Westside II, in their time which were also delayed in many cases by over a year, whether it would have been legitimate to come to this House and say, the Hon Mr Bossano was responsible for the delay. That is the comparator. There have been delays in this Government's development projects as there were delays in the development projects which were the co-ownership schemes of the hon Member opposite. Of course they must come and ask in respect of publicly funded projects, when they are going to be ready, how much the Government are paying, what the delays are. But they have got to understand that the best that the Government can do is bring to this House the information that the Government receive. That is fine. What I am not accepting, although he is of course free to make the political accusation, but the suggestion that I am rejecting is the suggestion that somehow he can hold the Government responsible for the physical delay on building sites. If there was something that I could do beyond what I already do, which is go to the sites so that the contractors know the importance that the Government attach to this, if he can suggest anything, just one thing, that he thinks that I or any other Minister can do that he believes would be relevant in accelerating the completion of these construction works, he should say so and I promise to give it serious consideration.

**HON J J BOSSANO:**

That is all very interesting. Some of it is new, very little of it is new but that was not the question that I asked. The question that I asked was prompted by him saying why do we not ask about all these other developments. Well look, he has said that before and I wanted to point out to him the reason why we do not ask is that he has confirmed that we cannot ask even if we wanted to ask it here. Either he has reworded it or he has suffered from the one minute, or thirty second span that he thinks only exists on this side of the House.

**HON CHIEF MINISTER:**

What I said to him was that whether he could ask or not ask the Government about private developments is irrelevant. The relevance of the reference to private developments, as I have referred to private developments, is simply to illustrate that there are delays in all developments, public and private. So why they should think that delays in the public developments are so extraordinary is just not something that we can understand. Given that there are delays, I was using it to illustrate the credibility of what I was saying to him that this was something that happened throughout this industry, in both private and public developments. Then I said, but of course, if the real reason of his concern is the buyers' delay, the delay suffered, presumably he does not ask me this question to see to what extent the Government are a profitable, efficient property developer. He stands up and asks these questions because there are residents of Gibraltar out there who have agreed to buy a house and who are suffering delays in receiving them, and that has consequences, both financial and in terms of lifestyle and xxxxxx. That is presumably the reason why he takes a political interest in these matters. Well, the point that I was making was that there are also Gibraltarians and residents of Gibraltar who equally buy flats from private sector developments, who suffer delay, with financial and lifestyle consequences in exactly the same way as this but he does not appear to be concerned about them, because never mind whether he can ask the question in this

House, I have yet to read a press release of his in which he laments the delay by private sector developers in concluding private sector projects because there are hundreds of Gibraltarians, of private purchasers, waiting to buy their flats. No, he only makes hay on this issue, why? Not because the purchasers are local but because the developer is the Government and he thinks he can succeed in linking the buyers' unhappiness with the Government to his political advantage. Everybody knows that otherwise he would be just as concerned by the purchasers who are delayed in the private sector, as he obviously is by the purchasers who are delayed in the public sector. Those are the references that I had made to the private sector and nothing about whether he is free to ask or not ask about private sector development, is relevant to anything I have said about private sector development.

**HON J J BOSSANO:**

When we get the Hansard we shall be able to see that he used the words, "why does he not ask about the private developers". Let me say to the Chief Minister that, of course, the possible hypothetical reasons that he has postulated from the questions are only some possible hypothetical reasons. There is another reason and that is (a) that the persons that are the beneficiaries of these developments are people who probably without assisted developments from the Government would be on the Government Waiting List, for which the hon Member is a Shadow Minister. Whereas of the many Gibraltarians that are buying £500,000 houses I doubt that they will have much of an impact on the Waiting List and on Government's responsibility for housing people who cannot provide for themselves. Secondly, because our role in Opposition, as I have no doubt was his when he was here, was to bring to the attention of the Parliament what our constituents bring to us, and we do not have a queue of socialist millionaires queuing up outside our offices.

**HON CHIEF MINISTER:**

Well, certainly I acknowledge that champagne socialists died a natural death on 16<sup>th</sup> May 1996.

**HON J J BOSSANO:**

Well, I assume that that attempt to equate what the people who were before in Government must apply presumably to all the people who were in Government.

**HON C A BRUZON:**

I would just like to take up a couple of points that the Chief Minister made in connection with my interests and why I do things. Mr Bossano, my Honourable friend and Colleague, mentioned that there are people on the Housing Waiting List. Indeed, that is why I have two questions in the recent sessions of Parliament in connection with how many Government flats would be vacated when completion for Waterport Terraces and people buying in the South District three affordable homes housing schemes, would move into their new homes. In the case of Waterport Terraces, there are 396 homes being purchased and 50 Government flats will be made available, of which the Hon Fabian Vinet gave me a figure yesterday, which I cannot remember now, 18 of those 50 flats are now available thanks to the progress which at last is taking place concerning completion on Waterport Terraces. In



connection with the three South District home ownership schemes, the figure that I was given was 13. A total of 13 Government flats would become empty and available for people on the Housing Waiting List. Now, those are also very much the people that I am concerned about but I would like to ask the Chief Minister a question, how does he know that I do not also take an interest when people come to us or to me in connection with properties that are not Government, private properties?

**HON CHIEF MINISTER:**

Well, I do not know whether he takes an interest in them or not. But what is certainly clear is that he does not speak publicly about them. In other words, he does not feel the need to do politics with it. That is the point. I do not know how many of the socialist millionaires that the Leader of the Opposition referred to they actually see, despite the fact that he has said that they do not see any. So perhaps they go to see the Hon Mr Bruzon behind the back of the Leader of the Opposition, because he has just said that none of them goes to see them, because they are not the sort of party that represents the interests of such people. So the answer is that I do not know whether he sees them or not, it depends on whether I believe one or the other. But what is for sure is that he does not issue press releases about them. Home ownership schemes are not primarily intended to liberate houses from the Government Housing Waiting List. It was this Government's policy, mainly, of giving priority to people that were going to release Government houses that have contributed this number of flats for allocation. But the principal way that this Government intend to make a real impact on the Government Housing Waiting Lists, in a way that the hon Members opposite in Government did not do, is to build a brand new Government rental housing estate, and I know that the hon Member will now rise to his feet to say, "yes, but you promised 700 and are only building 500". Well, that is 500 more than they promised. But he must not worry, we will have the 200 others as well.

**HON F R PICARDO:**

When?

**HON CHIEF MINISTER:**

Well, whenever it is it is sooner than they would have happened if they had won the election ..... *[Interruption]* That is the reality, we will xxxxxxxxxx, we will try to deal with Gibraltar's housing needs by home ownership and by Government rental, not by a home ownership and forcing people who could not afford it into home ownership.

**HON C A BRUZON:**

If that is the reality as the Chief Minister said it is indeed a sad reality, because for 490 flats that they promised after the election, let us not say anything about the 700, the Chief Minister is the one who said we would probably talk once again about the 700 flats. The reality is that the people to whom the Government wrote personal letters to before the elections, one of my constituents telephoned me to say that when she received the letter she cried of joy. When she read the end of the letter

she cried genuine tears of sorrow because she realised that what she was being offered was a non-existent flat. Now that is the sad reality.

**HON CHIEF MINISTER:**

That is not the sad reality. The happy reality is that this non socialist, right wing, uncaring Government that does not care for the people of Gibraltar or the poor, that only the GSLP ever cared about apparently, this is the Government that has devoted the resources and the political will and the social conscience to build rental houses for people who could not afford to buy. That is the happy reality and any isolated incidents of over emotional people that go on, if I am to believe the hon Member, on the very day that this lady received the letter and between reading the first and the last line, she moved from ecstasy to depression. Well look, then why does he worry about accusing me of writing a pre-election gimmick in the letter. It must be the most ineptly drafted pre-election gimmick ever, because if I could not draft a letter before an election that cannot go from ecstasy to depression in ten lines, both lines are going to be read before voting day, then I do not deserve to stay in this job. So what is it? Did I bribe the electorate with a seductive letter or did I tell them the truth which led his lady to become depressive by the time she got to the end of it? Which of the two is it because it cannot be both? It cannot be an effective electoral goody and something that is capable of being interpreted to be a depressive letter. So which is it, once and for all which is it?

**HON C A BRUZON:**

I am really concerned and I will say why. The Chief Minister a few minutes ago said that I was casting aspersions on the experts. If he knew this lady, if he understood the housing problem, if he understood the real human problems that people on the Housing Waiting List have, then he would not make fun of this particular example. That, I think, is a fair statement to make. Does the Chief Minister not agree?

**HON CHIEF MINISTER:**

No, the Chief Minister does not agree. The only people that I know cried during the days of the GSLP Government were the families of the people who were killed on the water right out xxxxxxxx. Those are the only people I know cried. Yes, the mothers and the fathers and the grandparents of Gibraltar's youngsters killed out there on the water xxxxxxxxxxxx those are the only tears that I know for a fact to have been cast.

**HON C A BRUZON:**

It is disgraceful.

**HON CHIEF MINISTER:**

Of course it is disgraceful but true nonetheless. Well, look, the truth can never be disgraceful. How can the truth be disgraceful?

**MR SPEAKER:**

Order, Order.

**HON CHIEF MINISTER:**

We are not discussing the lady or her tears. We are discussing the letter and I asked hypothetically, because of course the hon Member is not here to answer my questions, I am here to answer his, I was simply pointing out the fact that in the previous supplementary he accused me of writing the letter just before the election, personally signed by me in order to seduce all these poor ladies into voting for us, and in the very next supplementary question he says that the letter made it perfectly clear that this was not a subject for joy but a subject for tears. I simply pointed out to him that that constituted an acknowledgement by him that therefore this letter cannot have been as electorally seductive as they have spent the last two years pretending.

ORAL

**NO. 595 OF 2009**

**THE HON C A BRUZON**

**HOUSING – NUMBER OF FLATS WITHIN SOUTH DISTRICT HOME OWNERSHIP SCHEMES**

Can Government confirm that the total number of flats within the three home ownership schemes in the South District is 276?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question No. 596 of 2009.

ORAL

**NO. 596 OF 2009**

**THE HON C A BRUZON**

**HOUSING – RESERVE LISTS FOR PURCHASE OF BAYVIEW TERRACES,  
CUMBERLAND TERRACES AND NELSON’S VIEW**

Can Government state how many persons are currently listed as applicants on the reserve list for the purchase of a flat at each of, Nelson’s View, Cumberland Terraces and Bayview Terraces?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Well, as we have said it is 408 and there are currently 142 persons on the reserve list for a property at one of the three developments.

**NO. 597 OF 2009**

**THE HON S E LINARES**

**HM PRISON – CATEGORY**

Can Government state what the current category of the HM Prison is and what will be the category of the new HM Prison once it is completed and occupied?

**ANSWER**

**THE HON THE MINISTER FOR JUSTICE**

Moorish Castle Prison has not been categorised. The Government have no plans to change this in respect of the new prison. The new prison will enjoy the same status as the existing prison.

**SUPPLEMENTARY TO QUESTION NO. 597 OF 2009**

**HON S E LINARES:**

Is the Minister aware that there are categories of prisons?

**HON CHIEF MINISTER:**

No, the Government understand that this may be one of the issues that is at the heart of the industrial dispute and the Government are not willing to enter into a discussion at this moment in time on this issue. The position today in respect of the categorisation of prisons is as it has always been. When Gibraltar Prison has not been categorised it was true that there are different categories of prison in the UK. Starting from 16<sup>th</sup> May 1996 and also starting from March 1998. It has always been the case that there have been categories of prison in the UK, and it has always been the case that that categorisation of prison has not been adopted in Gibraltar. Therefore, there is no change, what there is, the Minister is clearly much more informed than he at first tried to let this House believe, that is one of the grounds upon which some of the claims may be based and, therefore, the Government are not willing to entertain discussion across the floor of this House at this time.

**NO. 598 of 2009**

**THE HON S E LINARES**

**HM PRISON – FEMALE SUPPLY PRISON OFFICERS**

Can Government state how many HM Prison Officers are on the supply list to cover for full-time HM Prison Officers or to fulfil duties in relation to more female inmates populating HM Prison?

**ANSWER**

**THE HON THE MINISTER FOR JUSTICE**

There are six female supply officers to cover ad-hoc requirements relating to female prisoners and other duties.

**SUPPLEMENTARY TO QUESTION NO. 598 OF 2009**

**HON S E LINARES:**

Of those six, have they all undergone the basic training and other training in order to be able to do their job when they are called in?

**HON D A FEETHAM:**

Yes, in fact, that is why I was intending taking this question with Question No. 373 that he asked me. All these officers attend a five day course, which include current practices at Her Majesty's Prison and a control and restraint course, together with on-the-job training, which is the answer I gave to the previous question.

**HON S E LINARES:**

Just to be clear about this, by "supply" we mean ..... I just want to define supply very briefly. This is Parliament, we do ask questions and sometimes one has to stand up and answer them, that is your duty. What I mean by "supply" is that they are all, for example, sitting in a home waiting. For example, a Prison Officer goes sick and they are called in that day, or is it sort of a long-term supply status that they are in?

**HON D A FEETHAM:**

They are not established posts, some people are on call to cover for illness, some people may work more than others, but they are supply workers, supply female officers.

**HON S E LINARES:**

Okay, that is all I wanted to know.



**NO. 599 OF 2009**

**THE HON S E LINARES**

**HM PRISON – MEETINGS OF MINISTER WITH PRISON STAFF**

How many times has the Minister in charge of HM Prison met with the staff at the HM Prison in an official capacity to discuss issues of the move to the new prison?

**ANSWER**

**THE HON THE MINISTER FOR JUSTICE**

I have met with the Superintendent of Prison every two weeks since I came into office, at which the issue of the move to the new prison has often been discussed.

**SUPPLEMENTARY TO QUESTION NO. 599 OF 2009**

**HON S E LINARES:**

Is that the only member of staff with which he has been discussing these issues?

**HON D A FEETHAM:**

It is neither appropriate nor necessary for the Minister to meet with staff on this issue since it is a matter for management. Nor has there, in fact, been a request by staff for such a meeting.

**HON S E LINARES:**

The question specifically asks how many times he has met with the staff. The answer should have been nought then, because the Superintendent is part of the management and he does not consider the Superintendent as part of the staff, then it should be nought, should it not?

**HON CHIEF MINISTER:**

The Superintendent is part of the staff of the prison.

**HON S E LINARES:**

He has just said that.

**HON CHIEF MINISTER:**

The Superintendent is part of the staff of the prison. The Minister meets with the Superintendent and not with members of the staff below the Superintendent, who deal with the Superintendent. We know that the hon Member is keen, as part of his industrial dispute promotion campaign.....

**HON S E LINARES:**

On a Point of Order, I am not saying anything about the industrial ..... It is not part of my supplementary.

**MR SPEAKER:**

But that is the answer.

**HON CHIEF MINISTER:**

The answer is that as he has been given.

**HON S E LINARES:**

Right, that is the answer, thank you.

**HON CHIEF MINISTER:**

No, the hon Member chooses to leap to his feet to suggest that the Minister has given the wrong answer to the House because of his interpretation of the word "staff". The question asked, "how many times has the Minister in charge of HM Prison met with the staff". To which the answer is, relating to the number of times that he meets with those members of staff that he meets. He meets with the Superintendent of Prison, which is the senior member of staff but nevertheless a member of staff. He does not meet with the people who are feeding him with information to ask questions across the floor of this House. That is the point I am making.

**HON S E LINARES:**

Even if I do get fed, which I do not, with the information, it was still a legitimate question and the Chief Minister just jumps up like he does, again, to hurl things at me when the question was a very simple question. Has he met with other members of staff other than Superintendent? He answered no. Thank you very much, I do not need any more from him. Thank you.

**HON CHIEF MINISTER:**

No, that is not the question that he asked and I will continue to leap up on my feet every time the hon Member, or any of them, try to get away with lack of rigour in the accuracy of what they say to (1) change the goalposts in the middle of the argument; (2) mislead listeners; (3) misrepresent and mis-xxxxxx fact, and(4) put words in the mouths of Ministers which they have not uttered, for the sole purposes of continuing their political crusade. He is wrong in saying that that is the question that he has asked. He got up and prefixed his question by the suggestion that the Minister had given an inaccurate answer because of his singular interpretation of the meaning of the word "staff". So I have not stood up because the Minister has not given the right answer, I have stood up to make it clear in this House that he asks the question, he gets the right answer, he then gets up to suggest that the answer was not right on the basis of an extraordinary interpretation by him of both the question and the answer. Then to suggest that the Minister has somehow been misleading this House by failing to answer the question that was asked. He may practise that degree of lack of rigour. We will not allow him to get away with it, whether he does it once or whether he does it one hundred times, we will correct him one or a hundred times on as many occasions as he does it. So he better get used to it and stop complaining about it. The only way to stop it is to stop doing it, but whilst he carries on doing it we will carry on pointing it out.

**HON S E LINARES:**

I have nothing to say, I will carry on with the next question. I hear diatribe all the time.

ORAL

**NO. 600 OF 2009**

**THE HON S E LINARES**

**HM PRISON – PRISON OFFICERS' OVERTIME**

Can Government state why HM Prison officers are not paid overtime and how many hours are owed to them as time in lieu in the last two years?

**ANSWER**

**THE HON THE MINISTER FOR JUSTICE**

Answered together with Question No. 601 of 2009.

**NO. 601 OF 2009**

**THE HON S E LINARES**

**HM PRISON – PRISON OFFICERS’ OVERTIME**

Can Government confirm whether there is a current agreement with HM Prison Officers which states that after five weeks owed in lieu of overtime these hours owed are to be paid in cash?

**ANSWER**

**THE HON THE MINISTER FOR JUSTICE**

The current agreements relating to the basis of remuneration for overtime hours worked date to 1988, the so-called “Fresh Start Agreement”, relating to local officers’ UK analogue. There is no entitlement to cash payment after five weeks. 1,705 hours of toil has been accumulated.

**SUPPLEMENTARY TO QUESTION NOS. 600 AND 601 OF 2009**

**HON S E LINARES:**

The 1,705 hours is that the accumulation of two years that I asked, or is it more years? If one looks at Question No. 600, I asked the question about time in lieu in the last two years. So can I assume that the 1,705 is for the two years together or is it .....?

**HON D A FEETHAM:**

I believe that is the case, yes.

**HON S E LINARES:**

Of two years?

**HON D A FEETHAM:**

I believe that is the case, yes. Two years.

**HON S E LINARES:**

So the Minister is not quite sure whether it is two years, he cannot confirm?

**HON D A FEETHAM:**

The question is put to the management of Her Majesty's Prison. The answer comes back so, therefore, I presume that yes that is the number of toil for two years because there has been no question in respect of anything other than two years.

ORAL

**NO. 602 OF 2009**

**THE HON S E LINARES**

**CUSTOMS DEPARTMENT – REPORTS CONDUCTED BY EXPERTS FROM UK**

Can Government confirm that two reports were conducted by experts from the UK in relation to the Customs Department?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 603 to 609 of 2009.

ORAL

**NO. 603 OF 2009**

**THE HON S E LINARES**

**CUSTOMS DEPARTMENT – REPORT CONDUCTED BY CUSTOMS AND EXCISE  
IN THE UK**

Can Government state whether the recommendations in the report conducted by the experts from Customs and Excise in the UK have now been implemented?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 602 and 604 to 609 of 2009.



ORAL

**NO. 604 OF 2009**

**THE HON S E LINARES**

**CUSTOMS DEPARTMENT – NEGOTIATION AND CONSULTATION WITH STAFF**

What direct negotiation and consultation took place with the staff side from the Customs Department before the proposed restructuring agreement was drawn up by Government and presented to them for balloting?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 602, 603 and 605 to 609 of 2009.

ORAL

**NO. 605 OF 2009**

**THE HON S E LINARES**

**CUSTOMS DEPARTMENT – RESTRUCTURING AGREEMENT**

Can Government confirm that in the proposed restructuring agreement in relation to the Customs Department private medical reports are not officially accepted?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 602 to 604 and 606 to 609 of 2009.

ORAL

**NO. 606 OF 2009**

**THE HON S E LINARES**

**CUSTOMS DEPARTMENT – RESTRUCTURING AGREEMENT**

Can Government state what system of measurement is going to be used to measure the performance level of Customs Officers as stated in the proposed restructuring agreement?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 602 to 605 and 607 to 609 of 2009.

ORAL

**NO. 607 OF 2009**

**THE HON S E LINARES**

**CUSTOMS DEPARTMENT – IMMIGRATION DUTIES**

Can Government confirm or deny whether there was any negotiation with any Customs Department or union official in relation to them carrying out immigration duties?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 602 to 606, 608 and 609 of 2009.

ORAL

**NO. 608 OF 2009**

**THE HON S E LINARES**

**CUSTOMS DEPARTMENT – REJECTION OF RESTRUCTURING AGREEMENT**

Can Government state whether they will be renegotiating with the Customs Department now that they have overwhelmingly rejected the proposed restructuring agreement?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 602 to 607 and 609 of 2009.

**NO. 609 OF 2009**

**THE HON S E LINARES**

**CUSTOMS DEPARTMENT – MANNING LEVELS**

Can Government state whether there will be an increase in the current manning level in the Customs Department once the new air terminal is functioning given that it envisages an increase in air traffic?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The Government commissioned a report to inform itself about the possibilities open to it in relation to the review of the Customs Department. There followed a lengthy period of negotiation with the Trade Union, Unite, which culminated in an agreement which the staff have, as is now very well known, rejected. That is an end to the matter and the Government are not willing to conduct a post mortem in this House on the basis of what was a negotiation of an attempted mutually beneficial review, which obviously was not thought by the staff to be as mutual or as beneficial. There will be no further negotiations in relation to the review of any aspect of the Customs Department. It is too soon for the Government to know what impact the new air terminal might have on the Customs functions within it. But of course, one option open to the Government is to re-organise the existing output of the existing Customs body, by way of redeployment, to cover any existing excesses, and certainly the hon Member should not assume that that will not happen, although no decision has been made.

**SUPPLEMENTARY TO QUESTION NOS. 602 TO 609 OF 2009**

**HON S E LINARES:**

Since they are not willing now to renegotiate, go back to the table sort of thing, does that mean that the Customs Officers will now continue as they were post all the renegotiation and the root and branch review that has been taking place?

**HON CHIEF MINISTER:**

Well, they remain with their contractual terms and conditions of employment as they were, as they indeed have never changed. But the Government and the management certainly reserve the right to redeploy its manpower resources within Customs and to change Customs working practices, in a way which maximises the

value for money of the Customs Department to the taxpayer that pays them, and to the citizens that they serve, with or without agreement.

**NO. 610 OF 2009**

**THE HON S E LINARES**

**CUSTOMS DEPARTMENT – ENFORCEMENT/UNIFORMED BODY**

Can Government state whether it recognises the Customs Department as a law enforcement body and/or a uniformed body within the civil services?

**ANSWER**

**THE HON THE CHIEF MINISTER**

This is another series of coincidentally informed questions like he had about the Fire Brigade. Of course neither of which are within a million miles of the Opposition. The power and functions of Customs officers are set out in the Import and Export Act and other legislation. Some Customs Department employees wear a uniform.

**SUPPLEMENTARY TO QUESTION NO. 610 OF 2009**

**HON S E LINARES:**

Is the Chief Minister confirming then that he does not recognise them as a uniformed body, the Customs Department?

**HON CHIEF MINISTER:**

Those human beings who cover their bodies in a uniform are bodies in a uniform. But there are bodies who work in the Customs Department who do not cover themselves in a uniform and, therefore, they are not bodies in a uniform. It is not for me to read the Import and Export Act, nor is the hon Member free under Standing Orders to seek my opinion on matters. He is as free, as anybody else who can read, to read the Import and Export Act and decide for himself whether in his view these are a law enforcement body and a uniformed body. What I am telling him is that the powers and functions of Customs officers are set out in that Act and other legislation, and that some Customs Department employees wear a uniform. That is my answer which I know is not helpful to those who have fed him with information, who are desperate to make a claim on the basis that they are a uniformed law enforcement body and should be paid more similar rates of pay as the Police are paid. I know that, he knows that, the people that he is in contact with know that and I am not going to fall into his silly little traps in this House.



**HON F R PICARDO:**

The Chief Minister has dealt with a serious question about whether or not Customs officers are a uniformed body simply by saying there are some people who put uniforms on their corpus when they go to work and some who do not and that determines the issue. But will he not agree with me that that is not determinate of the issue because a Police Officer in the CID who turns up in mufti to go undercover is a member of a uniformed body even though his corpus is not wearing a uniform on that day?

**HON CHIEF MINISTER:**

Well, I have told him why I have given him the answer that I have given him and the hon Member can stand up and reformulate the question to get to the same result in as many ways as he wants. The Customs Department have the powers and functions set out in the legislation which they administer, and some Customs Department employees wear a uniform. That is the extent of the answer that I am willing to give him. For the rest of it, it is not a question of opinion of whether they are a uniformed body, they are what they are. They are public officials with certain statutory powers and functions, some of whose members go to work in a uniform. There are many such people, nurses, firemen, many people that go to work in uniform. Whether that means are they a uniformed body, well, what is a uniformed body? Where is that defined in legislation? I know the point that the hon Member is trying to make and that is the very point that I am determined that the brief that he carries will not be satisfied. The Government do not recognise the term "uniformed body" except in colloquial language. It has no legalistic meaning, it is not a concept that derives any consequence, or rather, from which derives any consequence. Therefore, that is the answer he is going to get however many times they stand up to reformulate the question.

**HON F R PICARDO:**

Well, denigrating all the suggestions the Chief Minister has made about motive to this side of the House, which of course Standing Orders do not allow him to do, although he does often, I recognise. Speaking colloquially, does he consider the Customs Department to be a uniformed body for the purposes of its relationship with the Government?

**HON CHIEF MINISTER:**

I am telling him, first of all that he has had the answer that he is going to get, which is that some Customs Department employees wear a uniform. Secondly, if he reads Standing Orders he will know, although Mr Speaker has not made a ruling, that he is not allowed to ask me questions that seek an expression of opinion from me.

**HON F R PICARDO:**

I am not asking him for his opinion, I am asking him whether he, as Chief Minister, that is the only capacity in which he is in this House, deals with the Customs Department as what he calls "colloquially" a uniformed body? I would have thought the answer to that is not to call for an opinion but to ask what his practice is.

**HON CHIEF MINISTER:**

I have told him that there is no legalistic or formal public administration definition of that phrase. The answer, therefore, is that some Customs Department employees wear a uniform to work.

**HON J J BOSSANO:**

Do the explanations that the Chief Minister has given us about a uniformed body apply equally to the other alternative which is law enforcement body?

**HON CHIEF MINISTER:**

The powers and functions of Customs Officers are set out in the Import and Export Act.

**HON J J BOSSANO:**

Yes, I know that I have heard him say that at least six times today. I suppose there is nothing about repetition in Standing Orders.

**HON CHIEF MINISTER:**

Well, if they ask the same question six times they have got to have the answers.

**HON J J BOSSANO:**

I have not asked the same question that has been asked by anybody else, it is just that I wanted to know whether what he said about there not being any definition of a uniformed body applied equally to a law enforcement body. That was my question. Whether what he said about in answering that a uniformed body was a colloquial thing which had no meaning, is that true also of law enforcement bodies? That is my question.

**HON CHIEF MINISTER:**

There are many Acts of Parliament that create offences and laws which are administered by Civil Servants, some wear uniforms and some do not. The Environmental Health legislation, the Public Health legislation, the Public Health and Safety legislation, the Financial Services legislation, there are many Acts of Parliament that create laws that are enforced by public servants, regardless of whether or not they wear a uniform. I am not expressing a view about what constitutes a law enforcement body or not. I am simply saying that the Customs Department officers, employees powers and functions are set out in the Import and Export Act.

ORAL

**NO. 611 OF 2009**

**THE HON S E LINARES**

**CITY FIRE BRIGADE – AMALGAMATION WITH DEFENCE FIRE SERVICE**

Can Government state whether there have been any negotiations with the MOD with a view to amalgamating the Defence Fire Service with the City Fire Brigade?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 612 to 616 of 2009.

ORAL

**NO. 612 OF 2009**

**THE HON S E LINARES**

**CITY FIRE BRIGADE – PAYMENT BY MOD FOR SERVICES**

Can the Minister state if any agreement has been reached between the Government and the MOD in relation to the Fire Brigade services and how much does or will the MOD pay of these services?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 611 and 613 to 616 of 2009.

ORAL

**NO. 613 OF 2009**

**THE HON S E LINARES**

**MOD WATER SYSTEM – NEGOTIATIONS WITH GOVERNMENT**

Can the Government state whether they have commenced the negotiations with the MOD in relation to the water distribution undertaking referred to in answer to Question No. 236 of 2009?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 611, 612 and 614 to 616 of 2009

**NO. 614 OF 2009**

**THE HON S E LINARES**

**MOD ASSETS HANDOVER – SUPPLY OF ELECTRICITY BY GOVERNMENT**

Can Government state at what stage it is in, in relation to the negotiations with the MOD of a detailed agreement for the MOD to handover assets to the Gibraltar Government or any other governmental entity for the Gibraltar Government in turn to be the supplier of electricity to the MOD?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 611 to 613, 615 and 616 of 2009.

ORAL

**NO. 615 OF 2009**

**THE HON S E LINARES**

**GEA – TRANSFER OF MOD AND/OR OESCO EMPLOYEES**

Can Government state whether there has been any initial consultation process for any transfer of employees from either or both the MOD and/or OESCO with the staff directly or with their representatives in relation to the likely takeover by Government of the supply of electricity from both of the entities mentioned above?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 611 to 614 and 616 of 2009.

**NO. 616 OF 2009**

**THE HON G H LICUDI**

**QUESTION WITHDRAWN**

**HON F R PICARDO:**

Mr Licudi has had to absent himself from the Chamber. He has asked me to withdraw this question on his behalf as it is materially the same question as Question No. 615.

**ANSWER**

**THE HON THE CHIEF MINISTER**

I am not willing to provide information in relation to any aspect of on-going negotiations relating to possible transfer of services by MOD to Government of Gibraltar or to any other Government controlled entity. I am, however, willing to tell the hon Member that negotiations are most advanced in relation to electricity, and that they are much less advanced in relation to the water and the other sections. But that they nevertheless will take place.

**SUPPLEMENTARY TO QUESTION NOS. 611 TO 616 OF 2009**

**HON S E LINARES:**

Is this also in relation to the Defence Fire Service with the City Fire Brigade which I also asked?

**HON CHIEF MINISTER:**

Yes, and the answer which I have given him gives him no right to assume that the premise of his questions are correct either.

**HON S E LINARES:**

Is the Chief Minister saying that there is no negotiation between the Government and the MOD in relation to the fire services of both entities?



**HON CHIEF MINISTER:**

I have said nothing whatsoever about either the Defence Fire Service or the City Fire Brigade. I have spoken generically about transfer services and I have told him that I am not willing to give him any information whilst the negotiations are on-going, except to tell him that the electricity one is advanced.

**HON J J BOSSANO:**

Does the unwillingness to provide information as to what is taking place within the negotiations include not being willing to say whether they exist or do not exist?

**HON CHIEF MINISTER:**

Yes to the extent that questions are asked differently or broken down by service, because the Government have and the MOD have lines of communication with the staff to keep them at their ease, and if the Government start answering questions designed to say where one service negotiation is in relation to another, the staff may wish to read into that things which do not need to be read into. So the answer is that these are negotiations and the Government are not willing to give an account of on-going negotiations in any respect.

**HON J J BOSSANO:**

My question is that whilst I understand the position that the Government may take on not wanting to give details of negotiations before the negotiations are completed, that is a completely different thing from saying that a negotiation is taking place. It may be at a very early stage, it may be halfway through, it may be at the end. We will not know and we are not going to be told.

**HON CHIEF MINISTER:**

The hon Member knows that we are both committed and happy to enter into negotiations in relation to the transfer of the services that were spelt out in the original global agreement in 2007 and that includes electricity, water, Defence Fire Service and the laundry. Those were the four areas, and then there was another clause where there was an aspirational list where there was not any firm commitment to negotiate, things that we might negotiate about.

**NO. 617 OF 2009**

**THE HON S E LINARES**

**CITY FIRE BRIGADE – AGREEMENT WITH MOD FOR PROVISION OF SERVICES**

Can Government state whether there is an agreement with the MOD in relation to the City Fire Brigade doing fire duties in MOD properties and other requirements for the MOD, and if so what exactly does the agreement require the City Fire Brigade to fulfil which they did not require before the agreement was signed and have the manning levels of the City Fire Brigade been increased to reflect the increase in workload?

**ANSWER**

**THE HON THE CHIEF MINISTER**

There is indeed an agreement with the MOD for operational cover. This agreement was entered into in 1993 when the GSLP, the party with which he is now in such close alliance, was in Government. The agreement provides that the City Fire Brigade is responsible for attendance at fires in all areas of Gibraltar other than: Airfield Runway; Perimeter tracks; Aircraft parking areas.

Under the agreement all fire calls to MOD areas are jointly attended to by the Defence Fire Service and the City Fire Brigade, unless the Defence Fire Service are committed with aircraft movements. Automatic fire alarms within the MOD areas are attended to by the Defence Fire Service with City Fire Brigade back-up if required. Reciprocally, the Defence Fire Service comes to the assistance of the City Fire Brigade when called upon to do so.

Before the agreement was signed, the Defence Fire Service attended to all MOD areas and the City Fire Brigade were called upon if required.

Manning levels were not increased by the previous GSLP Government at the time of the agreement or at any time subsequently to reflect it.

**NO. 618 OF 2009**

**THE HON S E LINARES**

**NEW POWER STATION**

Can Government state at what stage it is in, in relation to the statutory consultation process for the location and building of the new power station as mentioned in answer to Question No. 240 of 2009 and whether Lathbury Barracks is still the preferred option of Government?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The statutory consultation process in relation to the Environmental Impact Assessment certificate application for the project is still on-going. The Lathbury Barracks site is the Government's preferred site for the construction of the new power station project, subject to the outcome of the statutory consultation process and the necessary consents being granted.

**NO. 619 OF 2009**

**THE HON S E LINARES**

**CEMETERY – LEGISLATION**

Can Government state whether they are now in a position to present the new Cemetery Act to this Parliament and if not when do they envisage that this will take place?

**ANSWER**

**THE HON THE CHIEF MINISTER**

When the Government are able to publish a Bill for a new Act and wish to do so, they will.

**SUPPLEMENTARY TO QUESTION NO. 619 OF 2009**

**HON S E LINARES:**

This question is in relation to an answer given by the Minister last time, when he said, “we are in the process of drafting out this legislation”. That is why I asked the question. Therefore, does the Chief Minister not think it is reasonable that I put this question to him or does he now disagree that it is not reasonable for me to put the question?

**HON CHIEF MINISTER:**

Yes, it is not a question of whether it is reasonable or not reasonable, it is whether the Government feel that they should be held to account for time for what is legislation. He may have noticed that there has been during the last few months a shift in the Government’s approach to questions, designed to press the Government as to timing on things that are the matter of Government policy, the issue of legislation, whether the Government intend to do this or intend to do that. The Government policy is the Government policy. The issue of legislation happens when it happens, and when it happens is when the Government want it to happen, or are able to make it happen and that is when he is entitled to know that the Government wish to move a Bill in this House for such an Act. We are not going to in future answer questions designed to report to them on how the Government is going internally in developing its own policy initiatives. When the Government’s policy initiatives are ready, be they legislative or otherwise, he will learn of it at the appropriate time.

**HON S E LINARES:**

Just to add, that it took me six years ..... Every time I used to come to Parliament I was accused by that side of bringing in the same question in relation to truancy with the children. We were promised firstly that legislation was being drafted, then that it had gone to the Council of Ministers, then that it had gone back to consultation, then that it was going to be presented to this House imminently and we are still today ....., and then we had the Minister for Education recently stating that they are now not going to present the Act. So that is why ..... They are not going to present anything to do with the truancy Act, when I asked the last time. Therefore, that is why I am asking.....

**HON C G BELTRAN:**

Point of Order. I have said nothing of the sort. I have not said that.

**MR SPEAKER:**

Order, Order.

**HON C G BELTRAN:**

It is totally incorrect, it is just not true. I have not said there is no Act and no changes will take place in the Act. Certainly generally, and certainly not in any way to do with truancy. Truancy is not a problem in Gibraltar.

**HON S E LINARES:**

Exactly.

**MR SPEAKER:**

Order, Order. Before the hon Member carries on, the point which the hon Member is making about educational matters ought to have been raised with the Minister for Education at the appropriate time. I do not see the relevance of the point or the prologue to the next question, in terms of the question under debate right now. What has the Education Act or lack of the legislation to do with the Cemetery Act?

**HON S E LINARES:**

It is to do with the answer that the Chief Minister gave me about asking these questions. That is the relationship between one and the other.

**HON CHIEF MINISTER:**

It is to all.

**HON S E LINARES:**

Yes and I am learning very fast from the Chief Minister how to divert things from one place to another. Therefore, what I am trying to say here is that although the Minister might not remember, last time I posed the question about truancy, and he has now actually enforced my argument by saying there is no problem on truancy. So, there is now no legislation on truancy at all going to come forward. This is my point.

**MR SPEAKER:**

Would the hon Member put the question on the point in issue please? There is no question?

**HON CHIEF MINISTER:**

There is no question, right. He is satisfied with the answer he got.

**NO. 620 OF 2009**

**THE HON F R PICARDO**

**COST OF CHIEF MINISTER'S TRAVEL ON GOVERNMENT BUSINESS**

Can the Government give a breakdown of the cost of all travel by the Chief Minister on Government business since the last answer in this House to date stating:

- (a) what the purpose of travel was;
- (b) who travelled with the Chief Minister;
- (c) who the Chief Minister intended to meet on each of the journeys undertaken;  
and
- (d) a breakdown of the travel expenses incurred?

**ANSWER**

**THE HON THE CHIEF MINISTER**

I have told my wife that there is absolutely no prospect of the hon Member allowing me to have an affair with any other woman on any of my travels because I have no prospect of getting away with it. I will be very happy to hand the hon Member the detailed information about my movements that he requires.

**ANSWER TO QUESTION 620**

<b>Date</b>	<b>Purpose</b>	<b>Persons Travelling With CM</b>	<b>Met With</b>	<b>Air Fares</b>	<b>Accommodation</b>	<b>Subsistence &amp; Other Costs</b>
30th March to 1st April	Signing U.S. Tax Agreement	John Reyes James Tipping	Head of Barclays Global Wealth, Mr Kalaris U.S. Treasury Secretary Mr Tim Geithner	£980.00	£1,151.90	£1,892.18
14th to 15th April	Meeting	Richard Garcia Carlos Sanchez Derek Tilbury	Minister of State - Spanish Ministry of Foreign Affairs Snr Losada	£252.50 (Rail Fare)	£318.20	£272.04
11th to 13th May	Addressing Friends of Gibraltar	John Reyes	The Friends of Gibraltar	£1,098.40	£1,164.40	£2,083.13
1st to 2nd June	Attending Royal Gun Salute by the Gibraltar Regiment	Martin Figueras	Invited dignitaries, MPs and Members of the Scottish Parliament	Not Yet Invoiced	£185.00	£1,552.50



**NO. 621 OF 2009**

**THE HON F R PICARDO**

**GBC REPORT**

Has Government now made any decision as to whether or not it will publish the report into the future of GBC commissioned from Mr Alan King or to at least publish its conclusions, given that the future of GBC is a matter of importance to the community at large?

**ANSWER**

**THE HON THE CHIEF MINISTER**

No.

**SUPPLEMENTARY TO QUESTION NO. 621 OF 2009**

**HON F R PICARDO:**

Have the Government shared this report with the Board of GBC or the Staff Side of GBC already?

**HON CHIEF MINISTER:**

Not yet.

**HON F R PICARDO:**

Does that "not yet" mean that there is an intention to share it with those parties, if not yet a decision to publish it more widely?

**HON CHIEF MINISTER:**

It means that we have not yet shared it and it remains to be decided with whom we share it and when.

**HON F R PICARDO:**

The Chief Minister said at the anniversary of Radio Gibraltar last year, that he expected that the review of GBC would be over and the new practices in place by the end of 2008. He told me during the last Question Time that he expected it to be dealt with by the end of 2009. Can he confirm to us that the end of 2009 is still the date by which he expects these issues to have been dealt with, and can he commit himself to, perhaps, by at least the next Question Time in this House, having made up his mind as to whether or not the report will be published?

**HON CHIEF MINISTER:**

No, I certainly am not willing to make any such commitment or, indeed, any commitment at all that is not the purpose of Question Time in this House. But I can certainly inform him that it remains the Government's aspiration to deal with the GBC review during what is left of this year. Other things may happen which take priority to that, despite its importance, and then there may be further slippage. But that remains the Government's intention that it is on our agenda for 2009.

**HON F R PICARDO:**

Can I ask the Chief Minister to perhaps tell the community why it is that he has been so resistant to the calls to publish the report. At the end of the day GBC is a very important part of our community. This is obviously an important report into the future of that organisation. Why should not all the community have a chance to see an unredacted version of that report, paid for by the taxpayer?

**HON CHIEF MINISTER:**

This is a report commissioned by the Government to advise itself of what are the options available for GBC. Of course, had the hon Members been elected into Government at the last election instead of ours, since they have no policy to review GBC there would be no report. Why he is suddenly so anxious about a project that when he wrote his manifesto in 2007 he thought was completely unnecessary and unimportant, that he did not include it in his manifesto. Why should it now be so pressing to him that the Government delay or do not delay in proceeding with what is a manifesto policy of the Government and not a manifesto commitment of the hon Members is not entirely understandable, except in relation to one point which I accept is valid. That is that given that the Government have requested the Board of GBC not to fill the post of General Manager until the review is effected, until the review is done the General Managership may remain vacant and then is being done on a rotational basis. But it does not have to carry on being done on a rotational basis, somebody can be appointed acting General Manager to the exclusion of the others. But save for this question of the impact on the General Managership, the rest of it is a matter for the Government. In the meantime, GBC is functioning as it has always functioned, under the legislation that it has always functioned, with the resources that it has always functioned and that, therefore, is the position. The Government attach importance to it which is why we commissioned the review. Therefore, being a Government initiative, the speed, rate and timing of the Government's dealing with it is a matter entirely for the Government that should not concern the hon Member, given that he did not think it needed to be done at all.

**HON F R PICARDO:**

It is entirely politically without seriousness for the Chief Minister to suggest that the Oppositions in Parliament are only able to ask questions of the things that are common to their manifesto and the manifesto of the Government. I will ignore that point. I will take this point however, which is that the Government say that they have commissioned the report to inform themselves of what the future of GBC should be. Well clearly, in a democracy where the Government allege they are accountable, information available to Government should be available, within certain restrictions of confidentiality and what needs to be private, should be available to the whole of the community. Is it not therefore important that the Government, reconsider quickly their position on the publication of this report which has been funded by taxpayers, so that all of us, not just the Opposition but the whole of the community, and the Staff Side at GBC as well as the Board and the Management side, have available to them the information made available to the Government, at public cost, the report made available at public cost, making recommendations about that very important institution that is the Gibraltar Broadcasting Corporation?

**HON CHIEF MINISTER:**

No, the Government do not agree and there are many reports and consultancies that are funded by the taxpayer and which the taxpayer does not see. This idea that there is some sort of linkage between the taxpayer paying for it and therefore the taxpayer being entitled to see it is absurd. The taxpayer pays for everything the Government do but the taxpayer does not see everything that the Government do. I just do not know where he gets this idea from. Certainly, of course he is not prevented or he is not limited to asking questions only in matters of his manifesto and cannot ask me questions on mine. He is free to ask me questions on any aspect of public affairs of Gibraltar for which Ministers are responsible, but I have to say to him that it is quite unusual. I am not aware, it might happen and I simply do not become aware of it, but I am not aware, despite being a reasonably close follower of the political process in other countries, of any Parliamentary democracy in which the Opposition eggs the Government on to implement the Government's manifesto commitments. It is almost as if they are anxious for us to be re-elected. Please hurry up and get on with implementing the Government's manifesto so that when they come to the next election they can say they have implemented all the manifesto and, of course, the people will then vote for them again. I mean, of course he is free to ask questions but I do not think it is normal for Oppositions to press Governments about the speed with which the Government choose to deploy their manifesto commitments. It is not a question of whether he is free or not, of course he is free to ask the question but I am surprised that he does so because it seems to me to be an unusual Parliamentary practice in relation to what tends to happen in other Parliaments in other democracies.

**HON F R PICARDO:**

I think that the Chief Minister suffers from not having read the question. The question does not ask him when he is going to finalise the review, the question does not ask him any of that. I asked him whether his position is still as it was in a supplementary, that the Government's position is that the review was going to be finalised by the end of 2009. But the question that I have asked him now, the supplementary that I have asked him now and the question that is on the Order Paper, asks him about the publication, only the publication, of the report that has been commissioned by Mr

King into what the future of GBC should be, as far as Mr King is concerned. So, frankly, although I am not going to take any lessons from him as to what he thinks the Opposition should or should not do, and I can expect the diatribe that will come as a result of my having said that, one is used to him behaving like “Basil Fawly”, particularly irritated in the kitchen and treating us like unfortunate Manuels. But so be it. What I am asking him is, will there be a publication of this report? Not about his policy, just a publication of the report, funded by the taxpayer, about this very important institution to the community.

**MR SPEAKER:**

That was the first question asked and answered. We have moved since then.

**HON CHIEF MINISTER:**

Exactly. The hon Member as the World Health Organisation should declare a pandemic of a disease that appears to be spreading like wildfire across the benches on the other side of the House. They have got this astonishing, impressive ability to just move the goalposts in the middle of sentences and paragraphs. Look, I have no difficulty, I do not suffer from not reading the questions, and given that this is the seventh or the eighth supplementary, what is the point of him referring back to the original question which is clearly not where we are? What I said to him about practice in other Parliaments is the response to his point in the last supplementary that he asked me, to which I am answering, which was that he is not limited to asking questions. I have told him of course he is not limited but it is unusual. So I do not suffer from not reading questions, he suffers from attributing chronologies and things which is just irrelevant to the points that are being discussed. The answer is that whether it was written by Mr King, or whether it was written by anybody else, it is still a report commissioned by the Government, for the Government, for the Government to be informed about what the options, what the defects are, what the options for the reform of GBC are. Therefore, the Government will not make a decision as to whether, and if so to whom, to make this report available until the Government feel that it is time to do so. That is certainly not now and it certainly will not be before the Government have made a policy decision of how to proceed in relation to the review of GBC. Which is not to say that thereafter we are committing to do so. But certainly it will not be before then.

**HON F R PICARDO:**

I am afraid that Basil does not seem to have got it. I made a preliminary remark answering *[Interruption]*

**HON CHIEF MINISTER:**

The hon Member who says in his supplementary that he is not willing to take lessons from me, perhaps that is his problem. Perhaps he ought to take some lessons from me and then he might have a chance, which I do not think he has today, to find himself on this side of the House for four successive terms like the person that he thinks he has nothing to learn from.

**HON F R PICARDO:**

I do not know whether that was an answer to a question. I was giving way because Mr Speaker was calling Order.

**MR SPEAKER:**

Well I was just going to make the point that we do not in this House refer to hon Members, whichever side, by that nomenclature or any other name.

**HON F R PICARDO:**

I take the point and however I characterise him in my mind, I will not be calling the Chief Minister Basil again, though I might think that. Anyway, as the faulty understanding of my question appears to be that I suggested something which requires an answer.....

**HON CHIEF MINISTER:**

Mr Speaker, this is complete disrespect not just for the Chief Minister but for the Speaker of this House, and I will bring a substantive motion to condemn the hon Member if that is necessary.

**MR SPEAKER:**

I am advising the hon Member to cease any more frivolity. The last question which the hon Member did ask I pointed out was, in fact, asking the very first question. Now I invite the hon Member to proceed in a Parliamentary manner and to pose a proper and meaningful supplementary in accordance with Standing Orders, with which he is very familiar.

**HON F R PICARDO:**

Mr Speaker has not given me an opportunity to address him on the point the Chief Minister made. I do not believe I was being disrespectful to Mr Speaker or to the House by characterising the Chief Minister in a particular way, because the Chief Minister characterises many people in this House, usually on this side of the House, in many divergent and disrespectful ways. But I accept Mr Speaker's ruling and I do not believe that anything I was doing was flippant. But, of course, I accept Mr Speaker's ruling. So the Chief Minister was at fault when he believed that I was making any point about whether or not, or asking him any question about whether or not I was able only to make points which related to my manifesto and not just the ones that were in his manifesto. I made that as a preliminary remark. My question related to the publication of Mr King's report. I will put it this way to round up my supplementaries on this issue. Whilst the Government have in their possession a document into the very serious issue which is the review of GBC and do not publish it, the general public and no doubt he will agree with me, be entitled to assume that there is something in there that the Government do not want us to see. Is that or is that not right?

**HON CHIEF MINISTER:**

No, that is not right and of course we can all succumb to the temptation to characterise individual members of this House in extremely personal ways, different ways for different people, and I would caution the hon Member against provoking too much in that direction.

**MR SPEAKER:**

There has to be a question.

**HON F R PICARDO:**

Yes, of course. Was that a threat?

**NO. 622 OF 2009**

**THE HON F R PICARDO**

**GBC – INVITATIONS TO MINISTERS TO APPEAR ON VIEWPOINT**

Since October 2007 have Ministers received invitations to appear on GBC's Viewpoint programme and refused the invitation, and if so, who were the relevant Ministers and can they provide an approximate date for their refusal to the relevant invitation?

**ANSWER**

**THE HON THE CHIEF MINISTER**

It is the prerogative of Ministers who are asked to either accept or decline offers to take part in television programmes. No record is kept of such requests. Nor is the Government accountable in this House for whether or not they appear on television programmes.

**SUPPLEMENTARY TO QUESTION NO. 622 OF 2009**

**HON F R PICARDO:**

Well, they will not publish the report into GBC, the Minister for the Environment told us yesterday that he would not tell us who he was meeting and who he might be meeting, so they will not tell us what is in their diaries and now they will not tell us when they refuse invitations to appear on the only discussion programme on the Gibraltar Broadcasting Corporation. Are the taxpayers not entitled to have this information? Are the taxpayers not entitled to know when the Ministers of this Government refuse to appear on the public broadcaster when invited to do so to answer for their policies?

**HON CHIEF MINISTER:**

No, the only taxpayers that could be surprised by that are the ones that are so young that they cannot remember what used to happen between 1988 and 1996. Those are the only taxpayers who could be surprised that the Government are not willing to account for whether or not or whether they should or should not appear on television programmes. But the answer to his question remains no, and what is more, his supplementary appears to be based on an entirely false premise. The hon Member appears to believe that the Government are obliged to account publicly for everything and anything that they do, and much of what the Government do they are not required or obliged to account for, and is private and confidential, not that this is

private and confidential but this particular issue falls into the non-accountable category. The idea that Governments all over the world in democracies have to provide every document, every titbit of information, every account, is something that only exists in the hon Member's fertile imagination. That is not the way democratic governments are run and the hon Member's attempts to rewrite jurisprudence in this area is going to have to stay as a figment of his imagination. But of course, the more he condemns this Government for doing one percent of what the hon Members opposite when in Government used to do 95 per cent, the more he is supporting our condemnation of their practices in Government and I am glad that he agrees with me on that.

**HON F R PICARDO:**

He is completely wrong to characterise anything I have said as an agreement with him on any subject. The question is not about jurisprudence, as the Chief Minister should be astute enough to know, it is about political accountability and nothing less. So, my question would be to ask him whether he is prepared to tell this House, whether he has ever refused an invitation extended to him since 2007 as Chief Minister to appear on the Viewpoint programme.

**HON CHIEF MINISTER:**

No, I lead by example and I apply to myself the same rules that I apply to my Colleagues.

**HON F R PICARDO:**

Is that a no he has not refused it or no he will not tell us?



ORAL

**NO. 623 OF 2009**

**THE HON F R PICARDO**

**MEDIA DIRECTOR – REMUNERATION PAYABLE**

What has been the total amount of the remuneration payable in respect of the post of Media Director for each financial year since 1996, and what if any pension provision is payable in respect of the post?

**ANSWER**

**THE HON THE CHIEF MINISTER**

I now hand the hon Member copies of a statement giving the information that he requests.

**ANSWER TO QUESTION 623 OF 2009**

**Answer to Question 623**

The total amount of the remuneration payable in respect of the post of Media Director for each financial year since 1996 is as follows:

Financial Year	Basic	Gratuity
1996/1997	£19,679.30	NIL
1997/1998	£35,953.70	NIL
1998/1999	£38,600.81	NIL
1999/2000	£38,991.76	NIL
2000/2001	£44,859.80	£4,572.90
2001/2002	£44,280.46	£11,070.10
2002/2003	£48,925.43	£11,831.22
2003/2004	£49,362.73	£12,740.93
2004/2005	£50,547.04	£12,636.80
2005/2006	£51,760.32	£12,940.08
2006/2007	£56,508.58	£14,127.20
2007/2008	£61,222.46	£15,305.62
2008/2009	£61,631.88	£15,407.97
2009/2010	£10,339.50	£2,584.88

The figure for 2000/2001 is higher than for 2001/2002 because it contains arrears (August 99 to October 2000)

There is no pension provision payable in respect of the post.

**SUPPLEMENTARY TO QUESTION NO. 623 OF 2009**

**HON J J BOSSANO:**

The figure for the gratuity is paid on the basis of the annual salary, is it, am I correct? It is 25 per cent of the salary?

**HON CHIEF MINISTER:**

I think so, yes. It is the regime that applies to contract officers as opposed to permanent and pensionable.

**HON J J BOSSANO:**

I thought that that was done on a three year cycle. Is it that it is different now from what it used to be?

**HON CHIEF MINISTER:**

I think it is now done on an annual basis and there are some officers who as a matter of concession have asked for it. For example, the still Chief Justice has asked for it to be done even more regularly and was agreed.

ORAL

**NO. 624 OF 2009**

**THE HON F R PICARDO**

**GOVERNMENT ADVERTISING IN LOCAL NEWSPAPERS**

What is the total amount up to the date of this question paid by the Government as advertising to the publication “7 Days”, since that publication was first published?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 625 and 626 of 2009.

ORAL

**NO. 625 OF 2009**

**THE HON F R PICARDO**

**GOVERNMENT ADVERTISING IN LOCAL NEWSPAPER**

Since November 2007 from what departmental budget have the sums paid to “7 Days” been paid, giving a breakdown by department going back to November 2007 if they are paid by more than one department?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 624 and 626 of 2009.

**NO. 626 OF 2009****THE HON F R PICARDO****GOVERNMENT ADVERTISING IN LOCAL NEWSPAPERS**

What amount has the Government paid in respect of advertising to any registered newspaper since the last answer in this House, giving a breakdown by month and newspaper?

**ANSWER****THE HON THE CHIEF MINISTER**

The total amount paid by the Government as advertising to the publication 7 Days since it was first published in August 2006 is £96,699.40.

Since November 2007 the sums paid to 7 Days, giving a breakdown by department, is as follows:-

No. 6 Convent Place, which is the accounting office	£45,728
Gibraltar Tourist Board, which is a department of the Gibraltar Development Corporation	£ 7,290

The following amounts have been paid to registered newspapers in the last three months:-

	<b>Mar-09</b>	<b>Apr-09</b>	<b>May-09</b>	<b>Jun-09</b>	<b>Total</b>
<b>Gibraltar Chronicle</b>	£3,525.50	-	£2,352.00	-	£5,877.50
<b>Panorama</b>	£7,407.00	-	-	-	£7,407.00
<b>7 Days</b>	£3,020.00	£2,096.00	£2,066.00	-	£7,182.00
<b>Gibsport</b>	£120.00	£120.00	£330.00	£300.00	£870.00
	<b>£14,072.50</b>	<b>£2,216.00</b>	<b>£4,748.00</b>	<b>£300.00</b>	<b>£21,336.50</b>

**NO. 627 OF 2009**

**THE HON F R PICARDO**

**GOVERNMENT ADVERTISING IN LOCAL NEWSPAPERS**

What is the cost of the full page advertisement by the Ministry of Culture which appeared in "7 Days" on Friday 29<sup>th</sup> May 2009?

**ANSWER**

**THE HON THE CHIEF MINISTER**

I am advised that there was no cost to the Ministry of Culture as it was not an advertisement. It appears that following the official launch of this year's Spring Festival Programme, issued to all local press, the Editor of 7 Days requested further information from the Director of Culture, and what was provided seems to have been reproduced at the Editor's discretion.

**NO. 628 OF 2009**

**THE HON F R PICARDO**

**COST OF USE OF VIP LOUNGE AT GATWICK**

Is the cost of £1,586.26 charged for the use of the VIP lounge at Gatwick a cost per person using the lounge or per delegation?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 629 and 630 of 2009.



**NO. 629 OF 2009**

**THE HON F R PICARDO**

**COST OF USE OF VIP LOUNGE AT GATWICK**

Is the cost of £1,586.26 charged for the use of the VIP lounge at Gatwick a cost which covers a return trip or just the arrival to UK?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 628 and 630 of 2009.

**NO. 630 OF 2009**

**THE HON F R PICARDO**

**CHIEF MINISTER/MINISTERS – US OF VIP LOUNGE AT GATWICK**

On how many occasions has the Chief Minister or any other Minister used the VIP lounge at any UK airport since a charge has been levied for the use of such facilities and what is the total amount spent in this respect since the service was first used?

**ANSWER**

**THE HON THE CHIEF MINISTER**

I am advised that the cost is per delegation and covers a return trip.

Since charges were levied in June 2006, only the Chief Minister has used the facility. The facility has been used 42 times at a cost of £22,834.56.

**SUPPLEMENTARY TO QUESTION NOS. 628 TO 630 OF 2009**

**HON F R PICARDO:**

Can the Chief Minister give us the number again? £42,000 he said?

**CHIEF MINISTER:**

The only figure in thousands that I have mentioned is £22,834.56p.

**HON F R PICARDO:**

I bring to the Chief Minister's attention, he may be aware, the services of a company called Diamond Air whose website could easily be accessed by the Chief Minister if he wished on [www.diamond-air.co.uk](http://www.diamond-air.co.uk) which he may have read in this week's edition of The Sunday Times as I did, provides a meet and assist service at Gatwick, which for £65.00, not £1,500.00, for £65.00 would take five passengers from the aircraft straight through security and straight through passport control, obviously passing security and passport control, as he does even at the VIP lounge as he told us in some notional ways, and to the other side of the airport. The cost of which is £65.00. Will the Chief Minister look into this given the considerable saving that could be made to the Gibraltar taxpayer if he were to choose this alternative to the very expensive alternative he is choosing now?

**HON CHIEF MINISTER:**

No, I will not look into it, I am not in the need of the services of a “universal aunt”.

**HON F R PICARDO:**

That really does not seem fair, given that the taxpayer is shelling out £1,500 every time the Chief Minister goes to London. It may very well be that the Chief Minister comes back having looked into it to say that the service he gets, which we believe is costing an excessive amount, is different and in his view the appropriate one, and we continue to disagree. But why will he not even look into it?

**HON CHIEF MINISTER:**

I will not look into it because it is self evident to me, as it must be to him, but of course he does not mind incurring the risk of misleading listeners, that the services that are available through that meet and greet service are not the services that are available, nor for the people that they are intended, nor does it offer the same facilities as the VIP lounge. The facilities that I use are the same facilities as heads of government use regularly. Indeed, there is a picture of Sir Joshua Hassan and of Sir David Williams actually there on parade. I must remember next time I go to take them a portrait of myself in case they put me up with the other eminent and regular users of the facility. I am sure after using it 42 times and paying them £22,834.56 I am almost certain that they will agree to put up my photograph. The services are clearly not similar, there is only one facility of the sort that we use at Gatwick Airport. It is now run by this company, it is not that service and whatever that service is, which must be a service to meet unaccompanied passengers, elderly people, minors who travel, hence my reference to “universal aunt”. When I first used to go to boarding school aged nine or ten, I would climb off the aeroplane and there was something that BEA then used to call a “universal aunt”, meeting Gibraltar students to take them to customs, to take them to Immigration to make sure that they did not break down in homesick motivated tears, lose their way and get lost and run into trouble. But the hon Member obviously can be forgiven for not knowing what a “universal aunt” is, but just in case he did not understand my reference to it, that is what a “universal aunt” is in old British air travel terminology. That is the sort of service that he is describing, not this, and I have no intention ..... I repeat that the Government consider it entirely appropriate for the Chief Minister of Gibraltar to use the Gatwick Airport VIP service. Not because I personally deserve it but because the dignity of the office of Chief Minister of the Government of Gibraltar deserves no less dignity than the head of any other government. What is the point in the hon Members travelling across the Atlantic to persuade the rest of the world that Gibraltar should be treated like every other country and then come back here and begrudge the Chief Minister of the Government of Gibraltar behaviour like every other head of government.

**HON F R PICARDO:**

I am sure that the Chief Minister will agree with me that the portrait of Sir Joshua using the lounge will no doubt be one, if it is just a portrait or just a portrait of Sir Joshua, one that is well deserved given the many years of service that Sir Joshua gave to this community and, no doubt, if he used the lounge then the Chief Minister will agree he used it free of charge, because the charging has only been introduced

recently. It is that issue that we must go to. The Chief Minister does not take my word for anything except now, given that I produced to him a potential alternative to his beloved treatment as a head of government or head of state at great expense to the taxpayer, he will take my word for what I have described and say it is just a "universal aunt", I will not even look into it. Can I commend to him that he continue not to take my word for anything and that he should look into what Diamond Air do offer in case it is anywhere near the Rolls Royce service that he gets as head of government in respect of the VIP lounge? Can I also ask him to tell me how the figures that he has calculated and given to us are reached, given that I cannot work them out from the £1,586 fee, that we are talking about because if that meant that he travelled on 42 occasions and 21 return trips at that price, I get a figure of £33,000 odd. If the cost were to be per trip I would get £66,000 so could he also look into that because although he deals with these issues very flippantly, taxpayers are concerned with the amounts that he spends on his obvious personal engrandisement.

**HON CHIEF MINISTER:**

No, the Chief Minister will not look into it and the only taxpayer that has manifested the slightest degree of disquiet on this is called Fabian Picardo. There is no other taxpayer, to my knowledge, that has shown any disquiet whatsoever because I do not think other taxpayers in Gibraltar believe, as he appears to do, that in order to make political campaign against the incumbent Chief Minister, it is necessary to belittle the entire office of Chief Minister of Gibraltar. Since I am confident that there is only one person in Gibraltar capable of being as petty as that, I do not accept the hon Member's recommendation. As to his attempt at straight line extrapolation mathematics, perhaps he might like to consider the possibility that the prices have not remained the same since 2006 and that he is not at liberty to do straightforward division and straightforward multiplication, because there have, during different periods, been different levels of charge.

**HON F R PICARDO:**

I want to make a point which is a Point of Order but I did not want to interrupt the Chief Minister so I make it now. Nothing that I am saying should be interpreted as my attempting to belittle the office of the Chief Minister of Gibraltar, because although I have absolutely no time for much of what the hon Gentleman says, or for the way that he conducts himself in this Parliament, as he has none for me or for the way in which I conduct myself in this Parliament, I have great respect for the constitutional office of the Chief Minister of Gibraltar and I am, frankly, very concerned about what he is doing to bring about criticism internationally and locally of that office. But that is just my view. What have been the price differences or the price changes in respect of the cost of the VIP lounge at Gatwick since charging was first introduced in 2006?

**HON CHIEF MINISTER:**

Sorry, I did not hear that.

**HON F R PICARDO:**

Well, I am quite happy to repeat it for the Chief Minister.

**MR SPEAKER:**

Just the question.

**HON F R PICARDO:**

Yes, of course. What have been the price increases of charge for the VIP lounge at Gatwick since charging was first introduced?

**HON CHIEF MINISTER:**

Well, there has also been an increase on the basis. It started in October, the first charge that they introduced was £165 and there have been various increases culminating in the current charge is £776 which has prevailed since 19<sup>th</sup> January this year. In 2008 it was actually a little bit more expensive. They appear to have reduced their prices marginally, then in the second half of 2008 it was higher than that and in the lower part. There is a variety of sums and figures.

**HON F R PICARDO:**

Will the Chief Minister agree to provide the lists of sums and figures, if necessary in writing, he does not need to read it out or I am quite happy to make a note of it if he wishes to read it out?

**HON CHIEF MINISTER:**

I am not willing to provide the hon Member anything if requested across the floor of this House. If he writes to me I will certainly consider providing it to him.

**HON F R PICARDO:**

I am requesting it now in the sense that I am requesting it now. I am not saying will he write to me, I know he does not like to commit himself to do that but will he give me the answer now, he has got the information. I am quite happy to scribble a note.

**HON CHIEF MINISTER:**

I repeat, if he writes to me asking for information of which I have not had notice, I will consider providing it to him.

**HON F R PICARDO:**

I am grateful for the generosity of spirit as usual.

**NO. 631 OF 2009**

**THE HON F R PICARDO**

**REVIEW OF BRITISH OFFSHORE FINANCIAL CENTRES**

Has Government had any further communications with Mr Michael Foot in respect of the independent review of British offshore financial centres announced in the Pre-Budget Report 2008?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Well, I do not know what the hon Member means by “further communication”. There has been, as he knows, a communication. The Gibraltar Government will be providing to the British Government updated information about the economy of Gibraltar, which it appears not to have, as soon as the more recent elements of that information have been provided to this House, which will be during the Budget Session. So, we expect to submit directly to the British Government information that the Chancellor appears to want to know about all the Overseas Territories and Crown Dependencies, we expect some time during July.

**SUPPLEMENTARY TO QUESTION NO. 631 OF 2009**

**HON F R PICARDO:**

I mean by “further communications” communications further to the meeting held in London between the Chief Minister and Mr Foot.

**HON J J BOSSANO:**

I notice in the report that there was a comparative table of the importance of the financial services industry in relation to GDP. Is that the kind of information they are being asked to update? There was one about all the territories and we were included there in the table in the report, is that what he is talking about?

**HON CHIEF MINISTER:**

No, that is information that they obviously want. I cannot recall right now what the questions asked but I do not think we are at that stage now, they must have obtained that information from other UK sources. The sort of questions that are asked are things calculated to enable the UK Government to decide how dependant the economies

are of the various Overseas Territories and Crown Dependencies on financial services, and how equipped the Governments of those Territories are to respond to possible crises in financial services operator. That is the sort of question as well as questions about Government policy intentions and things of that sort. It is a pretty general overview.

**HON J J BOSSANO:**

That is precisely why I have put that question to him because it was on the basis of how important in each case the share was of the GDP, that was the way the evaluation was done in the report produced by Mr Foot, and there I noticed that there was a given percentage given to the share of the Gibraltar GDP, which for example, was much lower than in places like Jersey. Now, I am asking, is it that they want an update on that in relation to this year's Budget?

**HON CHIEF MINISTER:**

No. In the answer that we want to give them, we want to include information which this House has not yet had and which we do not think we should give to anybody before we give it to this House. Not that they have specifically asked for that.

ORAL

**NO. 632 OF 2009**

**THE HON F R PICARDO**

**FINANCIAL SERVICES – CONFERENCES**

Can Government give the cost, with a breakdown, of attendance at all and any conferences which related or were considered to relate to financial services in the months from the last answer in this House to date, giving the name of the conference, the offices of those who might have attended as part of the Government delegation?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The information requested is on the attached schedule that I now hand to the hon Member.



## **ANSWER TO QUESTION 632 OF 2009**

The Finance Centre Department attended the following conferences in the months from the last answer in this House to date:

### **20<sup>th</sup> – 23<sup>rd</sup> April 2009**

#### **RIMS Conference and Exhibition 2009 – Orlando, USA**

Attended by: Mr James Tipping – Finance Centre Director  
Mr Joseph Macano – Director Licensing Unit

Flights	£6,136.00
Hotel Accommodation	£1,502.00
Subsistence	£ 462.48
Expenses	£ 769.44
Courier	£ 369.18
Exhibition Fees	£2,680.65
Conference Facilities	£1,635.91
	<hr/>
	£13,555.66

### **5<sup>th</sup> – 6<sup>th</sup> May 2009**

#### **Capita Presentation – London, UK**

Attended by: Mr James Tipping – Finance Centre Director

Flights	£130.00
Hotel Accommodation	£262.70
Expenses	£103.30
	<hr/>
	£496.00

### **13<sup>th</sup> – 15<sup>th</sup> May 2009**

#### **British Insurance Brokers' Association – Manchester, UK**

Attended by: Mr Francis Sanchez – Executive Officer

Flights	£152.00	+ £196.00 Joseph Macano*
Hotel Accommodation	£424.00	+ £424.00 Joseph Macano*
Subsistence	£232.54	
Expenses	£279.00	
Exhibition Fees	£6,550.40	
Conference Facilities	£331.20	
	<hr/>	
	£7,969.14	+ £620.00 = £8,589.14

(Mr Macano was re-assigned to the Lausanne and Frankfurt seminars at short notice)

Cont.....

**CONT'D ANSWER TO QUESTION 632 OF 2009**

**11<sup>th</sup> – 15<sup>th</sup> May 2009**

**Funds and Wealth Management Seminars in Lausanne & Frankfurt plus Bi-lateral meetings in Geneva**

Attended by: Mr Joseph Macano – Director Licensing Unit  
Mrs Sabrina Ramagge – Executive Officer  
Miss Mireille Alsina – Administrative Officer

Flights	£ 1,437.00	+ £1,119 Joseph Macano
Hotel Accommodation	£ 3,226.13	
Advance Account/Subsistence	£ 1,200.00	
Expenses	£ 338.26	
Conference costs	<u>£11,620.29</u>	
	£17,821.68	+ £1,119 = £18,940.68

We are in the process of billing the private sector for £8,825 being their contribution towards the costs of the seminars in Lausanne and Frankfurt; the contribution consisting of £250 per attendee from Gibraltar and £25 per guest. The net cost to Government will be £10,115.68.

ORAL

**NO. 633 OF 2009**

**THE HON F R PICARDO**

**HEPSS STATUS**

Has HEPSS status been granted (either since that status was introduced or as a result of “grandfathering” from Category 3 Status) to any person who is a Gibraltarian?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 634 to 640 of 2009.

ORAL

**NO. 634 OF 2009**

**THE HON F R PICARDO**

**CATEGORY 2 STATUS**

Can Government state how many individuals joined the register of people with Category 2 status in Gibraltar as at the end of each of the months since the last answer in this House?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 633 and 635 to 640 of 2009.

ORAL

**NO. 635 OF 2009**

**THE HON F R PICARDO**

**CATEGORY 2 STATUS**

How many individuals have surrendered Category 2 status since the last answer in this House?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 633, 634 and 636 to 640 of 2009.

ORAL

**NO. 636 OF 2009**

**THE HON F R PICARDO**

**CATEGORY 3 STATUS**

Can Government state how many individuals joined the register of people with Category 3 status in Gibraltar in each month since the last answer in this House?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 633 to 635 and 637 to 640 of 2009.

ORAL

**NO. 637 OF 2009**

**THE HON F R PICARDO**

**CATEGORY 4 STATUS**

Can Government state how many individuals joined the register of people with Category 4 status in each month since the last answer in this House?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 633 to 636 and 638 to 640 of 2009.

ORAL

**NO. 638 OF 2009**

**THE HON F R PICARDO**

**CATEGORY 2 STATUS**

How many properties in Main Street have been approved for use by Category 2 individuals?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 633 to 637, 639 and 640 of 2009.



ORAL

**NO. 639 OF 2009**

**THE HON F R PICARDO**

**CATEGORY 3 STATUS**

How many individuals have surrendered Category 3 status since the last answer in this House?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 633 to 638 and 640 of 2009.

**NO. 640 OF 2009**

**THE HON F R PICARDO**

**CATEGORY 4 STATUS**

How many individuals have surrendered Category 4 status since the last answer in this House?

**ANSWER**

**THE HON THE CHIEF MINISTER**

No HEPSS status has been granted to any Gibraltarian since the status was introduced or as a result of grandfathering from Category 3 status.

The number of individuals that joined the register of people with Category 2 status in Gibraltar, as the end of each month since the last answer was given is as follows:

From 11 <sup>th</sup> March 2009	3
April 09	3
May 09	3

A total of seven individuals have surrendered their Category 2 status.

No individuals have joined the register of people with Category 3 or Category 4 status since the last answer in this House.

It is impossible within the time frame given to give an accurate figure on how many properties in Main Street have been approved for use by Category 2 individuals since this status began in 1999.

However, as from 2006 our records indicate that one property in Main Street has been approved for use by Category 2 individuals.

A total of seven individuals have surrendered their Category 3 status and no individuals have surrendered their Category 4 status since the answer was last given in this House.

There is one HEPSS status application pending in respect of a Gibraltarian who is grandfathering from a Category 3 status.

ORAL

**NO. 641 OF 2009**

**THE HON F R PICARDO**

**COMPANIES REGISTER**

How many companies have been removed from the companies register in each of the months since the last answer in this House?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 642 and 643 of 2009.

ORAL

**NO. 642 OF 2009**

**THE HON F R PICARDO**

**COMPANIES REGISTER**

Can Government list the companies formed in Gibraltar in each of the months since the last answer in this House?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 641 and 643 of 2009.

ORAL

**NO. 643 OF 2009**

**THE HON F R PICARDO**

**COMPANIES REGISTER**

Can Government state how many companies have been re-domiciled out of Gibraltar in each of the months since the last answer in this House and how many of these asked for their registrations to be cancelled?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The information requested is on the schedule I now hand the hon Member.

## **ANSWER TO QUESTION 643 OF 2009**

### **Answer to Question 641**

The companies removed from the companies register in each of the months since the last answer in this House are as follows:

March 09	133
April 09	137
May 09	1985

### **Answer to Question 642**

The companies formed in Gibraltar in each of the months since the last answer in this House are as follows:

March 09	137
April 09	103
May 09	122

### **Answer to Question 643**

The companies re-domiciled out of Gibraltar in each of the months since the last answer in this House are as follows:

The registrar gives consent 30 days after the notice is issued and consent is given almost without exception.

March 09	7
April 09	5
May 09	3

**SUPPLEMENTARY TO QUESTION NOS. 641 TO 643 OF 2009**

**HON F R PICARDO:**

Is the Chief Minister aware of any reason why the figure for May 2009 in respect of Question No. 641, which is a figure of 1,985, is so large?

**HON CHIEF MINISTER:**

I am not sure it is so large by reference to the answers he has had in past years. The answer is that it is the companies that were struck off by the Registrar for failing to file an annual return. The equivalent figure in 2008 was 4,408. In 2006 it was 6,283 and in 2004 it was 9,727. So it is actually falling. It is a number that has been much higher in each of the last few years.

**HON J J BOSSANO:**

The comparative figures the Chief Minister has given are for May of the preceding years, is that so? Not for the whole of the year but for the one month.

**HON CHIEF MINISTER:**

For the month of the year in which that exercise took place in those years, which was not always May. It was February in 2004, June in 2006 and May in 2008 and 2009.

**NO. 644 OF 2009**

**THE HON F R PICARDO**

**BANKING SECTOR**

Can Government state how many persons were employed in the banking sector in Gibraltar, giving a breakdown by bank and by nationality (showing how many are Gibraltarian) in the months since the last answer in this House?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question No. 645 of 2009.



**NO. 645 OF 2009**

**THE HON F R PICARDO**

**INSURANCE INDUSTRY**

What is the total number of persons employed in the insurance industry in Gibraltar giving a breakdown by company and by nationality (showing how many are Gibraltarian) in the months since the last answer in this House?

**ANSWER**

**THE HON THE CHIEF MINISTER**

As on previous occasions I am told when the hon Member has asked this question, the information has been provided but without the breakdown by company.

**ANSWER TO QUESTION 645 OF 2009****Answer to Question 644****Banking**

<b>Month</b>	<b>No. of Employers</b>	<b>No. of Employees</b>	<b>Gib</b>	<b>Other British</b>	<b>Spanish</b>	<b>Moroccan</b>	<b>Other EEC</b>	<b>Other Non-EEC</b>
February '09	14	710	453	159	41	0	53	4
March '09	14	702	447	156	41	0	54	4
April '09	14	686	443	147	40	0	53	3
May '09	14	689	442	149	40	0	56	2

**Answer to Question 645****Insurance**

<b>Month</b>	<b>No. of Employers</b>	<b>No. of Employees</b>	<b>Gib</b>	<b>Other British</b>	<b>Spanish</b>	<b>Moroccan</b>	<b>Other EEC</b>	<b>Other Non-EEC</b>
February '09	29	221	118	88	5	0	7	3
March '09	28	220	115	89	5	0	8	3
April '09	28	221	115	91	5	0	8	2
May '09	28	220	114	90	5	0	10	1

These figures have been provided by the ETB and might be slightly inflated as some employers do not always deregister employees once they leave the company. However, we have been informed by the ETB that the insurance industry and banking sector are generally compliant.

**SUPPLEMENTARY TO QUESTION NOS. 644 AND 645 OF 2009**

**HON J J BOSSANO:**

I note the comment at the bottom that these are the figures provided by the ETB which represent open contracts but not necessarily people in posts. Is it the case that on previous occasions they were getting it directly from the industry or am I wrong?

**HON CHIEF MINISTER:**

No, that health warning has been printed at the bottom of these answers on each occasion, including the last sentence, which is that this is a pretty compliant industry and it is likely they are pretty accurate.

ORAL

**NO. 646 OF 2009**

**THE HON F R PICARDO**

**BANKING LICENCES**

Can Government state whether any new banking licenses have been issued in the months since the last answer in this House?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 647 and 648 of 2009

ORAL

**NO. 647 OF 2009**

**THE HON F R PICARDO**

**FINANCIAL SERVICES (BANKING) ACT**

Have Government made any decision in exercise of its power under S. 23(3)(i), (j) or (3A) of the Financial Services (Banking) Act, and if so how many?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 646 and 648 of 2009.

ORAL

**NO. 648 OF 2009**

**THE HON F R PICARDO**

**FINANCIAL SERVICES (BANKING) ACT**

Has the Government refused consent for any application made under S.74A of the Financial Services (Banking) Act, and if so how many?

**ANSWER**

**THE HON THE CHIEF MINISTER**

No new banking licences have been issued since the last answer in this House. To date I have not exercised any of the powers contained in any of the sections referred to in the questions.

ORAL

**NO. 649 OF 2009**

**THE HON F R PICARDO**

**TAX INFORMATION EXCHANGE AGREEMENTS**

To which countries has the Government offered the execution of the Tax Information Exchange Agreements on a bi-lateral basis?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 650 and 651 of 2009.

**NO. 650 OF 2009**

**THE HON F R PICARDO**

**TAX INFORMATION EXCHANGE AGREEMENTS**

Which is the other “of the largest OECD countries” with which the operative parts of the text of an agreement on the OECD model for a Tax Information Exchange Agreement have been concluded and why has such agreement not yet been announced or signed given the Government’s previous announcement that such agreement was to be signed “shortly”?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 649 and 651 of 2009.



**NO. 651 OF 2009**

**THE HON F R PICARDO**

**TAX INFORMATION EXCHANGE AGREEMENTS**

Which are the remaining 11 states with which the Government expects to sign Tax Information Exchange Agreements before November when the OECD publishes its next progress report on which jurisdictions are co-operative?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The Government has offered Tax Information Exchange Agreements to many countries and is in very advanced negotiations with a large number of them. I am not willing, at this stage, to name the countries since I do not consider that this is in the public interest. A number of countries have to go through an internal constitutional departmental process to authorise signature of these things and some take longer than others.

**SUPPLEMENTARY TO QUESTION NOS. 649 TO 651 OF 2009**

**HON F R PICARDO:**

Does that apply also to the largest OECD country, or one of the largest OECD countries that has already concluded an agreement?

**HON CHIEF MINISTER:**

There are several countries with whom we have already closed the negotiation on the text and are going through their internal processes, which of course we do not have here, in order to get all the necessary boxes ticked as part of their internal processes to signature.

**HON F R PICARDO:**

Given that the Chief Minister has xxxxxx that the public interest of Gibraltar I will not press him on this issue. But is he aware that Bermuda has already concluded the necessary number of agreements to be removed from the grey list as it is now becoming known and is now on the white list, and that others of our competitors are moving quickly to ensure that they too are removed from the grey list? When does he expect that we will have concluded the necessary number of agreements?

**HON CHIEF MINISTER:**

We are moving very quickly too and I am confident that we will have the necessary number of agreements, and more, in very good time.

**HON F R PICARDO:**

In very good time for the next OECD publication in November, is that what the Chief Minister means?

**HON CHIEF MINISTER:**

Correct.

**HON F R PICARDO:**

Can I just bring to the attention of the Chief Minister that the OECD, although it is scheduled to report again or to issue a progress report again in November, actually continually updates its web entry of table setting out what the states that are cooperative are and the ones that are seen not to be cooperative are, and that Bermuda has therefore already moved up in that table on the list available off the OECD website and that Gibraltar has not. Therefore, November should not just be the only date in our minds but every day that passes the list is updated and we remain on the grey list.

**NO. 652 OF 2009**

**THE HON F R PICARDO**

**NEW TAX REFORM LEGISLATION**

When does Government expect to publish the Bill or consultation document for the new tax reform legislation?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The Government will publish the text of the proposed legislation when it is ready to do so. The target remains July this year but it may slip into September.

**SUPPLEMENTARY TO QUESTION NO. 652 OF 2009**

**HON F R PICARDO:**

The Chief Minister will know that the document is keenly awaited in the financial services industry, and can I encourage him to ensure that if at all possible it is published in June or July this year and not be allowed to slip to September, given that many in the industry need to know exactly where it is that the Government expect to pitch its law so that they are able to understand exactly what finance centre it is that they will have to sell to the wider world.

**HON CHIEF MINISTER:**

Well, Government is in very close contact with the finance centre industry and both sides are perfectly well aware. Whether it will be available by July or whether it will slip later depends not least on the expedition with which two of his partners who are assisting the Government in this produce it on time or not.

**HON F R PICARDO:**

I think that is a totally unnecessary reference to the fact that I may or may not have partners who are involved in the preparation of the document. But it is not out of character of the Chief Minister to make remarks just like that, which I think are totally disrespectful to the House and outside of the rules. But so be it. Can I just remind him that this is not the responsibility of my partners or not of my partners. This is a responsibility of the Government and that the Government have had plenty of time to get all its ducks in a row in respect of this matter. Can he therefore assure the House

that, if at all possible, or that everything in the Government's power will be done to ensure that this time the Government do not slip on its date of publication, or its anticipated date of publication of this very important consultation or new law?

**HON CHIEF MINISTER:**

Well, I do not know whether it is respectful or disrespectful to refer to what partners of the law firms of Opposition members are doing or not. I do not believe it is, but if he thinks I am being disrespectful for that gentle factually correct, unaggressive reference that I have made to what two of his partners are doing, he must think that the Leader of the Opposition and his great party leader that he is happy to see in place for the next 12 years, that is boy scouts language compared to the references that he used to make when he was Chief Minister and I was Leader of the Opposition, about what partners in my firm were doing in relation to the legal claim then bought by Spanish pensioners for Community Care. Now, if he wishes to know just to what extent he has accused his great party leader of being a discourteous man, I suggest to him, I can recommend to him for bedtime reading Hansards of that period. He will then realise that nothing that I have said is capable of being discourteous, unless he believes that his great leader is very, very discourteous.

**HON J J BOSSANO:**

Perhaps the Chief Minister will confirm that what he is referring to is the one occasion when, in fact, his father-in-law took the Gibraltar Government to court in order to try and defend the interests of a Spanish pensioner who was being used in that particular situation without the person concerned even knowing that his name was being used, and it was somebody that in fact was collecting the money and, therefore, did not have any claim for not being paid social insurance pension. So I do not see what is the connection between that and the people that he chooses to employ to draft law for him, and then raises their name because they happen to be working in partnership with a member of the Opposition. I am sure that if the law draftsman had been working for his father-in-law the matter would not have arisen. But I take it that he can confirm that it was the occasion when the Government was at the receiving end of legal action which he found so embarrassing that he actually left his father-in-law and set up an office on his own, so that the thing would not affect his political chances. That is the occasion that he is mentioning because I do not remember any other one.

**HON CHIEF MINISTER:**

The connection is perfectly clear. Either it is courteous or it is discourteous to refer in the House to the activities of partners in law firms of Members in this House. Regardless of the factual circumstances of the case, regardless of who was the plaintiff or who was the defendant, regardless of whether the plaintiff was a dreadful Spaniard and the defendant the glorious Gibraltar Government. In a state of rule of law everybody is entitled ..... Regardless of all of that the issue under discussion now does not relate to the nature of the case. What we are discussing now is whether it is discourteous of me to have pointed out, to have made an allusion to the fact that two partners in his firm, which I have selected to be on my advisory team and are being extremely helpful, whether that is discourteous but reference in other eras by other people, in other circumstances, about what my partners were doing, regardless of the facts of the case, is not discourteous. The Leader of the Opposition

can put up as many “Bossanesque” smokescreens as he wants to try and draw a distinction where there is none. If it is discourteous for me to refer to the fact that the Hon Mr Picardo’s partners are helping the Government in drafting legislation, then it cannot be any less discourteous for the leader of the Opposition to adopt attitudes towards me in this House on the basis of what my partners were doing when I was in that law firm. Regardless of whether he approved or disapproved of the identity of a plaintiff, of the identity of a defendant, or the nature of the case, who or whether one deals with it or did not, for somebody who has been doing political battle with him now for many years, a typical “Bossanesque” smokescreen which does not detract from the issue under discussion.

**HON F R PICARDO:**

Is it not the fact that what or what is not disrespectful in this House is a moving target as far as the Chief Minister is concerned, because he did not think it disrespectful to characterise in one of his recent Budget speeches some of the things that the hon Gentleman to my left, the Leader of the Opposition, was suggesting as emanating from a Walter Mitty character, and has gone on to characterise Members of the Opposition in many different ways but got quite upset when a few moments ago I characterised him to “Basil Fawly”, and I am not doing that again because Mr Speaker said I could not. I am just repeating the fact that I did factually. So, is one not to put whether the Chief Minister is being aggressive or unaggressive in that context, given that everything he says is politically loaded and charged and designed to denigrate?

**HON CHIEF MINISTER:**

What it demonstrates is that the hon Member is not even aware of the nonsense that he utters. There is a difference between characterising somebody as “Basil Fawly” and calling him “Basil Fawly”. The only thing he is entitled to call me by direct reference in this House is “hon Member”, and one thing is to allude to me in the third person as a “Basil Fawly” character and a very different thing is the next time he stands up to call me “Basil Basil”. He does not even know, or understand, or discern the difference between the various categories of rubbish that emanate from his mouth. That is the position, that is the reality of the matter. The answer to the question is that I do not think that either reference is discourteous. I think both were unnecessary. It was unnecessary for me to point out that his partners were helping the Government, as it was unnecessary for the honourable the now Leader of the Opposition, to have tried to hold me to account politically for the professional activities of the firm of which I was a partner. Both were unnecessary, neither of them are a discourtesy.

**HON F R PICARDO:**

Is one also to take the denigrating references in what the Chief Minister has said now and the suggestions that everything that I have said is rubbish, also as unaggressive? Or is the .....

**HON CHIEF MINISTER:**

No, it was xxxxxx.

**HON F R PICARDO:**

Oh I see. One only speaks in various categories of rubbish. So is one to characterise what he is saying now also as unaggressive, or is he now being accepting that he is being aggressive by saying that everything that has emanated from me is rubbish? Is that the way in which he thinks it is proper to conduct parliamentary debate?

**HON CHIEF MINISTER:**

See, he still cannot remember what he says 30 seconds ago, or what I say. I have not said that everything that he says is rubbish I think I have made a reference to the much rubbish of various different categories that come out of his mouth. I have not said that everything that comes out, even for him it would be impossible for everything that comes out of his mouth to be rubbish. That is not what I have said.

**HON F R PICARDO:**

Well, in terms of the Chief Minister thinking that we have said on this side of the House one thing and then said another, which is a constant theme of the rubbish that he utters from the position of Chief Minister on the other side of the House. Can I just commend to him that at home he reread the answer to Question No. 1 of 2009, where we ended up spending what turned out to be in excess of ten pages of Hansard arguing over something that he said that I had said, that Hansard shows I did not say.

**MR SPEAKER:**

Is that relevant to the question?

**HON F R PICARDO:**

I will tell Mr Speaker why it is relevant.

**MR SPEAKER:**

I have got a clue, I do not remember what Question No. 1 of 2009 was.

**HON F R PICARDO:**

I can remind Mr Speaker.

**MR SPEAKER:**

I do not wish to be reminded either because I do not see what is the relevance to the question. We cannot keep going to Hansard of six months or six years ago every time we have a discussion.

**HON F R PICARDO:**

Only when it is relevant to the other side.

**MR SPEAKER:**

I am not referring to Hansard I am referring to actual situations.

**HON F R PICARDO:**

Mr Speaker puts me in a quandary because he asks me whether it is relevant and then he tells me he does not want me to refer to Hansard.

**MR SPEAKER:**

What is the question about?

**HON F R PICARDO:**

The question Mr Speaker, was about workers at the airport and the Hon Mr Montiel gave an answer which I said inadvertently may have misled the House, and the Chief Minister then spent the better part of half an hour talking what if I had said it he would have characterised as rubbish, on the basis that I had said that Mr Montiel had advertently misled the House. So if he wants to talk about having short memories, that is why I am commending to him that he reread the answer to Question No. 1 of 2009.

**MR SPEAKER:**

I think we should move to the next question.

ORAL

**NO. 653 OF 2009**

**THE HON N F COSTA**

**GIBRALTAR CAR PARKS LIMITED**

Can the Government now say whether Gibraltar Car Parks Limited has now been fully staffed in line with the company's operational needs?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question No. 654 of 2009.



**NO. 654 OF 2009**

**THE HON F R PICARDO**

(On behalf of the Hon G H Licudi)

**QUESTION WITHDRAWN**

Mr Licudi is absent from the Chamber, but he has asked me to withdraw Question No. 654.

**ANSWER**

**THE HON THE CHIEF MINISTER**

The company is not yet staffed as intended. The company is currently reviewing applications for the post of Chief Executive.

**SUPPLEMENTARY TO QUESTION NO. 653 OF 2009**

**HON N F COSTA:**

When we asked similar or related questions, I think it was yesterday, the Hon Minister, Mr Holliday said that the reason why the car park at Europlaza was not yet operational was because Government were considering their global policy as opposed to just deciding whether the Europlaza car park should be operational straight away, which the Minister said it was. Is it then the case that the reason why the car park beside the hospital is not yet operational is because there are still questions to be resolved about the staffing of the company which, from my understanding yesterday, that was no longer an issue?

**HON CHIEF MINISTER:**

I am answering a question about staffing levels. I do not know what the hon Member .....

**HON J J HOLLIDAY:**

What I said yesterday or this morning stands. That is that the issue of Europlaza is nothing to do with staffing but is part of the overall traffic and parking policy which the Government will make known very shortly.

**HON N F COSTA:**

Yes, but the hon Gentleman also said that the Europlaza car park could be used immediately. Can it be used immediately even though the company is not yet properly staffed? That is my question.

**HON J J HOLLIDAY:**

I said the car park would be used as soon as the policy is made, is announced and then we would then adopt a policy and open the car park.

**HON CHIEF MINISTER:**

Exactly, it is ready.

**HON J J HOLLIDAY:**

That is what I said this morning.

**HON J J BOSSANO:**

Is it that Gibraltar Car Parks Limited has no employees at the moment?

**HON CHIEF MINISTER:**

Good question. There are employees of KIJY Parking that are carrying out functions but it has no dedicated senior management. At the moment it is being run by officials in No. 6 Convent Place and what the Government want to do is to give it its own operational senior management so that it can operate slightly more remotely from No. 6 Convent Place and the civil servants.

**HON J J BOSSANO:**

But is it not the case that the facility with the Royal Bank of Scotland has been entered into between Gibraltar Car Parks Limited and the bank? So who has been doing that in the name of the company then?

**HON CHIEF MINISTER:**

No, the company has a board of directors which have entered into the transaction. But the board of directors are not going to be running the car parks and steering the next car park that is going to be built, and doing all that sort of thing. That requires a senior management level which will not be any of the people that were currently collecting money at tolls in KIJY Parking. Otherwise the Civil Servants in No. 6 Convent Place have got to continue to operate the company and that is not the intention. The intention is that it should have people of the right business experience, of the right financial experience, able to discuss with architects, contractors and project managers and banks to progress the Government's business, the company's

business, which is not just to operate the car parks that already exist and the Devil's Tower Road one when it is ready, but also the next group of multi-storey car parks which the Government intend to promote the building of.

**HON J J BOSSANO:**

So, in fact, what the answer is that the negotiations on the financing have been done by the board of directors of the car park company, is that it?

**HON CHIEF MINISTER:**

No, the negotiations on the finance have been done by the Government on behalf of the directors. They have been carried out by the Financial Secretary.

**NO. 655 OF 2009**

**THE HON F R PICARDO**

(On behalf of the Hon G H Licudi)

**TRAFFIC PROBLEMS IN AREA OF DEVIL'S TOWER ROAD – PREVENTION**

Can Government state what steps it has taken to prevent a recurrence of the serious traffic problems of last summer in the area of Devil's Tower Road and the approach to the airport?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Traffic build up at peak times during the summer, and other times of the year for that matter, are the result of a variety of factors, none of which are in the Government's power to prevent. These include the volume of visitors to Gibraltar, the build up of traffic at the border, the increased use of Gibraltar airport by aircraft and the increased use of cars by local residents during what is a holiday period.

What distinguishes this Government from previous Governments that have faced these same issues is our willingness to conceive and invest in large scale solutions, such as a modern and reliable bus service, a tunnel under the runway, widened access roads to the North Front area at the frontier and a number of multi-storey car parks, all of which are currently under construction.

**NO. 656 OF 2009**

**THE HON DR J J GARCIA**

**THE CONVENT – UTILISATION**

Have Government made any proposals to alter the present utilisation of the Convent?

**ANSWER**

**THE HON THE CHIEF MINISTER**

No Sir.

**SUPPLEMENTARY TO QUESTION NO. 656 OF 2009**

**HON DR J J GARCIA:**

Have proposals been made to the Government by a third party in this respect?

**HON CHIEF MINISTER:**

By “the Convent” I assume the hon Member means the Governor’s residence. No.

ORAL

**NO. 657 OF 2009**

**THE HON DR J J GARCIA**

**NEW POWER STATION – EIA CERTIFICATE**

Can Government say how many representations have been received in response to their application for an EIA certificate for a new power station?

**ANSWER**

**THE HON THE CHIEF MINISTER**

I am advised that no public representations have been received in response to this application. Responses have naturally been received from all the statutory consultees.

**NO. 658 OF 2009**

**THE HON DR J J GARCIA**

**GARRISON LIBRARY – FUTURE**

Can Government say whether a formal discussion process regarding the future of the Garrison Library with the Ministry of Defence or the trustees has now commenced or is expected to commence shortly?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Formal discussions have not commenced but we expect discussions and movement in this area shortly.

**NO. 659 OF 2009**

**THE HON DR J J GARCIA**

**GARRISON LIBRARY – COST OF REPAIRING ROOF**

Can Government say whether they have been approached by the trustees of the Garrison Library or the Ministry of Defence and asked to contribute to the cost of repairing the roof of the building to prevent water ingress?

**ANSWER**

**THE HON THE CHIEF MINISTER**

It is the Government's view that the Garrison Library and its collection of books, separately and together, represent a vital part of Gibraltar's heritage, and thus deserve and need to be maintained to a higher standard than is the case at present. To ensure that this occurs the Government would be happy to receive a transfer of them. However, it is not compatible with the Government's policy to provide the required very significant funds in the context of the current ownership structure.

**SUPPLEMENTARY TO QUESTION NO. 659 OF 2009**

**HON DR J J GARCIA:**

Have the Government actually been approached for those funds?

**HON CHIEF MINISTER:**

I do not know whether the Government have been formally approached or not, but if it were the answer would be no for the reasons I have just explained.

**HON J J BOSSANO:**

If the Government have not been approached, or do not know whether they have, how is it that the Government know how expensive it is?

**HON CHIEF MINISTER:**

Well, the Government do not know exactly how expensive it is. The Government know that the building is dilapidating. The Government know that the roof of the building needs very significant works done to it. The Government know that the book



collection is dilapidating through dampness, bad storage and the Government, frankly, think it peculiar that anybody in the name of preservation of heritage should be resisting giving it to the Government whilst presiding over its degradation at the same time. This is an important part of Gibraltar's heritage. It should be in the hands of the Government, not because there is anything wrong with heritage being in private hands but because this particular bit of heritage requires so much spent on it, that really only the Government can bring to bear the necessary amount of funds. So it is not that it has got to be in Government hands but that it should be in Government hands, because really, I think only the Government have the resources to look after it as it needs looking after.

**NO. 660 OF 2009**

**THE HON DR J J GARCIA**

**GIBRALTAR OFFICE IN MADRID**

Can Government confirm that they have taken a policy decision to close the Gibraltar office in Madrid and if so on what date will it close?

**ANSWER**

**THE HON THE CHIEF MINISTER**

No formal decision has been taken as yet, well scratch the word formal I do not want him to think that any informal one has been taken. No decision has been taken yet but it is a possibility.

**SUPPLEMENTARY TO QUESTION NO. 660 OF 2009**

**HON DR J J GARCIA:**

Is the office presently being manned?

**HON CHIEF MINISTER:**

No it is not being permanently manned.

**NO. 661 OF 2009**

**THE HON DR J J GARCIA**

**COMMERCIAL ACTIVITY IN GIBRALTAR BY SPANISH DIVING COMPANIES**

Is it the policy of the Government to allow diving companies based in Spain to carry out commercial activity from Gibraltar's beaches and in Gibraltar waters?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The Government have no particular policy in relation to diving companies based in Spain as opposed to companies based in any other country, outside of Gibraltar that is. However, the Government are reviewing the possibility of licensing and regulating all diving activities in British Gibraltar territorial waters.

**SUPPLEMENTARY TO QUESTION NO. 661 OF 2009**

**HON J J BOSSANO:**

Do the Government have the necessary legal framework to be able to do that already? Has that been looked at, whether it requires any legislation or are they in a position to move if they take a policy decision without needing to change anything?

**HON CHIEF MINISTER:**

That question is presently under consideration. One view is that new legislation would be appropriate. Another view is that existing health and safety and environmental protection legislation would enable us to do it through subsidiary legislation through regulations.

ORAL

NO. 662 OF 2009

THE HON DR J J GARCIA

**AIR TERMINAL – WORKS**

Can Government state whether the works at the airport in relation to the terminal involve any changes to the current configuration of the runways?

ANSWER

THE HON THE CHIEF MINISTER

No, the work in relation to the new terminal does not require changes to the current configuration of the runways.

ORAL

**NO. 663 OF 2009**

**THE HON DR J J GARCIA**

**TENDERS FOR 19 SCUD HILL**

Can Government say how many tenders were received for 19 Scud Hill and indicate whether the tender has now been awarded, to whom, and in what amount?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 664 to 666 of 2009.

ORAL

**NO. 664 OF 2009**

**THE HON DR J J GARCIA**

**RE-TENDER OF UNITS AT SANDPITS BLOCK AND ROSIA COURT**

Why did Government take the policy decision to re-tender three units at Sandpits Block and one at Rosia Court rather than offer it to the next person on the list when the properties originally went out to tender?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 663, 665 and 666 of 2009.

ORAL

**NO. 665 OF 2009**

**THE HON DR J J GARCIA**

**ALLOCATION OF UNIT 14 ROSIA COURT**

Can Government say whether unit 14 at Rosia Court has now been allocated and if so on what date and to whom?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 663, 664 and 666 of 2009.

**NO. 666 OF 2009**

**THE HON DR J J GARCIA**

**ALLOCATION OF UNITS AT SANDPITS BLOCK**

Can Government say whether unit numbers 1, 2 and 8 at Sandpits Block have now been allocated and if so on what date and to whom?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Mr Speaker, 19 Scud Hill has not yet been adjudicated, although the tender results have been considered and there is a clear highest bidder. There is a highest bidder and it will be offered to that highest bidder. I cannot say whether he or she, or they, have been informed yet because the decision has been made in the last few days.

The Rosia Court properties were originally allocated over two years ago, therefore, there may now be individuals who are eligible to apply who did not do so before. Secondly, there was no reserve list since all applicants who were invited to participate in a draw were given the opportunity to select a flat. Finally, the fact that this particular property was refurbished by the previous owners meant that it has been priced higher than the original sale price.

As regards Sandpits, the three units which were re-tendered are ground floor flats. All applicants who participated in the draw for the original allocation of all of these properties were able to select which unit they wanted to purchase. None of the applicants opted to purchase any of these three flats. There was, therefore, no reserve list for these flats either.

These units have not yet been allocated.



**NO. 667 OF 2009**

**THE HON DR J J GARCIA**

**GAMBLING ADMINISTRATOR AND WEB MONITOR**

Can Government say whether the post of Gambling Administrator and Web Monitor in the Gambling Division of the Gibraltar Regulatory Authority which was advertised in February and for which there were 55 applications has now been filled and if so on what date?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The post was filled on 26<sup>th</sup> May 2009.

**SUPPLEMENTARY TO QUESTION NO. 667 OF 2009**

**HON DR J J GARCIA:**

Is the Chief Minister able to say whether the successful applicant was a Gibraltarian?

**HON CHIEF MINISTER:**

It was certainly a British citizen but I do not know whether he was a registered Gibraltarian.

ORAL

**NO. 668 OF 2009**

**THE HON DR J J GARCIA**

**IMPORT DUTY – BUILDING MATERIALS**

What was the amount of import duty paid on building materials on a monthly basis since the information supplied at the last Question Time in this Parliament?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question No. 669 of 2009.

**NO. 669 OF 2009**

**THE HON DR J J GARCIA**

**IMPORT DUTY COLLECTED – NON-COMMERCIAL GATE**

How much import duty has been collected from persons entering Gibraltar through the non-commercial gate at the land frontier on a monthly basis since the information supplied at the last Question Time in this Parliament?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Leaving out the pennies,

Building materials:-

March £246,577

April £113,300

May £125,307

Commercial gate:-

March £16,254

April £14,462

May £14,053

**NO. 670 OF 2009**

**THE HON DR J J GARCIA**

**BETTING INDUSTRY**

Can Government say what is the total number of persons employed in the betting industry in Gibraltar giving a breakdown by company and by nationality, showing how many are Gibraltarian and the dates when the figures apply?

**ANSWER**

**THE HON THE CHIEF MINISTER**

A total of 1,742 persons were employed by 20 remote gambling companies as at 31<sup>st</sup> May 2009.

The breakdown requested by the hon Member is set out in the schedule which I now hand him. I have to confess that this information, as in the past, includes the breakdown by company and I have further to confess that I do not know why somebody somewhere in the Government has taken the policy view that providing the breakdown by companies in respect of banks and insurance is inappropriate, but it is perfectly alright to do so in the case of gaming companies. I will ask and if I get even an amusing distinction I will share it with them at the next opportunity.

	Gibraltarian	Other British	Spanish	Other	Total
<i>Ladbrokes (Gibraltar) Limited</i>	23	73	4	6	106
Victor Chandler (International) Limited	45	166	20	37	268
Stan James (Gibraltar) Limited	8	204	14	38	264
<i>Swire International Limited</i>	29	30	17	104	180
Eurobet (Gibraltar) Limited	9	15	1	3	28
Carmen Media Group Limited	7	2	2	3	14
<i>32 Red Plc</i>	5	32	0	5	42
St Minver Limited	22	41	21	39	123
Digitbet Limited	0	1	0	11	12
<i>888 Holdings Plc</i>	57	107	23	102	289
Globet.com Group Limited	0	8	1	7	16
International Betting Association Limited	0	0	0	6	6
<i>PartyGaming Plc</i>	34	98	10	71	213
Mansion (Gibraltar) Limited	19	50	3	21	93
Futuresbetting.com Limited	1	9	0	0	10
<i>Partouche Interactive (Gibraltar) Limited</i>	4	3	1	5	13
William Hill (Gibraltar) Limited	0	11	0	1	12
Hillside (Gibraltar) Limited	1	5	0	2	8
Petfre (Gibraltar) Limited	7	27	0	2	36
Entertaining Play Ltd	2	5	1	1	9
<b>Overall Total</b>	<b>273</b>	<b>887</b>	<b>118</b>	<b>464</b>	<b>1742</b>

Source: Ministry of Finance, Gambling Division

ORAL

**NO. 671 OF 2009**

**THE HON DR J J GARCIA**

**POST-BOXING – COMMUNICATIONS BETWEEN GIBRALTAR AND SPAIN  
THROUGH THE UK**

Can Government list the communications between Gibraltar and Spain, both incoming and outgoing, that were made through the UK post-box in 2009 showing the issuing authority and the receiving authority?

**ANSWER**

**THE HON THE CHIEF MINISTER**

I now hand the hon Member a schedule setting out the information that he requests.

**Handout to Question 671**

**Year 2009 (Outgoing)**

<b>Post-Box ref</b>	<b>Issuing Agency</b>	<b>Receiving Agency</b>
PB/01/09	Environmental Agency, Gibraltar	Direccion General de Prevencion y Calidad Ambiental, Sevilla
PB/04/09	Environmental Agency, Gibraltar	Direccion General de Prevencion y Calidad Ambiental, Sevilla
PB/05/09	Department for the Environment, Gibraltar	Ministerio de Medio Ambiente y Medio Rural
PB/08/09	Financial Services Commission, Gibraltar	Direccion General de Seguros y Fondos de Pensiones
PB/09/09	Environmental Agency, Gibraltar	Direccion General de Prevencion y Calidad Ambiental, Sevilla
PB/42/09	Financial Services Commission, Gibraltar	Bank of Spain
PB/44/09	Financial Services Commission, Gibraltar	Comision Nacional del Mercado de Valores
PB/45/09	Financial Services Commission, Gibraltar	Direccion General de Seguros y Fondos de Pensiones
PB/75/09	Financial Services Commission, Gibraltar	Comision Nacional del Mercado de Valores
PB/78/09	Environmental Agency, Gibraltar	Direccion General de Prevencion y Calidad Ambiental, Sevilla
PB/79/09	Environmental Agency, Gibraltar	Direccion General de Prevencion y Calidad Ambiental, Sevilla
PB/92/09	Financial Services Commission, Gibraltar	Direccion General de Seguros y Fondos de Pensiones
13100/130/14	Office of the Chief Secretary	Juzgado Numero 3, Algeciras, Spain

**Year 2009 (Incoming)**

<b>Post Box ref</b>	<b>Issuing Agency</b>	<b>Receiving Agency</b>
(I)PB/01/09	Ministerio de Justicia	Attorney General Chambers

ORAL

**NO. 672 OF 2009**

**THE HON DR J J GARCIA**

**FRONTIER STATISTICS TABLE FOR 2009**

Can Government supply a copy of the detailed frontier statistics table for 2009 to date?

**ANSWER**

**THE HON THE CHIEF MINISTER**

I now hand the hon Member a table setting out the substantial statistics that he seeks. We assume, of course, that by transfer statistics he means people, cars and not the temperature, for example.



ANSWER TO QUESTION 672

FRONTIER STATISTICS 2009

PERSONS

MONTH	TOTAL RESIDENTS	IN VEHICLES	IN COACHES	PEDESTRIANS	C/G	TOTAL OTHERS	IN VEHICLES	IN COACHES	PEDESTRIANS	C/G	TOTAL	TOTAL C/G
JANUARY	123,410	111,007	282	12,121	(766)	687,098	513,420	9,591	164,087	(3,668)	810,508	(4,434)
FEBRUARY	115,242	102,196	449	12,597	(907)	709,722	531,377	15,217	163,128	(3,945)	824,964	(4,852)
MARCH	129,643	115,205	786	13,652	(943)	796,876	579,619	25,043	192,214	(4,423)	926,519	(5,366)
APRIL	138,643	124,140	976	13,527	(805)	793,352	572,848	23,698	196,806	(4,285)	931,995	(5,090)
MAY	134,189	118,949	1,361	13,879	(878)	815,991	594,907	26,578	194,506	(4,091)	950,180	(4,969)
<b>TOTALS</b>	<b>641,127</b>	<b>571,497</b>	<b>3,854</b>	<b>65,776</b>	<b>(4,299)</b>	<b>3,803,039</b>	<b>2,792,171</b>	<b>100,127</b>	<b>910,741</b>	<b>(20,412)</b>	<b>4,444,166</b>	<b>(24,711)</b>
<b>TOTALS</b>	<b>1,727,374</b>	<b>1,513,100</b>	<b>10,508</b>	<b>203,766</b>	<b>(10,757)</b>	<b>9,664,882</b>	<b>7,002,941</b>	<b>316,733</b>	<b>2,345,208</b>	<b>(51,534)</b>	<b>11,392,256</b>	<b>(62,291)</b>

VEHICLES

MONTH	G - PLATES	C/G	OTHERS	COACHES	COMMERCIAL	TOTAL	TOTAL C/G
JANUARY	45,159	(834)	187,737	(3,120)	83	233,280	(3,954)
FEBRUARY	40,264	(865)	190,392	(3,507)	69	231,172	(4,372)
MARCH	46,848	(952)	210,071	(3,914)	133	257,712	(4,866)
APRIL	47,653	(861)	206,506	(3,789)	165	255,003	(4,650)
MAY	47,466	(768)	216,161	(3,450)	281	264,694	(4,218)
<b>TOTALS</b>	<b>227,390</b>	<b>(4,280)</b>	<b>1,010,867</b>	<b>(17,780)</b>	<b>731</b>	<b>1,241,861</b>	<b>(22,060)</b>
<b>TOTALS 2008</b>	<b>603,893</b>	<b>(9,909)</b>	<b>2,513,816</b>	<b>(45,684)</b>	<b>1,430</b>	<b>3,127,858</b>	<b>(55,593)</b>

NOTE

ALL FIGURES IN BRACKETS IN COLUMNS MARKED C/G OR TOTAL C/G REFER TO STATISTICS TAKEN AT THE COMMERCIAL ENTRANCE GATE AND ARE NOT INCLUDED IN THE STATISTICS FOR THE LAND FRONTIER.

**NO. 673 OF 2009**

**THE HON DR J J GARCIA**

**GIBRALTAR REGISTERED VESSELS DETAINED IN SPANISH PORTS**

How many Gibraltar registered vessels were detained in Spanish ports earlier this year as a result of the refusal of the Spanish authorities to recognise documents issued by the Gibraltar Maritime Administration unless they were validated by the UK?

**ANSWER**

**THE HON THE CHIEF MINSITER**

Answered together with Question Nos. 674 to 679 of 2009.

ORAL

**NO. 674 OF 2009**

**THE HON DR J J GARCIA**

**DOCUMENTATION ISSUED BY GIBRALTAR MARITIME ADMINISTRATION –  
NON-RECOGNITION BY SPANISH AUTHORITIES**

Can Government list the documents issued by the Gibraltar Maritime Administration that the Spanish authorities refuse to recognise unless these are validated by the UK?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 673 and 675 to 679 of 2009.

ORAL

**NO. 675 OF 2009**

**THE HON DR J J GARCIA**

**VESSELS DETAINED BY THE SPANISH AUTHORITIES – NON-RECOGNITION OF DOCUMENTS**

Can Government list the names or the type of vessel (eg oil tanker) that were detained by the Spanish authorities because they did not recognise their documentation and say in which port each vessel was detained?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 673, 674 and 676 to 679 of 2009.

**NO. 676 OF 2009**

**THE HON DR J J GARCIA**

**DOCUMENTATION ISSUED BY GIBRALTAR MARITIME ADMINISTRATION –  
NON - RECOGNITION BY SPANISH AUTHORITIES**

On what date did the Government of Gibraltar first become aware that Spain did not recognise the documentation issued to Gibraltar registered vessels by the Gibraltar Maritime Authority unless these documents were validated by the UK?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with question Nos. 673 to 675 and 677 to 679 of 2009.

ORAL

**NO. 677 OF 2009**

**THE HON DR J J GARCIA**

**VESSELS DETAINED BY THE SPANISH AUTHORITIES – COMPENSATION CLAIMS**

Is Government aware whether any compensation has been claimed from Spain, or any compensation has been paid, in respect of the delays caused to vessels which were detained in Spanish ports because the Spanish authorities were questioning their documentation?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 673 to 676, 678 and 679 of 2009.

**NO. 678 OF 2009**

**THE HON DR J J GARCIA**

**DOCUMENTATION ISSUED BY GIBRALTAR MARITIME ADMINISTRATION –  
NON - RECOGNITION IN SPANISH PORTS**

Can Government say whether and if so when the United Kingdom has made representations to Spain about the non-recognition in Spanish ports of the documentation issued to Gibraltar vessels by the Gibraltar Maritime Authority?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 673 to 677 and 679 of 2009.

**NO. 679 OF 2009**

**THE HON DR J J GARCIA**

**DOCUMENTATION ISSUED BY GIBRALTAR MARITIME ADMINISTRATION  
– RECOGNITION BY SPAIN**

Can Government say whether documents issued to Gibraltar registered vessels by the Gibraltar Maritime Authority are now recognised in Spanish ports?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Eight ships were temporarily detained between 20<sup>th</sup> February and 6<sup>th</sup> April 2009. It is not appropriate to identify them by name for commercial reasons.

Spain had adopted a position that UK Overseas Territories and Crown Dependencies Registries hosted ships of which the Flag State is the UK for the purposes of international conventions and that, therefore, the UK had to be associated with the issue of certificates. The first part of that is correct the second is not. According to Spain's statements to the UK and Gibraltar, its position was not Gibraltar specific but applied to all Overseas Territories and Crown Dependencies Registries.

In some instances only some certificates were challenged, in others all certificates were challenged.

Ships were detained in Castellon, Barcelona, Malaga, Gijon and Carboneras. The Government first became aware of these issues on 20<sup>th</sup> February 2009.

The Government is not aware of any compensation issue. The Government is aware that the UK has made representations to Spain in respect of all Overseas Territories and Crown Dependencies Registries, and indeed, the matter was on the agenda of the Red Ensign Group meeting that recently took place here.

There have been no incidents of this sort since 6<sup>th</sup> April, despite the continuing visits of ships.

**SUPPLEMENTARY TO QUESTION NOS. 673 TO 679 OF 2009**

**HON DR J J GARCIA:**

The Chief Minister said he could not identify the vessels by name, or that that was not appropriate. Can he do so by type of vessel, which is I think in the original question?



**HON CHIEF MINISTER:**

I cannot because I do not have the information here, but even if I could, I have to think very carefully about whether there are sensitivities in that respect as well. But certainly if it helps the hon Member, there was no consistency. This was not just a particular kind of vessel dealing with a particular kind of cargo. This was just the ports of registry, it was not anything to do with the nature of the vessel or whether it was a gas carrier or a petrol carrier or a general cargo ship.

**HON DR J J GARCIA:**

Are the Government aware whether vessels registered in any other Overseas Territory or Crown Dependency were also detained by Spain as a result of this?

**HON CHIEF MINISTER:**

I have got a feeling that the answer is yes, although I would ask the hon Member not to hold me to that because I am not certain. But certainly, some of the Overseas Territories that have lots of cruise ships on their registers were particularly worried and took steps, by way of putting some letter or something signed by the UK on board.

**HON DR J J GARCIA:**

But no such vessel was actually detained as such?

**HON CHIEF MINISTER:**

I do not know, I have said to the hon Member that I think there have been instances of them but I am asking him not to hold me to it because I just do not know. The Spanish policy is clearly Gibraltar inspired, even if it is not Gibraltar specific.

**HON DR J J GARCIA:**

In the recent Red Ensign conference where this was discussed, did anybody report there whether there had been any detentions, whether any of their ships had been detained?

**HON CHIEF MINISTER:**

The Hon Minister for Transport is saying to me that he believes that there were a number of instances from the Crown Dependencies and Overseas Territories that were detained as well. That coincides with my recollection from things ....., I just do not feel confident enough to assert it as a fact.

**NO. 680 OF 2009**

**THE HON DR J J GARCIA**

**COST OF AIR TRAVEL BY MINISTERS ON OFFICIAL BUSINESS**

Can Government list the cost to the taxpayer of air travel by each individual Minister and the Chief Minister on official business since the information supplied at the last Question Time in Parliament, with a breakdown showing the date of travel, the destination, the airline, the category of seat paid for and the travel agent that was used to make the booking?

**ANSWER**

**THE HON THE CHIEF MINISTER**

I hand the hon Member a schedule with the information requested.

SCHEDULE TO QUESTION 680

CHIEF MINISTER'S AIR TRAVEL

Destination	Dates	Amount	Airline	Seat Category	Travel Agent
London	30 March to 1 April 2009	£980.00	British Airways	Business	Bland
London	11 to 13 May 2009	£1,098.40	British Airways	Business	Bland
Edinburgh	1 to 2 June 2009	Not Billed	British Airways/Easy Jet	Business/Speedy Boarding	Bland

MINISTER'S AIR TRAVEL

Minister	Destination	Dates	Amount	Airline	Seat Category	Travel Agent
Minister Holliday	Rome	18 - 20 May 2009	£956.80	British Airways	Business	Tourafrika
Minister Vinet	Manchester	13 to 16 May 2009	£235.00	Monarch	Standard	Bland

**NO. 681 OF 2009**

**THE HON DR J J GARCIA**

**GIBRALTAR HOUSE IN LONDON**

On how many occasions have the facilities at the “Gibraltar Business Suites” at Gibraltar House, 150 Strand, London been booked and used and what amounts have been paid for their use?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The facilities at the Gibraltar House Business Suites have been booked and used on 41 occasions since 27<sup>th</sup> November 2008. Ten of those were Gibraltar Government, 27 were in relation to tourism, heritage and other non fee paying users and four private entities used it. The total amount received has been £800.

**SUPPLEMENTARY TO QUESTION NO. 681 OF 2009**

**HON J J BOSSANO:**

In terms of the private use of those offices, of which there were four, does it have to be a Gibraltar business or do people in the UK have access to those facilities if they want to do something out of the office? What are the rules, basically, for the use?

**HON CHIEF MINISTER:**

Well, we have to be very careful because that building enjoys quasi mission status, in terms of rate relief and things of that sort, so it cannot be open for business to people normally ..... But there are companies who have got a presence in Gibraltar who use it, who have shown an interest in using it, I am not sure whether they actually have done so yet, for both their Gibraltar and non Gibraltar London meetings. But the principle is no, it is not generally open for non Gibraltar connected or related activities. It is not a general venue, which is not to say that from time to time there may be a request and it may be favourably considered, but it is not in the Government’s scheme that that should be so.

**HON J J BOSSANO:**

Can Government say what was the nature of the four occasions when private companies, private entities, made use of the place?

**HON CHIEF MINISTER:**

One large accountancy firm, one bank, three times, and one insurance company.

ORAL

**NO. 682 OF 2009**

**THE HON J J BOSSANO**

**UNEQUAL AGES OF CONSENT**

Can Government explain what steps it has taken following Press Release 234/07 of 19 October 2007, to establish whether there can exist in the case of Gibraltar objective and reasonable justification for retaining unequal ages of consent in heterosexual and homosexual relations?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question No. 683 of 2009.

**NO. 683 OF 2009**

**THE HON J J BOSSANO**

**UNEQUAL AGES OF CONSENT**

What was the nature of the study undertaken by the Government, when did the exercise start, and when was it completed, and what view was the Government able to form as to the existence or otherwise of an objective and reasonable justification for retaining in Gibraltar unequal ages of consent in heterosexual and homosexual relations?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The Government has obtained eminent counsel's legal opinion in the United Kingdom, but the Government is not willing to disclose any aspect of the content of that legal opinion since this matter could still come before the courts.

**SUPPLEMENTARY TO QUESTION NOS. 682 AND 683 OF 2009**

**HON J J BOSSANO:**

The Chief Minister thinks that telling me when it started and when it was completed could affect the results of the courts, is that it? He has not answered that either.

**HON CHIEF MINISTER:**

I do not know the dates on which the legal opinion was obtained, it certainly was a very significant time ago. Yes, in late 2007 the opinion was given.

**HON J J BOSSANO:**

I mean, I have given notice of a question which has got a number of elements in it and the Chief Minister has said he is not willing to reveal the nature of the legal opinion because this could still be something that comes up in court. But there is much in the question that does not require that.

**HON CHIEF MINISTER:**

The main question is when did the exercise start and the only exercise that has started is the obtaining of the legal opinion and its receipt. There has not been any other exercise.

**HON J J BOSSANO:**

So then the answer to Question No. 682 was that the steps referred to in Press Release 234 of October, that Government were taking steps, the step that they took was to engage a legal professional in the field in the United Kingdom to give advice. Therefore, presumably, can the Chief Minister tell me how soon after October 2007 that was done?

**HON CHIEF MINISTER:**

I do not remember exactly but I think the opinion was received in November or December, very shortly thereafter. The essence of the opinion sought was related to the objective justification point and what sort of case that was and whether we had the case.

**HON J J BOSSANO:**

Given that they took that step in 2007 and got the advice in 2007 and we are now in 2009, studying that advice, which probably was very complicated, if the Chief Minister with his legal expertise is still trying to decipher the advice two years later, is it that they have been able to form a view now? I am not asking him to tell me what the view was, because it might have an effect on pending litigation, but how soon after getting the advice were they able to take a view on this?

**HON CHIEF MINISTER:**

Well, unfortunately, legal opinions do not produce certain outcome. Legal opinions result in the opinion of the man who writes them and that does not necessarily result in a certain outcome. Therefore, the hon Member should not draw a direct link between whatever that opinion says, whether it is positive or negative, and whether that represents the gospel of the law, because wherever there is a court case there is a winner and a loser. I assume the loser started off by obtaining an eminent counsel's opinion who told him that he had a jolly good case. He still went on to lose. So legal opinions must not be put up there, as people all too often do, up there with a sort of inappellable court judgement.

**HON J J BOSSANO:**

Is the Chief Minister in a position to tell me how much this legal opinion, which could not be relied on to take a view, cost?



**HON CHIEF MINISTER:**

I could not possibly remember that but I would be very surprised, knowing how much these lawyers charge nowadays, if it was not somewhere in the order of £2,000 or £1,500 that sort of thing. Much less than probably some of the lawyers sitting in this House. But I cannot say, it was not peanuts but it was not a huge amount of money.

**HON G H LICUDI:**

The Chief Minister has mentioned that the legal opinion, well legal opinions generally, will not establish for certain what the position is. But will the Chief Minister agree that the purpose of taking legal opinion is to receive advice to enable the client, in this particular case the Government, to come to a view? As I understood the Leader of the Opposition's question, was it not possible as a result of that legal opinion for the Government as the clients in that case to come to a particular view, or is that process on-going?

**HON CHIEF MINISTER:**

No, the hon Members can be much more direct than they are being on this question. I think I have already said in this House in the not too distant past that I am not convinced that this law is unconstitutional. Given that he now knows that I have read counsel's legal opinion, then either the counsel's legal opinion is that it is not unconstitutional or, alternatively, it expresses the view that it is unconstitutional in a way that does not persuade me. One way or the other, counsel's opinion has not resulted in convincing me that it is absolutely unconstitutional. Now, there are people who form a view on this question regardless of whether it is unconstitutional or not. There are people on that side of the House or on this side of the House who presumably form a view on the question by virtue of what they think, whether they approve or disapprove of the measure, regardless of whether it is constitutional or unconstitutional. Of course, if it were adjudicated by a court to be unconstitutional, then either the Government would have to, or the House moved by the Government or some Member of it, or even a Private Members' Bill from the Opposition, we would give them permission in those circumstances, would either have to seek to amend the legislation to make it constitutional, or the court could itself do what it recently did. Where I say "recently", a few years ago, in one case which was to apply the so-called blue pencil test where the court says "I find this law to be unconstitutional and as of this minute that law is deemed to read as follows". That is called the blue pencil rule where the court itself there and then says how the law has got to be read and amends it so that it is constitutional. Those would be the two options if a court in the future were to decide that it is unconstitutional, if this House does not pass any law in the meantime.

**HON G H LICUDI:**

The question specifically asks, not just about the study and the issue of the legal opinion, but the question that my honourable friend asked.

**HON CHIEF MINISTER:**

Not learned friend.

**HON G H LICUDI:**

No, honourable friend.

**HON CHIEF MINISTER:**

Honourable but not learned.

**HON G H LICUDI:**

Might not be learned but certainly very honourable. The question specifically asked what view were the Government able to form, is the answer to that particular part of the question that the Government were not able to form a view following that legal opinion?

**HON CHIEF MINISTER:**

Well, again they are dancing around the question there. I think it was clear from what we said in the House last time on this issue on the debate on the motion for the Private Members' Bill, that the Government had not taken a view on the question. Government are not hiding from anything here. There are people on this side of the House on all the views, both on the legal aspects of it and on the non legal aspects of it. The Government have collectively, obviously, not come to a view that it is clearly unconstitutional, because if they had come to that view, then they would have been obliged to act. Government do not consciously and premeditatedly and defiantly preside over unconstitutional laws. So I mean, some of the questions that the hon Members are asking, as if somehow the Government had difficulty, are first of all implicit and explicit in some of the things that were said in the House when we debated the motion and not a matter that the Government find particularly difficult or awkward. There are issues on which ten men and women can disagree on and I am sure that despite the no doubt careful guidance and steer that the hon Member's very experienced and honourable leader gives him, there must from time to time be issues on that side of the House where different members express different views and hold different views. Well look, political parties and Governments are not made up of people who are clones of the leader or clones of each other, they have different views on different issues and one tries to arrive at a view. We have not done so on this issue.

ORAL

**NO. 684 OF 2009**

**THE HON J J BOSSANO**

**ELECTRONIC COPIES OF ESTIMATES OF REVENUE AND EXPENDITURE**

Will Government consider providing members with an electronic copy of the Estimates of Revenue and Expenditure for the current financial year, once these estimates are approved by the Parliament?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question No. 685 of 2009.

**NO. 685 OF 2009**

**THE HON J J BOSSANO**

**FUNDS FOR A PARLIAMENT WEBSITE**

Will Government consider providing funds to the budget of the Parliament so that all the documents tabled are available to members electronically on a Parliament website via a password or alternatively are available to the general public without restriction?

**ANSWER**

**THE HON THE CHIEF MINISTER**

I do not mind giving the hon Member at this stage an indication of my personal view and position on the matter, although I do not believe that having set up a Select Committee to review all the ways in which we can improve and modernise and electronify the workings of this House, it is not really appropriate now to sort of really chew at little bits of it piecemeal. My personal view is that if it would help the Members of the House for these two things to be done, then I would hope that it is something that can come out of the Select Committee. But I need to be careful that I do not give away all the things that the hon Member, having said that he thought that everything in the House was fine and that we did not need a Select Committee, if I give him all the little goodies that he would like outside the scope of the Committee then I will not be able to keep his interest in the work of the Select Committee. So, please I am saying to him that would he table his idea as a proposal for the Select Committee which, as far as I am concerned, I do not think the Government Members of it will oppose. If in the meantime, and without prejudice, and without claiming that a practice has been started, if in the meantime he informally asks me, not now but by writing to me, whether I would this year so that he would not have to wait until then, whether I would send him an electronic copy of the Estimates, he may be pleasantly surprised by the response. Although I know he does not enjoy asking me for things.

**SUPPLEMENTARY TO QUESTION NOS. 684 AND 685 OF 2009**

**HON J J BOSSANO:**

Well, I will enjoy being surprised. It has not happened very often in the last 13 years. I think the Chief Minister overrates my negotiating skills in thinking that this was an attempt to get things ahead of having to give anything. The point that I want to make to him is, in fact, that the Government even without being asked has taken an initiative in this direction already, without thinking there was any need to have a Select Committee considering the desirability, because in fact, things like the Employment Survey Report, the Tourist Report, the Abstract of Statistics, have all

been put electronically on the internet and can be downloaded. All I am saying is, after they have been put and tabled in the House, given that there must be an electronic copy originally from which they were printed, it just makes life easier if one can simply get hold of it electronically. That is all this is about.

**HON CHIEF MINISTER:**

I think it an excellent idea and I hope he has many more excellent ideas in the Select Committee to how we can further improve and modernise the workings of this House. Does he not have a scanner in his office, because if he had a scanner he could scan it and then would generate it electronically?

**HON J J BOSSANO:**

I think perhaps the quality of the scanner that they have does not measure up to the one because, obviously, the Chief Minister is not as hesitant in investing in equipment as I am, nor does he have the limitations of my resources. So, certainly the one that I have, which is the scanning bit of a piece of machinery that is supposed to do all sorts of other things, does not produce anything that is worth having.

**HON CHIEF MINISTER:**

Well, he should increase the xxxxxx that he obliges the Opposition Members to pay out of their unearned Parliamentary salaries.

**NO. 686 OF 2009**

**THE HON J J BOSSANO**

**INCURSION BY SPANISH FISHERIES PROTECTION VESSEL "TARIFA"**

When was the Government advised of the incursion by the Spanish Fisheries Protection Vessel "Tarifa" into Gibraltar British territorial waters?

**ANSWER**

**THE HON THE CHIEF MINISTER**

I am told that the Government were informed on the morning of Monday 11<sup>th</sup> May 2009.

**SUPPLEMENTARY TO QUESTION NO. 686 OF 2009**

**HON J J BOSSANO:**

Did the information come from people in the Port Department or was it through the MOD?

**HON CHIEF MINISTER:**

I think the information came from the Commissioner of Police.

**NO. 687 OF 2009**

**THE HON J J BOSSANO**

**MARRIAGE RULES – AMENDMENTS**

Can Government explain what are the amendments that need to be made to the Marriage Rules to give effect to the provisions of section 38 of the Marriage Act, for the issue of a document of no impediment?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The Marriage Rules, as they stood, omitted to prescribe the form of notice of marriage and the fee to be paid for the subsequent issue of the Registrar's certificate of no impediment, as is required under section 38 of the Marriage Act. Legal Notice No. 30 of 2009 now amends this and also prescribes the form of the Registrar's certificate of no impediment to be issued under section 38.

**SUPPLEMENTARY TO QUESTION NO. 687 OF 2009**

**HON J J BOSSANO:**

So now, in fact, the Chief Minister is confirming that there is no longer a problem with obtaining this certificate of no impediment which, I understand, has been a problem for some Gibraltarians that have been intending to marry in Morocco, which is really what led to the question?

**HON CHIEF MINISTER:**

Yes, absolutely. As the hon Member appears to know, section 38 only applies to persons who want to marry outside of Gibraltar. That is the case, that is why it has been corrected because there were applications which .....

**HON J J BOSSANO:**

What I am saying is that as a result of Legal Notice No. 30 of 2009, the problem is now resolved.

**HON CHIEF MINISTER:**

Yes, that is correct.



**NO. 688 OF 2009**

**THE HON J J BOSSANO**

**PERMITS OF RESIDENCE – EU SPOUSES OF GIBRALTARIANS**

Can Government state what is the length of time, of the residence permits given to EU spouses of Gibraltarians?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The EU spouses of Gibraltarians are issued with renewable yearly residence permits and civilian registration cards.

**SUPPLEMENTARY TO QUESTION NO. 688 OF 2009**

**HON J J BOSSANO:**

Can Government explain why they are limited to one year at a time? Why they have to renew it every year?

**HON CHIEF MINISTER:**

I am not sure that I can, I mean, that practice appears to have been from long-standing immigration practice, it used to be applied to all spouses of Gibraltarians with residence permits and that goes back many years. There has been a change of practice more recently where the position is that as regards the visa requiring non-EU spouses of Gibraltarians, applications for residency must be submitted for the Government's consideration and cases, apparently, are considered on their individual merits provided certain prescribed requirements are satisfied. So there seems to have been a change in practice in respect of non-EU visa requiring spouses but the practice in relation to EU spouses appears to have been maintained in what it has always been, apparently. Now I can only assume that the practice in respect of non-EU spouses is now more strict than in respect of EU spouses.

**HON J J BOSSANO:**

Well, not necessarily. Would the Government not agree that given the fact that for EU nationals the requirements on obtaining residence permits have over the years been made more generous, it seems peculiar that it should be easier to obtain residency if one does not marry a Gibraltarian than if one does?

**HON CHIEF MINISTER:**

No, I do not think it is easier and ultimately the immigration issue at stake is what rights are being given to the spouse, not qua spouse but in his or her own right. In other words, if the marriage then dissolves or if the party separate, what rights have been given to the individual by virtue of the nature of the permit that they were given from the outset. I think that is the reason why there is any limitation at all because a spouse is not one of that category of EU national with an automatic right of residence, which the hon Member knows there are certain types of category, which I do not now recall, economic people looking for employment, people in self-employment, students, there are a series of people who in the context of EU freedom of movement and of establishment, have a right to reside in Gibraltar if they are EU nationals. Spouses do not have an unqualified right to reside without residence permits, and for some reason, this has been done for a year, this is not a matter of political policy that has arisen, this is just the way the system is, the hon Member asked what the position was and I have just told him what the position was.

**HON J J BOSSANO:**

Well, I accept that the Chief Minister has given me the answer to the question, it is just that, frankly, I was surprised that it should be one year and therefore I wanted to be given confirmation of this. But now in terms of having had the information confirmed, my supplementary is really, I know that there are different categories but there is clearly a contradiction in the situation, that for example, under EU law somebody can come to seek employment and if they register and find a place to live and they are seeking employment, and after one year of seeking employment they are entitled to five years. So the spouse can also fall into any one of the other categories. Here we have got a situation where, for example, two people in identical situations in terms of category, we have the conflict that if we see them as a spouse we keep them on an annual renewal basis, but if they are somebody seeking work then they are entitled to five years and then almost indefinite, I think, after the first five years.

**HON CHIEF MINISTER:**

That could arise but I presume that such a person would apply for the most beneficial thing available. So, if one is both a spouse and a work seeker, presumably one would avail oneself of the work seeker regime. But the most that I can do is take note of the anomaly that the hon Member appears to believe exists and just see if I can make some sense of it, or if not agree with him and perhaps do something about it. But I cannot at this moment in time do that because I do not know if there is some technical reason that I am not aware of.

**HON J J BOSSANO:**

I think probably the most logical explanation is that it is something that has not been looked at and it has been there for a very long time, as he initially indicated to me. But it almost sounds, I can tell him that it affects people that have been married for 20 or 30 years, as if they are keeping watch on them every year to see if they are still married or divorced since the last renewal of the permit. I think that we are talking about a group where it is difficult to make people understand how it is that being an EU national seems to give them less rights. For example, if we are talking about the

spouse of a non-EU national who is an EU national but not a Gibraltarian, then there are clear requirements under EU law that irrespective of their nationality they are entitled by virtue of the EU requirements to be given, apparently, more favourable treatment. I am grateful to the Chief Minister if he looks into it.

ORAL

**NO. 689 OF 2009**

**THE HON J J BOSSANO**

**GDP FIGURE**

Can Government state how the figure of £111.77m is respect of gross trading profits of companies in the 2004/05 GDP was calculated?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 690 to 692 of 2009.

ORAL

**NO. 690 OF 2009**

**THE HON J J BOSSANO**

**GDP FIGURE**

Can Government state how the figure of £113.77m is respect of gross trading profits of companies in the 2005/06 GDP was calculated?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 689, 691 and 692 of 2009.

ORAL

**NO. 691 OF 2009**

**THE HON J J BOSSANO**

**GDP FIGURE**

Can Government state what was the imputed rent element in the income from rent figure of £93.89m in the 2004/05 GDP?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 689, 690 and 692 of 2009.

**NO. 692 OF 2009**

**THE HON J J BOSSANO**

**GDP FIGURE**

Can Government state what was the imputed rent element in the income from rent figure of £98m in the 2005/06 GDP?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The imputed rent element of the income from rents figure for 2004/2005 and 2005/2006 were £54.08 million and £56.48 million respectively. In respect of the other calculations that he seeks, I now hand the hon Member a schedule containing it.

**ANSWER TO QUESTION 692**

**Answer to Question 689**

GROSS TRADING PROFITS OF COMPANIES

2004/05

Corporation Tax billed = £24.59m

Assumption:

Corporation Tax billed = 22% of Gross Trading Profits

Thus,

GTP 2004/05 =  $100/22$  x £24.59m  
= £111.77m

**Answer to Question 690**

GROSS TRADING PROFITS OF COMPANIES

2005/06

Corporation Tax billed = £25.03m

Assumption:

Corporation Tax billed = 22% of Gross Trading Profits

Thus,

GTP 2005/06 =  $100/22$  x £25.03m  
= £113.77m



**SUPPLEMENTARY TO QUESTION NOS. 689 TO 692 OF 2009**

**HON J J BOSSANO:**

In respect of the answer to Question Nos. 689 and 690 on the gross trading profits of companies, the amount billed is the figure that he normally provides me with which is tax payable, is that correct?

**HON CHIEF MINISTER:**

I assume so but I cannot ..... This calculation is not done by the Income Tax Office who produces those answers, it is done by the Statistics Office.

**HON J J BOSSANO:**

The figure to which the GDP refers, of course, is the financial year as opposed to the tax year so does he know if, in fact ..... What I am unsure of in respect of the answer that I have been given is the use of the word "billed", I normally ask questions that ask for the amount of tax payable or paid. "Billed" presumably could mean that they are billing somebody for something which refers to a different year when the profits were earned. Could it not be the case?

**HON CHIEF MINISTER:**

Yes, but I believe that in all GDP calculations on the income method, that the Statistics Office assumes every year that the corporation tax receipts by the Income Tax Office that year relate to that year, even though we know that some of the income tax collected is in respect of previous years. I think the logic is that so long as they do this every year it should flatten out. So I would have to check this but I believe that for GDP calculation purposes there is an assumption that the year's yield, or rather, the yield during the tax year relates to, has been earned, relates to profits earned during the year to which it relates. In other words, that there is no attempt to apportion the income tax collection amounts to the years to which they relate, so that discussions we have had in the past where perhaps this year the Collector of Income Tax may collect corporation tax from two or three years ago. Well, I believe the position is that that will feature as this year's data for GDP purposes.

**HON J J BOSSANO:**

Well, I do not think that is correct because the answer that he gave me some years ago, in fact, was different from that when he told me that there was an assumption being made about the tax that was collectable in a particular year, but that this was no longer the case and that they had made an adjustment, where in fact, the figure for one year had been increased and the subsequent year that adjustment had been to reduce the amount taken into account compared to the amount that had actually been collected. I do not know if the Chief Minister remembers that exchange that he had with me.

**HON CHIEF MINISTER:**

He may not forgive me but I do not.

**HON J J BOSSANO:**

But he just mentioned, in fact, the tax year. It is important to know whether we are talking about the tax year that ends in June or the financial year that ends in March. He said that they were taking.....

**HON CHIEF MINISTER:**

That is a slightly different point.

**HON J J BOSSANO:**

Yes I know.

**HON CHIEF MINISTER:**

That is the basis period of companies.

**HON J J BOSSANO:**

But given that it says "billed" I do not know whether he means the amount that was collected in the financial year 2004/2005 or the assessments that were sent in the financial year 2004/2005, but actually in his last answer to the supplementary before I stood up, he actually used the words "tax year" as opposed to "financial year", I do not know whether it was inadvertently or he meant it.

**HON CHIEF MINISTER:**

I am sorry, I was referring or I was intending to refer to the amount of tax collected during a Government financial year, all being assumed to relate to companies profitability during that year, even if it has been collected this year in respect of a previous trading year, or tax year, or year of assessment, see what I mean? This is the question that he often asks to desegregate the yield figures in respect of the years to which they relate. I do not believe that the Statistics Office do that desegregation exercise for the purposes of using the figures, the tax collection figures, for GDP calculation on income level. Now he has then said that I think I am wrong on that. I cannot remember the discussion between us to which he is referring, but I am quite, not 100 per cent certain but I am quite close to 100 per cent certain that what I am telling him now is correct.

**HON J J BOSSANO:**

He is also telling me that when it says "corporation tax billed £24.59 million" in effect it should say "corporation tax received, or collected, £24.59 million". Is that it?

**HON CHIEF MINISTER:**

Yes, that is the implication of what I am telling him, yes. But I will check and let him know if that is not the position.

ORAL

**NO. 693 OF 2009**

**THE HON J J BOSSANO**

**GDP FIGURE**

Can Government confirm the GDP figure for 2006/07 and give the breakdown by the income and expenditure methods of calculation?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 694 and 695 of 2009.

ORAL

**NO. 694 OF 2009**

**THE HON J J BOSSANO**

**GDP FIGURE**

Can Government confirm the GDP figure for 2007/08 and give the breakdown by the income and expenditure methods of calculation?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 693 and 695 of 2009.

**NO. 695 OF 2009**

**THE HON J J BOSSANO**

**GDP FIGURE**

Can Government confirm the GDP figure for 2008/09 and give the breakdown by the income and expenditure methods of calculation?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The GDP figure for 2006/2007 is indeed £739.06 million and for 2007/2008, provisionally, estimated at £803.84 million. In respect of 2007/2008 the figures are still liable to some minor marginal change, with the definitive figure being available towards the end of the year. The detailed breakdown of both these GDP figures by income and expenditure method is contained in the schedules that are now being handed over to the hon Member. Although the figure is liable to change, because there are minor amounts of information still awaited, I think he can assume that the 2007/2008, although technically still a provisional estimate, is now a quite firm provisional estimate. A very different reading he should make of the provisional estimated figure for 2008/2009, which at this stage looks as if it is going to be around £850 million. This figure is still very tentative as all required financial and accounting information is not yet available. The Government, therefore, prefer not to provide the breakdown of the calculation in respect of the tentative 2008/2009 figure at this very early stage. I am told that until later on in the year there is just too much information missing for the work in progress to be really worth sharing. I hand now to the hon Member the schedule containing the calculations that he has asked for the 2007/2008 figure.

**ANSWER TO QUESTION 695**

**Answer to Question No: 693**

INCOME METHOD, (£ million)	• 2006/07
INCOME FROM EMPLOYMENT	B 440.56
INCOME FROM SELF-EMPLOYMENT	C 61.69
GROSS TRADING PROFITS OF COMPANIES	C 128.11
GROSS TRADING SURPLUS OF GOVERNMENT ENTERPRISES	A 3.28
RENT	C 106.63
TOTAL DOMESTIC INCOME	B 740.27
LESS STOCK APPRECIATION	C -1.21
GDP (FACTOR COST)	B 739.06
NET PROPERTY INCOME FROM ABROAD	C -1.50
NET FACTOR INCOME FROM ABROAD	B -79.95
GNP (FACTOR COST)	B 657.61

EXPENDITURE METHOD, (£ million)	• 2006/07
CONSUMERS' EXPENDITURE	B 261.82
GOVT. FINAL CONSUMPTION	A 203.26
GROSS DOMESTIC FIXED CAP. F'MTN	C 219.69
TOTAL DOMESTIC EXPENDITURE	C 684.77
EXPORTS OF GOODS AND SERVICES	C 1,299.35
IMPORTS OF GOODS AND SERVICES	B -1,155.30
RESIDUAL ERROR	-17.84
GDP (MARKET PRICES)	B 810.98
SUBSIDIES	C 6.36
TAXES ON EXPENDITURE	A -78.28
GDP (FACTOR COST)	B 739.06
NET PROPERTY INCOME FROM ABROAD	C -1.50
NET FACTOR INCOME FROM ABROAD	B -79.95
GNP (FACTOR COST)	B 657.61

Contd.....

**CONTD ANSWER TO QUESTION 695**

**Answer to Question No: 694**

INCOME METHOD, (£ million)	*	2007/08
INCOME FROM EMPLOYMENT	B	494.97
INCOME FROM SELF-EMPLOYMENT	C	66.83
GROSS TRADING PROFITS OF COMPANIES	C	127.74
GROSS TRADING SURPLUS OF GOVERNMENT ENTERPRISES	A	4.36
RENT	C	111.19
TOTAL DOMESTIC INCOME	B	805.09
LESS STOCK APPRECIATION	C	-1.25
GDP (FACTOR COST)	B	803.84
NET PROPERTY INCOME FROM ABROAD	C	-1.66
NET FACTOR INCOME FROM ABROAD	B	-105.39
GNP (FACTOR COST)	B	696.79

EXPENDITURE METHOD, (£ million)	*	2007/08
CONSUMERS' EXPENDITURE	B	323.38
GOVT. FINAL CONSUMPTION	A	223.51
GROSS DOMESTIC FIXED CAP. F.MTN	C	202.96
TOTAL DOMESTIC EXPENDITURE	C	749.85
EXPORTS OF GOODS AND SERVICES	C	1,576.23
IMPORTS OF GOODS AND SERVICES	B	-1,445.75
RESIDUAL ERROR		6.20
GDP (MARKET PRICES)	B	886.53
SUBSIDIES	C	6.55
TAXES ON EXPENDITURE	A	-89.24
GDP (FACTOR COST)	B	803.84
NET PROPERTY INCOME FROM ABROAD	C	-1.66
NET FACTOR INCOME FROM ABROAD	B	-105.39
GNP (FACTOR COST)	B	696.79



**SUPPLEMENTARY TO QUESTION NOS. 693 TO 695 OF 2009**

**HON J J BOSSANO:**

In terms of the figures that he has given me for 2007/2008 and 2006/2007 is he aware if there has been any change in the formula of calculating company profits from what he gave me in answer to Question Nos. 689 and 690, because if the formula is still the same then clearly I can work it out for myself.

**HON CHIEF MINISTER:**

No, I do not believe that there has been any change in the position as I explained to him a few moments ago. I believe that that is the position and has been the position for some time. The question now for discussion, this is why I say that I am reasonably satisfied that the answer I gave him is now accurate, because I have had a conversation about this issue with the Chief Statistician in the last day or two, the issue now for consideration is whether the Income Tax Office's information management system, given that it is producing the answers for the hon Member in his questions, whether the Statistics Office now wants to start assuming, or stop assuming, it will have to carry on assuming it is a percentage, but whether they will now use the statistics for the gross profits billed on the basis, not assuming that everything received appertains to the year in receipt, but actually taking the real figures. One of the issues that arises there is how one avoids using one set of statistics more than once as one transitions, but that is being looked at to see if there is some legitimate way of moving to a system which does not attribute to one year funds received during that year, even though they relate to several years of a company's earnings.

**HON J J BOSSANO:**

But the two years that he has just given me are still on the basis of the other one.

**HON CHIEF MINISTER:**

Yes, there has been no change.

ORAL

**NO. 696 OF 2009**

**THE HON J J BOSSANO**

**WATERPORT DEVELOPMENT – PAYMENTS TO CONTRACTOR**

Can Government state what further payments, if any, have been made to the contractors or other parties in respect of Waterport Developments since the answer to Question No. 341 of 2009?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The information requested is on the schedule that I will now hand the hon Member.

**ANSWER TO QUESTION 696 OF 2009**

<u>Date Paid</u>	<u>Contractors</u>	<u>Quantity</u> <u>Surveyors</u>	<u>Engineers</u>	<u>Architects</u>	<u>Other Parties</u>
04/03/2009	-	-	-	-	£16,666.65
05/03/2009	-	£9,000.00	£14,905.00	-	-
12/03/2009	-	-	-	£50,349.52	-
17/03/2009	-	-	-	£351,767.44	£26,559.64
20/03/2009	-	-	-	-	£4,610.00
23/03/2009	£1,723,345.00	-	-	-	-
26/03/2009	-	-	-	-	£1,670.00
27/03/2009	-	-	-	-	£7,358.40
02/04/2009	-	£9,000.00	£14,905.00	-	-
06/04/2009	-	-	-	-	£412.50
07/04/2009	-	-	-	£35,549.52	-
21/04/2009	£1,784,564.00	-	-	-	-
27/04/2009	-	-	-	-	£9,165.39
07/05/2009	-	£9,000.00	£16,065.00	£35,549.52	£24,483.90
11/05/2009	-	-	-	-	£260.00
20/05/2009	£1,560,072.00	-	-	-	-
22/05/2009	-	-	-	-	£16,103.18
28/05/2009	-	-	-	-	£119.50
	<b>£5,067,981.00</b>	<b>£27,000.00</b>	<b>£45,875.00</b>	<b>£473,216.00</b>	<b>£107,409.16</b>

**SUPPLEMENTARY TO QUESTION NO. 696 OF 2009**

**HON J J BOSSANO:**

Can the Government tell me in terms of the payment to the contractors whether there has been any problem of delay in the payments by the Government to the contractor?

**HON CHIEF MINISTER:**

No, there is a contractual matrix which requires certificates to be issued after a certain amount of time after the certificates and then the payment requires to be made within a certain number of days after the issue of a certificate. I am neither aware of any delay, nor would there be any justification for the delay because these projects are already funded, as far as the Government's liquidity is concerned. I would not expect there to be any delay.

**HON J J BOSSANO:**

But are the Government aware that parties such as transport contractors and sub contractors of the main contractor claim they are facing delay from the main contractor, which the main contractor is blaming the Government for?

**HON CHIEF MINISTER:**

That sounds like the usual story. There is no delay in the Government's payment but I have no doubt that there is plenty of delay on the part of principal contractors in paying sub contractors. That is another thing that is typical of this industry and this world of construction. But there is absolutely no ..... I mean, there may be some disputes about valuations at architect level. In other words, the architect has got to value the work done during the last period and the contractor may argue that the architect has undervalued the work. But once the architect issues the certificate, which is the contractual trigger which requires the Government to pay that sum and no other, there is then no payment in processing and actually effecting payment.

ORAL

**NO. 697 OF 2009**

**THE HON J J BOSSANO**

**NAVAL HOSPITAL BUILDING**

Can Government state whether it has any plans to make use of or dispose of the building that formerly housed the Naval Hospital, if it is Government property?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 698 and 699 of 2009.

ORAL

**NO. 698 OF 2009**

**THE HON J J BOSSANO**

**NAVAL HOSPITAL BUILDING**

Can Government state whether there are any structural problems related to the Naval Hospital building that renders it not repairable at reasonable cost?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 697 and 699 of 2009.

**NO. 699 OF 2009**

**THE HON J J BOSSANO**

**NAVAL HOSPITAL BUILDING**

Can Government confirm that the part of the Naval Hospital that has not been developed is Government property and, if so, how long has it not been put to any use?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The Government are not aware of any structural problems that would render the building not repairable at reasonable cost. That part of the Naval Hospital which has not been developed is Government property having been transferred by the MOD in October 2008. The Government have no plans to dispose of the building and are currently assessing its suitability for a particular public use. That is to say, Governmental use.

**SUPPLEMENTARY TO QUESTION NOS. 697 TO 699**

**HON J J BOSSANO:**

I hesitate to ask the Chief Minister to put any dates on this, but does he think that they are likely to come to a conclusion say in the current financial year, as to whether it is suitable for what they have got in mind, or not?

**HON CHIEF MINISTER:**

I am intrigued by the hon Member's interest in this particular building.

**HON J J BOSSANO:**

Well simply I can tell him, because somebody has approached me on it and asked me to raise the matter.

**HON CHIEF MINISTER:**

The Government are keen to get on with the particular project which is one their flagship manifesto commitments and are keen to do it. Certainly, there is no delay

inspired by us but the administration sometimes needs to be pushed from above to get on with these things. I would hope that during this financial year it will have been decided, (a) whether it is suitable for that purpose, and if it is, actual progress will have been made in the design work, if not the start of the construction work, but at least in the project preliminaries. I do not mind telling the hon Member what the proposed use is either. We are looking at it as a possible location for a new mental health hospital in substitution of King George V Hospital.



ORAL

**NO. 700 OF 2009**

**THE HON J J BOSSANO**

**HOUSING – MARKET VALUE OF POST-WAR GOVERNMENT HOUSING ESTATES**

Can Government state how the market value of post-war rented Government housing estates was established in terms of comparisons with non-Government properties and provide the value attached as a result to the whole of the post-war housing stock giving a breakdown of the values by estate?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 701 and 702 of 2009.

ORAL

**NO. 701 OF 2009**

**THE HON J J BOSSANO**

**HOUSING – MARKET VALUE OF POST-WAR GOVERNMENT HOUSING ESTATES**

Can Government state who has established the estimated market value of the properties in the post-war Government housing estates and over what period of time this valuation was done?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 700 and 702 of 2009.

**NO. 702 OF 2009**

**THE HON J J BOSSANO**

**HOUSING – MARKET VALUE OF POST-WAR GOVERNMENT HOUSING ESTATES**

Can Government state, whether in arriving at the market value of Government post-war housing estates, the state of disrepair and defects in individual properties was taken into account?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The Government's assessed sale price for the post-war flats was not established by direct reference to any non-Government properties. There are not very many direct comparators, that is the reality.

The Government established the price at which the properties are to be sold based on the advice received from Land Property Services Limited. This was done over the months leading up to the launch of the scheme.

The state of disrepair and defects in individual properties was not taken into account when arriving at individual property prices, but the location and nature of the estate was.

**SUPPLEMENTARY TO QUESTION NOS. 700 TO 702 OF 2009**

**HON J J BOSSANO:**

Would the Government not agree that the market value of a property would normally take into account the state of repair of the property?

**HON CHIEF MINISTER:**

Yes, that theoretically would normally be the case, but the less expensive the property the less that it would be so. In other words, if one is selling a property for £50,000 or £60,000 and it needed £50,000 to repair it, it does not mean one would sell it for £10,000. In other words, what the hon Member is saying is truer the more expensive the property. One has a property worth £500,000 and it needs £50,000 worth of work, one says right £450,000. But the cheaper the property, the lower price the property the less that becomes so, otherwise one ends up in effect giving it away for the cost of the refurbishment cost, for the price of the refurbishment cost. Well,

there is a relationship, it is not as straight lined in its application to properties in all price segments of the market. That is one point. The second point is that, of course, these are properties that are being sold at a very significant discount to their assumed market value. Therefore, there is a little bit of saying, well alright, whatever may be the imbalances, are contained in the 45 per cent discount. So, yes, but then one could argue that since everybody gets the same discount that some people are being compensated for conditions more than others. But there is a lot of broad brushness to this because what we could not have is a situation where people start comparing their property with every other property and different views about condition. Who is going to be the judge of condition? They are all more or less in the same structural condition within an estate because they are all within the same building, they have all been repaired or painted more or less at the same time on the last occasion, whenever it was. There might be individual properties that have a crack on a wall or that need windows changing, but it is going to be things of that sort. It is unlikely in a post-war block that individual properties will have structural differences of condition. One could have a property that is on the roof, on the top floor, that may be more prone to roof type issues but that is one of the reasons why the Government have committed themselves to continue to effect repairs to the structural parts of the building for a number of years. I think ten or twelve, I think it was twelve, after this begins, precisely to address issues of that sort amongst others. People also need to be given some comfort that the Government are not just trying to sell a pup and walk away, that the Government will continue to invest in these properties for the next twelve years. So, yes, I am not saying that what the hon Member is saying is not theoretically strictly true to some degree or other, depending on the point, but the Government decided that they did not wish to fine tune this process to the point of distinguishing on a flat by flat basis on the question of value. We decided that it should be just the estate that should be categorised by reference to location, age and that then all the properties within it should be treated in the same way, except that they are differentiated as to size. Even that is by number of rooms and not by strict square meterage.

**HON J J BOSSANO:**

So in fact, I mean, the level of the discount clearly from an assumed market value means that there is bound to be, when we are talking about the numbers involved, quite big disparities in term of what is being offered in value for money.

**HON CHIEF MINISTER:**

We do not think so, we think that there may be some, I mean different flats in the same block, in the same estate, may well be in different internal condition. But that is very likely also to be a result of the way the tenant has looked after their flat. Some of it may not be down to the tenant, I mean, if there has been different weathering of a window at a higher level or at a wind exposed façade of the building, than in a façade of the building that is sheltered from weathering, then those sorts of things might be the case. But for the rest of it the real value of the flat is down to its internal condition, the nature of the standard of the interior decoration and condition, and that is really down to the way the tenant has been looking after it. Some of them over lifetimes and more than one generation and it is just right that tenants should not be penalised for having looked after their flat. What are the Government going to do now charge them more because they have been investing their own money over the years in laying wooden floors? It gets one into all sorts of difficulties the moment one goes down that road. Which I suppose is the way a private landlord might do it, or in

the private market, but in the case of Government it is just too complicated. I have to tell the hon Member that the schemes in the UK, where these things are a matter of statutory right, the right to purchase, it is not done on the basis that the hon Member is suggesting. It is done on the standard xxxxx basis that we have opted for.

**HON J J BOSSANO:**

The Chief Minister mentioned as well that it was not done on the basis of the floor area but on the number of rooms.

**HON CHIEF MINISTER:**

Yes, it is done on the basis of the number of bedrooms.

**HON J J BOSSANO:**

So there is a sort of, in a given estate, all the four bedrooms or three bedrooms or two bedrooms would have the same price, is that it?

**HON CHIEF MINISTER:**

Correct.

**HON C A BRUZON:**

What has been the response to the offer regarding the sale of post-war housing to date?

**HON CHIEF MINISTER:**

I think that is the subject matter of the next question on the Order Paper, or the next but one.

**NO. 703 OF 2009**

**THE HON J J BOSSANO**

**HOUSING – POST-WAR GOVERNMENT HOUSING ESTATES - OFFER OF SALE TO HOUSEHOLDS**

Can Government state how many households have been offered the sale of their homes in post-war Government housing estates and what was the total market value and sale price put on these properties and provide a breakdown by estate of the number of households, the total market value and the total sale price in each such estate?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The scheme for the sale of post-war housing to sitting tenants is open to all registered tenants, and in certain circumstances their descendants, children and grandchildren, even though they may not be in residence today. During the last few weeks tenants who had already formally expressed their interest to purchase have received a letter from Gibraltar Residential Properties Limited quoting the assessed value of their flat, together with the price at which the Government are willing to sell it, that is, assessed value less 55 per cent discount. A total of 1,550 such letters have been issued to date. If all of those 1,550 post-war flats were sold the proceeds would amount to £64 million.

**SUPPLEMENTARY TO QUESTION NO. 703 OF 2009**

**HON J J BOSSANO:**

The Chief Minister has only answered a very small part of the question of which I have given notice.

**HON CHIEF MINISTER:**

I should have said that the Government do not consider it appropriate to provide at this stage the breakdown by estates that he has asked. He has also asked for a breakdown of that figure by estates and we would prefer not to provide that information at this stage.

**HON J J BOSSANO:**

Is there a particular reason why they do not want to provide it? They certainly have it because if they sent out 1,550 letters.

**HON CHIEF MINISTER:**

We do have it, of course we have it. I can break down that £64 million by estate and 1,550 but at this point in time and until, I mean I am not saying that this is information that the Government are always not going to be willing to provide, but at this very early stage we will provide not to signal the possible price differentiations that could be extrapolated from the figures.

**HON J J BOSSANO:**

They have put the information in the public domain really by writing to every single household.

**HON CHIEF MINISTER:**

But not in an easily collated xxxxxx

**HON J J BOSSANO:**

Is there a particular reason why the Chief Minister does not want to give me the market value? He has given me the sale price.

**HON CHIEF MINISTER:**

Well, he can work it out for himself. Of what figures is that 45 per cent, but I can probably calculate that xxxxxx If he knows it is a 55 per cent discount and so discounts that it would produce £64 million, he can work out what the non discounted yield would be, can he not?

**HON J J BOSSANO:**

Well, I suppose I can yes, but is there a particular reason for not wanting to answer a question of which I have given notice and of which he has the information?

**MR SPEAKER:**

About £135 million.

**HON CHIEF MINISTER:**

The answer is that there is no reason it just has not been printed on paper, it is there, the information is all there. I think it is £99.2 million. That would be the undiscounted yield, xxxxxx being sold at the assumed market value.

**HON J J BOSSANO:**

The assumed market value of the post-war housing stock is £99.2 million.

**HON CHIEF MINISTER:**

No, the assumed market value of the 1,550 that have expressed an interest because the £64 million is the value only of the 1,550 that have expressed an interest.

**HON J J BOSSANO:**

But that was not my question. I mean, is the Chief Minister saying that the offer is only open to those who expressed an interest.

**HON CHIEF MINISTER:**

No, the Chief Minister is most certainly not saying that. The hon Member is then asking for what is the assumed market value on this basis of all flats.

**HON J J BOSSANO:**

Of all the Government housing stock in all the estates which are available for sale. For all I know, for example.....

**HON CHIEF MINISTER:**

Well, there is a total of 3,832 post-war Government flats. I am just trying to see if I have got that information.

**HON J J BOSSANO:**

I take it that the 3,832 ....., are they the total in the estates that have been identified. For example, Gib V might not be included as an area that is available for sale, so therefore they should not be included in the 3,832.

**HON CHIEF MINISTER:**

They are not. This is only Housing Department properties.



**HON J J BOSSANO:**

Right.

**HON CHIEF MINISTER:**

No, for some reason. I do not appear to have that with me although I know the information exists because I have seen it in the last day or two, but it just appears not to have been included amongst the papers that I have been sent here with. I am just trying to see if I can remember what the figure is. I have got a feeling it was something of the order of £150 million or £160 million I think and that would make some sense because if just under half of them is £64 million .....

**HON J J BOSSANO:**

That would be the sale price and then that sale price would be 55 per cent of the....

**HON CHIEF MINISTER:**

The hon Member is asking me for the undiscounted market value, assumed market value, yes.

**HON J J BOSSANO:**

If the information provided is limited to the people who have shown an intention of buying, there is no way of establishing from that what the value of the stock is because they could all be in one estate and there could be none in another, for all I know.

**HON CHIEF MINISTER:**

Yes, I think what has happened is that those who have put the answer together have assumed that "offered for sale" means the 1,500 written to because as a matter of the scheme the offer of sale is made only to the people that have expressed an interest. In other words, them expressing an interest to us in buying it does not generate an offer for sale. So what had happened was that some months ago people wrote in response to an invitation stating whether they had an interest in buying. Those people then received a letter from the Government saying, "you have expressed an interest, we offer to sell to you flat so and so at such and such an amount". As the hon Member's question says how many households have been offered, I think that those who are administering this have assumed that "offered" meaning offered in the technical sense as they understand it, as opposed to the fact that it is an open offer for all of them, which is why the information has been given for the 1,500 figure.

**HON J J BOSSANO:**

I think the Chief Minister on a previous occasion confirmed that the people who have not shown an interest would still be able to buy.

**HON CHIEF MINISTER:**

Some have expressed an interest subsequently to the original offer. They are still free to buy. I will have somebody communicate that information to the hon Member, what is the total assumed sale price value of the entire post-war estate.

**HON J J BOSSANO:**

Thank you.

ORAL

**NO. 704 OF 2009**

**THE HON J J BOSSANO**

**GIBRALTAR LAND HOLDINGS – HEAD LEASE OF GOVERNMENT HOUSING ESTATES**

Can Government state whether Gibraltar Land Holdings is expected to pay the Government any consideration for the grant of head leases of Government housing estates and what would be the value attributed to such head leases in the balance sheet of the company?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 705 and 706 of 2009.

ORAL

**NO. 705 OF 2009**

**THE HON J J BOSSANO**

**GIBRALTAR LAND HOLDINGS – HEAD LEASE OF GOVERNMENT HOUSING ESTATES**

Can Government state whether the head lease being issued to Gibraltar Land Holdings in respect of each Government housing estate is for a term of years and, if so, how long?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 704 and 706 of 2009.

**NO. 706 OF 2009**

**THE HON J J BOSSANO**

**GIBRALTAR LAND HOLDINGS – HEAD LEASE OF GOVERNMENT HOUSING ESTATES**

Can Government state whether the policy of issuing a head lease for post-war Government housing estates to Gibraltar Land Holdings is limited to estates where sales take place to sitting tenants or is it the intention to issue such head leases in respect of all Government rented estates?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The precise model of the consideration for the issue of the head lease to Gibraltar Land Holdings Limited has not yet been finalised. Obviously there will be no cash payment equivalent to the asset value. The company is wholly owned by the Government. It has not been decided, yet, whether or how much additional shares will be issued to the Government, or whether there will be a nominal consideration only. The head leases from the Crown to Gibraltar Land Holdings Limited will be for a term of 150 years. It is the intention to issue head leases to Gibraltar Land Holdings of all estates and stand alone post-war buildings in preparation for a possible demand by any tenant of any flats in the future. I think we have explained before, possibly in the scheme details, that in respect of the unsold flats there will be a lease back to the Crown in the form of the Housing Department so that tenants who do not buy remain tenants of the Government on the same Housing Department tenancy terms as at present. So there is no change of anything for those who are Government tenants and who choose to remain so. In other words, people who choose not to buy will not become tenants of Gibraltar Land Holdings Limited or any other Government company. They will remain tenants of the Housing and of the Crown.

ORAL

**NO. 707 OF 2009**

**THE HON J J BOSSANO**

**GIBRALTAR CAR PARKS LIMITED – RBS LEASE BACK FACILITY**

As from the 1<sup>st</sup> April 2009, how much has been drawn down by Car Parks Ltd of the lease back facility of £24.5m provided by RBS, giving a breakdown by month?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question No. 708 of 2009.

**NO. 708 OF 2009**

**THE HON J J BOSSANO**

**GIBRALTAR CAR PARKS LIMITED – RBS LEASE BACK FACILITY**

As at the 31<sup>st</sup> March 2009, how much has been drawn down by Car Parks Ltd, of the lease back facility of £24.5m provided by RBS?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The arrangements between Gibraltar Car Parks Limited and RBS do not involve a lease back facility for £24.5 million. Under the arrangements, RBS paid Gibraltar Land Holdings Limited £9.088 million for a 50 year lease of the site. RBS then sub-leased the site to Gibraltar Car Parks Limited for 50 years less seven days for a rental. Under the arrangements, RBS also bears the capital cost of the development of the car park at Devil's Tower Road, estimated at £15.4 million. Therefore, obviously, it follows that the rental payments that Gibraltar Car Parks Limited will pay to RBS reflects the fact that RBS is leasing, not just the site but the site with the car park built on it that they have paid for, which is not dissimilar, although not the same as, but not dissimilar to the model used in the new hospital.

**SUPPLEMENTARY TO QUESTION NOS. 707 AND 708 OF 2009**

**HON J J BOSSANO:**

So the actual £24 million includes a value put on the land of £9 million and that money has been paid to Gibraltar Land Holdings Limited and remains to be used by Gibraltar Land Holdings Limited, it is in their books as it were, is that correct?

**HON CHIEF MINISTER:**

Yes, whether Gibraltar Land Holdings Limited then use it to fund more car parks that is a different matter, but yes, it remains in Gibraltar Land Holdings Limited.

**HON J J BOSSANO:**

Then RBS is funding directly the construction of the car park on that land for £15.4 million and will rent it to the car company when it is finished, is that correct?

**HON CHIEF MINISTER:**

Well, no not quite correct but yes, for the purposes of what he is trying to understand at the structure yes. But it does not get released when it is finished. Actually the model involves the leasing at the front end and then the building takes place. So in other words, the lease to car parks does not come when the car park is finished, it comes at the beginning because although the bank is funding the car park, the building of it is being done by Gibraltar Car Parks Limited. So what he said was true except the last bit about the timing of the issue of the lease from RBS to Gibraltar Car Parks Limited, that has already occurred and the car park is currently being built.

**HON J J BOSSANO:**

What payments do Gibraltar Car Parks Limited have to pay to RBS before the car park is done?

**HON CHIEF MINISTER:**

I do not know whether it is, I am not sufficiently familiar with the minute detail of the scheme to know whether these payments have already started or whether they will be grossed up and paid later. But there is a rental payment based on the value of the money spent. Of course, although the question asks for drawdown against the leaseback, these are not draw downs but there is a fund there made available by RBS from which Gibraltar Car Parks Limited pays the contractor. So this happens gradually, so far for example, not that it relates to, I think there has already been £2 million or £3 million paid but this is RBS money. What I cannot tell him is whether the rental payments, from memory I cannot tell him, whether the rental payments have started already at a reduced rate, or whether there is some grossing up of something when the rent payments eventually start when the car park is finished. I am not sufficiently familiar with the building phase of the scheme to know whether at what point in time the rental payments begin. But the reality of it is that all this is a cost of finance exercise which is converted into rental income. That is the nature of the scheme. The bank is not going to put up money during the construction phase for free. So there is somehow, whether it is by payments that have already started of rent or some grossing up which increases the rental payments when they do start, to take into account the cost of finance during the construction phase, the money eventually is paid in the form of rent. If it has not already started to be paid in the form of rent.

**HON J J BOSSANO:**

That is what I am trying to .....

**HON CHIEF MINISTER:**

That is what I understand but I just do not know. I cannot .....



**HON J J BOSSANO:**

The question was drafted on assumptions as to how it was being done, based on previous information provided by the Chief Minister in previous meetings of the Parliament. Is, in fact, the rental by Gibraltar Car Parks Limited to RBS then on a value being put to the facility, which involves the £9 million and the construction cost? So that it would be a rental in respect of something assumed to be worth £24 million, is that right?

**HON CHIEF MINISTER:**

Yes because RBS is renting to Gibraltar Car Parks Limited a thing which is land for which it has paid £9 million and then paid an extra £12 million or whatever it works out at to build the thing.

**HON J J BOSSANO:**

£15 million.

**HON CHIEF MINISTER:**

Yes, in effect what they have done is refinance back to the Government company the money that the Government company has spent building the Willis's Road car park and the Sandpits car park which had already been built, so that £9 million is in effect a refinancing of that in capital terms, on the basis that the Government are going to use that revenue as well to fund this arrangement.

**HON J J BOSSANO:**

I thought his first answer was to tell me that the £9 million was for the land on which the Devil's Tower car park is being built.

**HON CHIEF MINISTER:**

Correct. I am still telling him that.

**HON J J BOSSANO:**

So where does Willis's car park come into the equation? That is not being sold to RBS.

**HON CHIEF MINISTER:**

No, but a value has been placed on the land by reference to the capital expended in respect of other projects and, in effect, that is why I said in effect what was happening in this exercise, is that these £9 million is not because the Government needed to sell the land to RBS but it was just the way of Gibraltar Car Parks Limited that is going to be funded in a free standing sort of way, the Government companies

rather, can recoup the outlay of the car parks that they funded for themselves and the mechanical way that was chosen to bring that about was this. In other words, a premium payment for this particular land and then serviced over time by rentals, from Gibraltar Car Parks Limited, which will include the rental that it has from all these other places. In other words, what income is Gibraltar Car Parks Limited going to use to finance this arrangement, answer, the income that it gets from renting out car parking spaces not just in this car park but the one up in Willis's Road and the roof in Harbour Views and the one underneath the tennis courts in Sandpits. That is how the Government intend to proceed in this, as far as possible using the company's own revenue, to raise capital to build more car parks and that way build up a free standing, as far as possible self financed, although from time to time I am sure the Government will have to help, system whereby car parking is built within a company that operates, Government-owned, but which operates both financially and operationally separate from the Government. In other words, a sort of publicly owned NCP, that is the idea.

**HON J J BOSSANO:**

The existing car parks then are currently assets in the balance sheet of the car park company not the land holdings company, is that correct?

**HON CHIEF MINISTER:**

That is correct.

ORAL

**NO. 709 OF 2009**

**THE HON J J BOSSANO**

**CATEGORY 2 STATUS – PROPERTY CRITERIA**

Can Government explain what criteria is applied to determine what properties may be bought or rented by persons seeking Category 2 status?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question No. 710 of 2009.

**NO. 710 OF 2009**

**THE HON J J BOSSANO**

**HEPPSS STATUS – PROPERTY CRITERIA**

Can Government explain what criteria is applied to determine what properties may be bought or rented by Higher Executives with Specialised Skills?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Loose and not particularly scientific criteria, although not dissimilar for both categories. The property must be one which is available for immediate occupation. Off-plan purchases or properties in development do not count for the purposes of approved accommodation. The property must not be one that is likely to be rented or purchased by a person or persons on average income in Gibraltar. That is, the special status applicant should not be in competition with average income earners in Gibraltar. The property should be such that it can be considered to be prime residential property, whatever that might mean. The property must be large enough to accommodate the applicant and his family, where the circumstances are relevant. In other words, where he has his family here with him. In addition, a high market value or rental value does not of itself make a property qualify for Category 2 or HEPSS status, where there is not also a correlation with the prime nature of the property, size and location. If the hon Member can understand what that means then he has achieved more than I have. I am almost certain it means that it has also got to be in a particular type of development in a particular type of area. So it is not just a question of value. This is to avoid a ramping-up of other property prices. Where such ramping-up may be suspected, explanations may be requested including evidence of previous rental or market values pertaining to that and similar properties, where relevant. For similar reasons, no minimum price criteria for market value or rental value are set by the Finance Centre Department. I think he will agree loose and not very scientific criteria.

**SUPPLEMENTARY TO QUESTION NOS. 709 AND 710 OF 2009**

**HON J J BOSSANO:**

Is the minimum price or rental then different in different properties in different areas or is there an absolute minimum below which the answer is no?

**HON CHIEF MINISTER:**

I think the underlying principle is that these should be the sort of properties that ordinary residents of Gibraltar are unlikely to aspire to rent or buy because of their cost and location and things of that sort. That is the most that can be coherently said about the philosophy that informs the criteria. Then this attempt is given at deciding that by reference to rental levels and location and whether it is prime property and whether it leads to ramping-up of prices further down the property ladder, but frankly, I suspect this is something that is administered in the Finance Centre Department, I suspect that this is really done by the sort of property that it is. So there are some estates that are thought to lend themselves to this sort of allocation and others that do not and it is a combination of all those factors. Indeed, it is only when I saw the answer to this question that I realised that it was quite this imprecise, the criteria. Mind, there has not been any change it has always been this since it was High Net Worth Individuals. I do not think there has been any great change in this.

**HON J J BOSSANO:**

Yes, my supplementary was, what I was asking was, is there an absolute minimum rental level or absolute minimum property value below which the answer will be automatically no?

**HON CHIEF MINISTER:**

I have said, the last sentence that I read out to him was that there was “for similar reasons no minimum price criteria for market value or rental value are set by the Finance Centre Department”, so the answer is no. Having told the hon Member that it is properties that do not compete with local average income earners, nobody has sat down then to say well we think that that is a property that costs more than x or that can be rented for less than y pounds per month by way of rental. There is no hard and fast rule of that sort. The reality of it is that most of these individuals are at the very high lifestyle end of life and that these things sort themselves out by the laws of nature, the sort of properties that they are willing to live in tend to be the very expensive properties which would rent for several thousands of pounds a month, so there is almost an automatic ordering of the market rather than an ordering brought about by the application of these very imprecise rules, not rules, criteria.

**HON J J BOSSANO:**

Does the Chief Minister know whether, in fact, in recent times there has been a development of properties that were previously not considered to be suitable and were therefore available at the lower end of the market, having been reclassified so that they are now suitable?

**HON CHIEF MINISTER:**

I am not aware but that does not mean it has not been the case. Usually, suitability for this purpose is something that the developer seeks at the time of the development. Whether there have been any that were originally said no to and which have subsequently been reclassified as yeses, I do not know. My hon Colleague might know.

**NO. 711 OF 2009**

**THE HON J J BOSSANO**

**CIVIL SERVICE PENSIONERS**

In the financial years 2007/2008 and 2008/2009, how many persons in receipt of a civil service pension were aged between 60 and 65 giving a breakdown by gender?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 712 and 713 of 2009.

**NO. 712 OF 2009**

**THE HON J J BOSSANO**

**CIVIL SERVICE PENSIONERS**

In the financial years 2007/2008 and 2008/2009, how many persons received a civil service pension a) under £15,000 b) between £15,000 and £20,000 and c) above £20,000 per annum, giving a breakdown by gender?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 711 and 713 of 2009.

ORAL

**NO. 713 OF 2009**

**THE HON J J BOSSANO**

**CIVIL SERVICE PENSIONERS**

Can Government state how many persons were in receipt of a civil service pension on 31<sup>st</sup> March 2008 and 31<sup>st</sup> March 2009 and what was the average annual pension paid in each financial year 2007/2008 and 2008/2009?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The information requested is in the schedule I now hand to the hon Member.



**ANSWER TO QUESTION 713****Answer to Question 711**

<b>FINANCIAL YEAR</b>	<b>MALES</b>	<b>FEMALES</b>	<b>TOTAL</b>
2007/2008	224	144	368
2008/2009	260	156	416

**Answer to Question 712**

<b>FINANCIAL YEAR</b>	<b>PENSION PAID</b>	<b>MALES</b>	<b>FEMALES</b>	<b>TOTAL</b>
2007/2008	Under £15,000	922	645	1567
	Between £15,000 and £20,000	148	45	193
	Over £20,000	113	18	131
2008/2009	Under £15,000	889	640	1529
	Between £15,000 and £20,000	169	54	223
	Over £20,000	151	34	185

**Answer to Question 713**

The total number of persons in receipt of a civil service pension on 31<sup>st</sup> March 2008, and 31<sup>st</sup> March 2009 and the average annual pension paid in each Financial Year 2007/2008 and 2008/2009 was as follows:

<b>DATE</b>	<b>NUMBER</b>	<b>AVERAGE ANNUAL PENSION PAID</b>
31-Mar-08	1891	£7,946
31-Mar-09	1937	£8,828

ORAL

**NO. 714 OF 2009**

**THE HON J J BOSSANO**

**GIBRALTAR CHRONICLE – FUNDING**

Can Government state what funding, if any, other than the sum provided for the purchase of the lease of the building at Governor's Parade, has been provided to the Gibraltar Chronicle?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question No. 715 of 2009.

**NO. 715 OF 2009**

**THE HON J J BOSSANO**

**GIBRALTAR CHRONICLE – PURCHASE OF LEASE BY GOVERNMENT**

Can Government state when it purchased the lease from the Gibraltar Chronicle of the building at Governor's Parade, what was the unexpired period of this lease and how was its value arrived at?

**ANSWER**

**THE HON THE CHIEF MINISTER**

A loan of £15,300 was made available to the Gibraltar Chronicle by Gibraltar Commercial Property Company Limited, which is a wholly owned Government company.

The Government have not yet purchased the lease.

The purpose of the loan to which I have referred was for the emergency purchasing of some bit of printing equipment that I would not know how to describe to him which broke down and had to be replaced and they could not do it. What I do not appear to have been provided with is the answer to the part of the first question about, or rather the second question, about what was the unexpired period of the lease. But it was very low, it was very small, I think it was less than five years or around five years. The Government hope to relocate to that building the Government archives.

**SUPPLEMENTARY TO QUESTION NOS. 714 AND 715 OF 2009**

**HON J J BOSSANO:**

But the Chief Minister has not answered what the value put on it was and how it was arrived at. The Chief Minister says they have not yet purchased the lease.

**HON CHIEF MINISTER:**

Well, it has not yet xxxxxx the assignment lease been paid. It is paid.

**HON J J BOSSANO:**

It is paid. So if it is paid it is purchased even if they have not completed it. So, and there were five years left of the lease when that happened.

**HON CHIEF MINISTER:**

Five or less, some small number of years.

**HON J J BOSSANO:**

At the time that the payment was made is that correct?

**HON CHIEF MINISTER:**

Yes.

**HON J J BOSSANO:**

So it is even less now. I mean, given the shortness of the time left, again on the basis that I am not learned because only lawyers are learned, how is the lease assigned if it is expired?

**HON CHIEF MINISTER:**

Well, it is not unusual for people to pay large sums of money for short leases on Main Street, for example, because one acquires the right to renew it. So when one hears on Main Street of people paying brutal sums of money for shops, what they are really saying is that they are paying the current tenant a large sum of money to stand in his shoes of a short-term lease that may only have five years to go. But because one has the right of renewal, and we are hoping to pursue that and use the old printing works building for some public purpose, how was the value arrived at? The value was arrived at by an imprecise but not unrelated attempt to marry the Chronicle's requirement, the printing works requirement mainly, for new printing equipment on the one hand, with a back of the envelope valuation of what somebody might have been willing to buy that building for. But there was no formal property valuation in the sense of that a private sector buyer might have insisted on doing.

**HON J J BOSSANO:**

Who is the lease from? Once the lease is assigned the Government will want it extended, or the Government have the lease already?

**HON CHIEF MINISTER:**

No we have not yet taken an assignment of the lease but when we do take it, it will be in the Government.

**HON J J BOSSANO:**

I accept that but if the lease is about to expire and they need to renew it, who is the lease from?

**HON CHIEF MINISTER:**

Whoever then is, it depends, if it comes up for renewal before it is assigned it will have to be renewed in the name of the Gibraltar Chronicle and then the renewed one assigned to us. If there is any unexpired portion of the existing lease before it is assigned, then that unexpired portion can be assigned and the Government can renew.

**HON J J BOSSANO:**

But is it the Government that has to renew the lease for the Chronicle if they had not bought it?

**HON CHIEF MINISTER:**

Oh as landlord, oh no, the landlords are "the officers of the Garrison" whoever that might be. I assume that they are all sitting in the Gibraltar Regiment Officer's Mess. There are not too many other officers but there is this sort of nebulous thing, trust, called a trust for the officers of the Garrison, this is from many days gone by but I know that he is familiar with the ownership structure. So, yes, this is not the MOD. This is a trust with private trustees, some well known local people and a couple of, I do not know, the Chief of Staff or whoever, trustees of a trust for the officers of the Garrison. So they are the landlords.

**HON J J BOSSANO:**

So what is it, is it a freehold property and they hold the freehold, is that it?

**HON CHIEF MINISTER:**

Yes.

**HON J J BOSSANO:**

Then, presumably, the Government when they acquire and have the lease signed, will have to negotiate the renewal of that lease with that entity, is that correct?

**HON CHIEF MINISTER:**

Yes, we hope that by then we shall be on that side of the entity as well, given a discussion that we had earlier today about the Garrison Library, thus making the negotiations considerably similar.

**NO. 716 OF 2009**

**THE HON J J BOSSANO**

**GIBRALTAR CHRONICLE – FINAL SALARY PENSION SCHEME**

Can Government state what part, if any, it has played in the decision to terminate the final salary pension scheme for employees of the Gibraltar Chronicle?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The Government have played no direct part in any aspect of the decisions taken or the process that has commenced on the future of the Chronicle pension scheme. The Government's involvement arises purely in the context of the discussions Government of Gibraltar has chaired and convened between the employer and the staff, with TGWU representation, in an attempt to rescue the company from the extremely difficult economic situation that it faces. This has included a review of the costs of the organisation and how its future financial viability may be assured. Government of Gibraltar's interest in this matter is threefold. Firstly, as a major creditor in respect of various outstanding arrears of tax and social insurance. Secondly, because it attaches importance to the maintenance in Gibraltar of our longest established, and most independent newspaper publication, which continues to play a significant role in the dissemination of news and opinion in a non-partisan manner. As indeed it is required to do by the Chronicle Charter. Lastly, the Government are concerned to protect the local employment of those working in the company, both on the printing side and on the newspaper publishing side. The Government's role has therefore been one of facilitator in this process. The Government remain hopeful that a sensible restructuring of the Chronicle's operations, with whatever changes to the pension scheme may ultimately be thought appropriate by management and staff, is possible and indeed would be in the best interests of all the Chronicle staff, and indeed Gibraltar as a community, and indeed there is a broad agreement on the way forward which is currently being implemented by management and staff and outside consultants that are helping them do it.

**SUPPLEMENTARY TO QUESTION NO. 716 OF 2009**

**HON J J BOSSANO:**

Have the Government indicated in whatever informal part they have played that an agreement on the termination of the final salary scheme is a necessary condition for Government's involvement in helping to finance the company, or whatever it is they intend to do?

**HON CHIEF MINISTER:**

The Government are not offering to finance the company, but certainly, on the basis of pro-forma balance sheets and profit and loss accounts going forward, and on the basis of the snapshot of the company's financial position today, which have been prepared for the company by outside consultants and which have been shown to the Government, it is self-evident that the company is unable to continue to operate on the basis of its present cost base. Therefore, management and staff together need to correlate cost more closely with revenue. That can be done in a number of ways and it is not for the Government to dictate the ways that it can be done. It can be done by keeping the present number of employees and cutting other costs, pensions, salaries, other things, or it can be done by reducing the present number of employees and cutting other costs or keeping the same number of employees and cutting other costs. One of the main costs, other than wage costs, that can be cut is pensions. This is an insufficiently funded scheme which is too generous and therefore costs in the private market too much, more than the Chronicle company can afford to fund with its current revenue levels and its other expenses. So how that square is circled is a matter for the company. The Government are offering advice as to what might be done in relation to the company, but very much as an advisor/facilitator, both to staff and the management. But ultimately, these are calls entirely for them.

**HON J J BOSSANO:**

But is there assistance, financial assistance from the Government which is not forthcoming unless this is resolved? There is no more money coming in from the Government.

**HON CHIEF MINISTER:**

No, the Government have made it clear that they will offer no assistance going forward unless the financial position of the company is put on a viable footing. In other words, how can the Government help? The Government can help with printing, in whatever way the Government can help what the Government are not going to do is to fund an unaffordable, this is not the Buildings and Works Department, which the Government fund because it has always been there and it is too difficult to unfund, or cut costs or cut this ..... I mean, this is not a Government responsibility in that sense, these are not Government employees, this is not a Government operation, so the Government will certainly not provide any financial assistance, even if they did provide financial assistance, which is certainly not in the script at the moment. But even if they were to provide financial assistance they certainly would not do so to plug a gap in the company's financial position, which is contributed to by a pension scheme which most civil servants do not enjoy, let alone other employees in Government companies or in private sector companies. The answer to that is most certainly not, so he can extrapolate from that whatever he wishes. So does that mean that the Government are obliging them to change their pension scheme? No. But do the Government think that it would be right, if called upon to do so, to support the company with that pension scheme. The answer is no to that as well.

**HON J J BOSSANO:**

I am not sure that what the Chief Minister has said about the generosity of the pension scheme is correct. I mean, presumably the Government are aware that the pensionable salary, as opposed to the earnings, have been fixed for a very long time and that is what is used to compute people's entitlement to a pension. Is he not aware of that, having spent so much?

**HON CHIEF MINISTER:**

I am not going to sit here answering questions as if this were a Government responsibility. This is not a Government-owned company, the Government accept no responsibility for the pension scheme, it is not for the Government whether this pension scheme survives or not, this is not a Government company. This is a private sector company and the Government most certainly do not consider themselves in any shape or form bound, or even do they feel inclined to protect this pension scheme, whether it is good, bad or indifferent, at taxpayer's expense.

**HON J J BOSSANO:**

Yes, that is a very clear statement but the Chief Minister must realise that if he chooses to throw in as an offside that it is a pension scheme that is so good that civil servants would envy it, and that does not happen to be accurate .....

**HON CHIEF MINISTER:**

No, it is accurate. The terms of the scheme ....., another thing is the level of salary or imputed salary that is put through the scheme, but the terms of the scheme are very generous, which is why it is so expensive. If one had the same scheme, or rather, if one had the same imputed salary with cheaper benefits, it would be a cheaper pension scheme, and indeed one of the options that they could consider is altering the terms of the pension scheme to make it cheaper. In addition to the lower imputed salary. But these are not matters for the Government and alright, fine, if the hon Member is offended by my side comment, fine, but that is not the central point. The central point is that the Government cannot treat the pensioners of this company more generous than they would treat the pensioners of some other failing, or failed private company with an unfunded pension scheme. Or insufficiently funded, it is not entirely unfunded.

**HON J J BOSSANO:**

It is not that I am offended, it is that I think that if in the context of explaining the position of the Government, which presumably is not determined by how good or bad the pension scheme is, the Government choose to make a statement in this House which I consider to be inaccurate from my knowledge of the pension scheme, then I think it is right that I should put it to him that, in fact, a civil servant gets a final salary pension that even in the context of the Government's consideration of changing that, the Chief Minister has been at pains to point out in his answers to me that that will only apply to new entrants, that I understand the Chronicle has already applied a money purchase scheme to new entrants, a considerable period of time ago, and he is talking about the unusual situation of actually changing the terms of employment of



people who are in post, which is not something the Government would do to their own employees, and I am not sure that it can be done legally anyway.

**HON CHIEF MINISTER:**

The alternative is that this company goes bankrupt and all the members of the pension scheme lose all their pension entitlement, accrued and future. That is the alternative, that is the reality of the matter. He is perfectly welcome to have that conversation with the board of directors of the company but not with me. The Government is not in the business of rescuing the occupational pension schemes of insolvent private companies. That is the position. The Government has certainly no legal, and no moral ..... and it would be wrong that the company should do so, unless they were willing to do so for all these private companies that might find themselves in that situation. That is the position and it is not going to change, although the company is being as helpful as it can in bringing together management and staff, sub divided into printing and newspaper publishing in this organisation, that have traditionally had difficult internal chemistry. The ownership and management structure of this company is not conventional and, therefore, it makes decision making much more difficult and the Government are really using its offices to overcome the problems that flow from that, rather than making decisions on what decisions they make between them. That is the position and certainly the Government do not intend to save the pension scheme and I regret that, given that festivities down below or solemnities down below are about to start, well the Liturgy is a festivity of sorts, I now need to adjourn the House until 9.30 tomorrow morning.

**HON J J BOSSANO:**

Can I just clarify that we are in the supplementaries of this question at this point?

**MR SPEAKER:**

Yes, I think we take it as that.

**HON CHIEF MINISTER:**

Well, the hon Member may be in the supplementaries but I consider I have answered as many as I intend to answer on this. So he can certainly continue to ask which does not oblige me to answer.

**HON J J BOSSANO:**

On the supplementaries to the question of the Gibraltar Chronicle, the Chief Minister in 2006, when he provided me with information about the payment that was intended for the lease, actually said that the payment was with the condition attached to it that it would be used to sanitise the finances of the Chronicle. Can he explain how it is that having sanitised it in 2006 with a payment from the Government he is telling us now that there continues to be a problem? How is it that three years down the road he is talking as if nothing had happened in the last three years and it was still where it was in 2006?

**HON CHIEF MINISTER:**

I want to make perfectly clear that, save for the use that the Government have made of public funds in this matter, the Chronicle is not a Government entity and the Government are not accountable in this House for that, so I am not going to agree to pursue further supplementaries on issues such as pension and that, as I indicated to the hon Member at close of business yesterday. The Government have purchased a lease from the Chronicle and the Chronicle has used the proceeds of sale of that lease to purchase printing equipment, in the main, almost entirely, to modernise its printing works. That is the extent on the basis that it could not continue printing without new equipment which it could not afford from its own resources. That is the extent of the use of those particular public funds. There has now been a small loan, as I explained yesterday, and any other consultant's fees that we may have paid in the past we have already given an account in this House. That is the extent of the matter and for the rest of it these are not Government affairs.

**HON J J BOSSANO:**

Well yes, but in my supplementary I have actually quoted the answer the Chief Minister gave me and he said the loan that had been provided has the condition attached to it that it would be used to sanitise the finances.

**HON CHIEF MINISTER:**

That is how it was used.

**HON J J BOSSANO:**

I am asking him how it is that having used the money, or is it that they were not used to sanitise the finances?

**HON CHIEF MINISTER:**

I suppose he must understand that if a company that prints its own newspaper, as well as doing printing works for other people, cannot continue doing that because it has antiquated printing works, for which it is difficult to obtain spare parts and with which it is difficult to compete in the market, that investment in modernised plant is steps to sanitise its finances.

**HON J J BOSSANO:**

No, because the answer he gave me was that it had two conditions attached to it. One was to invest in modernising the plant and two to sanitise the finances. That is the answer he gave me then. I have not asked him about investing in the plant because I know that that has happened. I am asking him about the second half of the purpose of the condition attached. Unless it was not true what he told me in 2006 and there was no such condition attached.

**HON CHIEF MINISTER:**

The hon Member knows the answers to his questions and the position is perfectly clear. The Government made it a condition, as I have explained to this House many times before, that if there was to be Government assistance delivered in the way that I have just described, the Chronicle had to put its economic financial house in order. That meant that it had to address the imbalance between revenue and expenditure. It had to eliminate its chronic losses and it had to comply with its obligations to pay taxation like every other company in Gibraltar, and social insurance contributions, and that it was conditional on the Government doing what it did that the management and the staff would agree to do that, and they have done that and there is a blueprint, they engaged consultants, for which Government funds channelled through that way may also have been used to pay their fees, and there is a blueprint and it is being implemented. Therefore it is true that the Government have imposed as a condition of intervening in the way that it has intervened that the Gibraltar Chronicle should address its chronic working practices and its chronic financial issues. That is absolutely true and it would have been grossly irresponsible and reckless to have done it any other way.

**HON J J BOSSANO:**

I am not telling the Chief Minister how to do it or not to do it or what he should or should not do. Therefore whether he thinks it is irresponsible or not is irrelevant. I mean, nothing that he ever does is in his judgement irresponsible because it would be stupid for him to do it if he thought it was irresponsible. One has to assume that whatever he does he thinks is the right thing to do, whatever the judgement of other people may be about the things that he does. I am seeking information which is what Question Time is for, not passing judgement.

**HON CHIEF MINISTER:**

No, Question Time is to seek information on matters for which the Government is responsible. It is not for prying through the Government into the affairs of a private company for which the Government are not responsible. He can ask me, as he has done, about why and on what conditions the Government purchased the lease and did this and did that. I have now answered him twice and I am not going to answer him again.

**HON J J BOSSANO:**

Well, he has not answered me twice because not giving an answer and standing up and talking about something else is not answering the question. If, indeed, the money has been used to sanitise as was required then why is there still a problem?

**HON CHIEF MINISTER:**

The hon Member is being entirely disingenuous because, no doubt, without him being a million miles away from it, the sanitisation plan has not yet actually been physically implemented. But it will be physically implemented if these people want to save their jobs, which the Government want to help them do. If Gibraltar wants to save its excellent daily newspaper which the public has an interest in doing and if the

printing works is going to be retained as one of two Gibraltar based, physically Gibraltar based printing works. Those are the three issues which the Government are trying to help save and it would very much assist in the achieving of the public interest if others did not interfere like this debate across the floor of the House to encourage or to give people the impression that there is an alternative. There is not an alternative. This company, unless it rectifies its position, is in the view of everybody that has looked at it incapable of financial survival. Indeed, it is only surviving now because of Government forbearance because of the public interest elements of not allowing the newspaper, not the printing works, principally the newspaper to fail. The Government, nevertheless, have put forward ideas purely as a facilitator and purely in terms of a contributor to a debate on matters which are actually not for it to decide, have nevertheless put forward plans, accepted by both management and the workforce, to save both the newspaper and the printing works. Even though the principal public interest is in saving the newspaper and not of the printing works. There is a public interest in saving the printing works but whether it would be big enough to justify the degree of Government involvement in terms of time as a discussion facilitator is moot. But as we are devoting the time to save the newspaper we at the same time looked after the future of the printing works as well. That is the extent of the Government's involvement to the extent that the Government have been involved, it is right that the hon Member should ask me questions and it is right that I should answer them. What I am not going to do is further cross the line between that and the internal affairs of the Chronicle which are not the Government's business and are not the Government's responsibility.

**HON J J BOSSANO:**

I am not asking him to cross any lines. First of all he says he is not going to answer any more questions and then he stands up and makes a long speech in which he says lots of things that I am not asking. I am not asking him whether it is good or bad or indifferent or how well it is run or what state it is in. All those things are matters for the company not for him and I do not know why he is telling me all those things. I am asking about whether what he told me in 2006 has happened or not and in a previous supplementary he gave me the impression yes, it has been implemented and now he tells me.....

**HON CHIEF MINISTER:**

It is being implemented.

**HON J J BOSSANO:**

Being, I see, so the sanitisation is something that started in 2006 and has not yet been completed by 2009 or has any of the plan been put into place?

**HON CHIEF MINISTER:**

I am not accountable in this House for the speed or otherwise with which the Gibraltar Chronicle implements any sanitisation plan.

**HON J J BOSSANO:**

So in fact, when the Government decided that they would provide the money with that condition attached they did not suggest to the Chronicle within what sort of timescale they expected it to be put in place?

**HON CHIEF MINISTER:**

I am not going to answer any more of the hon Member's questions on this subject.

**HON J J BOSSANO:**

Well, I just want to put it on record that I am not asking about anything to do with the Chronicle, I am asking the Government about their policy on the conditions attached to the money provided.

ORAL

**NO. 717 OF 2009**

**THE HON J J BOSSANO**

**LAND AND PROPERTY SALES**

Can Government state what property or land sales, if any, there have been in the last financial year resulting in receipts to the Improvement and Development Fund since the answer to Question No. 308 of 2009?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 718, 719 and 720 of 2009.

ORAL

**NO. 718 OF 2009**

**THE HON J J BOSSANO**

**LAND AND PROPERTY SALES**

Can Government state what property or land sales, if any, there have been in the current financial year resulting in receipts to the Improvement and Development Fund?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 717, 719 and 720 of 2009.

ORAL

**NO. 719 OF 2009**

**THE HON DR J J GARCIA**

**RESIDENTIAL TENDERS AWARDED**

Can Government list the residential tenders they have awarded since the information supplied at the last Question Time in this Parliament, showing the name and the amount paid by the successful tenderer, the name of the property in question and the date on which the payment was made?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 717, 718 and 720 of 2009.



ORAL

**NO. 720 OF 2009**

**THE HON DR J J GARCIA**

**LAND AND PROPERTY SALES**

Can Government give a breakdown of the revenue collected from land and property sales since the information supplied during the last Question Time in this Parliament, giving the date the revenue was received, the name of the land/property and the cash received in each case and from whom?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Yes, the information requested is set out in the schedule that I have now handed to the hon Member.

**ANSWER TO QUESTION 720**

**Answer to Question 717**

**Detailed Breakdown Of Receipts To The Improvement And Development Fund For The  
Period 1st March to 31st March 2009**

Mar-09 Part Payment iro 51 Line Wall Road	£982.00
Mar-09 Part payment of GOG share iro Sale of 4E Rulander (Pd by S/O 12/03/09)	£30.00
Mar-09 Final payment of GOG share iro Sale of 4E Rulander (Pd by S/O 12/03/09)	£5.00
	<u>£1,017.00</u>

**Answer to Question 718**

**Detailed Breakdown Of Receipts To The Improvement And Development Fund For The  
Period 1st April to 31st May 2009**

Apr-09 Part Payment iro 51 Line Wall Road	£982.00
May-09 Part Payment iro 51 Line Wall Road	£982.00
May-09 Sale of plot of land and extension of terms -11B Naval Hospital Hill	£55,580.00
	<u>£57,544.00</u>

**Answer to Question 719**

There has been one Residential Tender awarded since the information supplied at the last question-time in this Parliament.

<u>Date</u>	<u>Tenant</u>	<u>Address</u>	<u>Amount Paid</u>
22-May-09	Mr & Mrs K Mackie	Unit 2, 'F' Block, 14 Naval Hospital Hill	£252,525.25

Cont...

**CONTD ANSWER TO QUESTION 720**

**Answer to Question 720**

**Residential Property Sales From 1 March To 31 May 2009 (Improvement And Development Fund)**

<u>Date</u>	<u>Tenant</u>	<u>Address</u>	<u>Amount Paid</u>
Mar-09	B Alvares	Part payment of GOG share with 4E Rulander	£30.00
Mar-09	B Alvares	Final payment of GOG share with 4E Rulander	£5.00
May-09	A & I Mena	Sale of plot of land & ext of term 11B Naval Hospital Hill	£55,580.00
			<u>£55,615.00</u>

**Residential Property Sales From 1 March To 31 May 2009 (Government-Owned Companies)**

<u>Date</u>	<u>Tenant</u>	<u>Address</u>	<u>Amount Paid</u>
Mar-09	M & R Zammit	Sale of Flat 6, Garage 6 Sandpits	£259,500.00
Mar-09	Mr & Mrs Santos	Sale of 05:06:04 Apricot Court, Sir William Jackson Grove	£29,870.96
Mar-09	Mr & Mrs Garcia	40% Sale of GOG Share iro 1 Hawthorn Lodge, Montagu Gardens	£27,752.28
Apr-09	Mr & Mrs Monteverde	Sale of 01:04:07 Oleander Court, Sir William Jackson Grove	£22,253.00
Apr-09	K & L Mackie	Deposit for Unit 2, 'F' Block, 14 Naval Hospital Hill	£25,253.00
May-09	T & A Collado	Balance of Flat 3 & Garage 3 Sandpits	£246,500.00
May-09	K & L Mackie	Balance of Unit 2, 'F' Block, 14 Naval Hospital Hill	£227,272.25
			<u>£838,401.49</u>

**CONTD ANSWER TO QUESTION 720**

**Answer to Question 720**

**Commercial Property Sales From 1 March To 31 May 2009 (Improvement And Development Fund)**

<u>Date</u>	<u>Tenant</u>	<u>Address</u>	<u>Amount Paid</u>
Mar-09	Casino Calpe	Part Payment of 51 Line Wall Road	£982.00
Apr-09	Casino Calpe	Part Payment iro 51 Line Wall Road	£982.00
May-09	Casino Calpe	Part Payment iro 51 Line Wall Road	£982.00
			<u>£2,946.00</u>

**Commercial Property Sales From 1 March To 31 May 2009 (Government Owned Companies)**

<u>Date</u>	<u>Tenant</u>	<u>Address</u>	<u>Amount Paid</u>
Mar-09	Rewa Holdings Ltd	Premium iro Unit 47, Harbours Deck	£104,328.95
Mar-09	Syvestrine Development Ltd	Premium iro Unit 12, Harbours Yard	£307,598.52
Mar-09	Chrisnick Ltd	Premium iro Unit 52, Harbours Deck	£104,328.95
Apr-09	Eastgate Express Services Ltd	Premium iro Unit 9, Harbours Yard	£319,025.47
Apr-09	A & B Butchers	Premium iro Unit 29E, Harbours Deck	£48,000.00
Apr-09	Medivic Ltd	Premium iro Unit 57, Harbours Deck	£96,803.88
Apr-09	Sharda Holdings	Premium iro Unit 45, Harbours Deck	£103,771.53
Apr-09	Berkana Trading	Premium iro Unit 54, Harbours Deck	£104,328.95
Apr-09	Balensi Trading	Premium iro Unit 46, Harbours Deck	£104,328.95
Apr-09	123 Printers Ltd	Premium iro Unit 36, Harbours Deck	£154,217.32
			<u>£1,446,732.52</u>

**SUPPLEMENTARY TO QUESTION NOS. 717 TO 720 OF 2009**

**HON J J BOSSANO:**

In respect of the £55,000 for the sale of a plot of land, it says “extension of terms – 11B Naval Hospital Hill” is that an extension of the lease, of the length of the lease or is it something else?

**HON CHIEF MINISTER:**

Well, it seems to be both, it is sale of plot and extension of terms, so it suggests that there has been a sale of a small piece of land and an extension of the term of the lease of another piece of land. But I do not have the details here.

**NO. 721 OF 2009**

**THE HON J J BOSSANO**

**MOD GENERATING STATION – EMPLOYEES**

Can Government confirm that it requires the MOD to obtain Government consent in order to approve the retirement and replacement of employees in the Services generating station?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The Government are unwilling to comment on matters which relate to issues that remain under negotiation such as the transfer of electricity services from MOD to GOG.

**SUPPLEMENTARY TO QUESTION NO. 721 OF 2009**

**HON J J BOSSANO:**

Well, I cannot for the life of me see what this has got to do with the Government's negotiations with the MOD. I mean, if employees are being told in letters which are not confidential that they cannot take retirement because the Government do not give permission, given that it would not be the first time that the MOD say something and then the Government say it is not true, I think he ought to clear up whether in fact what the Government are telling the employees is correct or not.

**HON CHIEF MINISTER:**

This question is either related to the transfer of services by MOD to GOG, in which case the answer that I have given him stands, or it is not related to the transfer, in which case it is not the GOG's business, in which case it is the MOD's business, in which case I am not accountable for it in this House.

**HON J J BOSSANO:**

Well, I have no way of knowing what it is related to.

**HON CHIEF MINISTER:**

Exactly, that is the whole point.

**HON J J BOSSANO:**

I am not asking him to reveal what it is related to, but certainly, in my experience, the Ministry of Defence has never required the permission of the Gibraltar Government to be able to retire an employee and get a replacement. They are claiming that this is the case now and I would like to establish whether, in fact, what the MOD is saying is true or not. The Chief Minister seems to have forgotten that before he was very grateful when I raised things that were being said about the GSP which turned out not to be correct and where I was accepting the version that he gave and not the version that the MOD gave. So I am giving him an opportunity to put the record straight, if it is not. If he does not want to answer then I have to take it that it is true.

**HON CHIEF MINISTER:**

Well, I do not require the hon Member to give me opportunities to clarify things that I might wish to clarify, and the hon Member can deduce, falsely or accurately, it does not matter to me which, whatever he wants from the answer that I have given him. The answer that I have given him and which remains is that the Government are unwilling to comment on matters which relate to issues that remain under negotiation, such as the transfer of electricity services from the MOD to GOG.

**HON J J BOSSANO:**

So then I can deduce from that that this matter does relate, otherwise the Government would be willing to answer it.

**HON CHIEF MINISTER:**

Xxxxxx

**HON J J BOSSANO:**

I see, that is confirmation.

**NO. 722 OF 2009**

**THE HON J J BOSSANO**

**MOUNT ALVERNIA – SOCIAL INSURANCE PENSIONS OF PERSONS CURRENTLY HOSPITALISED**

Can Government state whether persons currently hospitalised awaiting a place in Mount Alvernia are required to handover their social insurance pension to the Elderly Care Agency or the Social Care Agency, and if so, are there any instances where this does not apply?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Nobody that is hospitalised currently forfeits their social insurance pension to anyone else.

**SUPPLEMENTARY TO QUESTION NO. 722 OF 2009**

**HON J J BOSSANO:**

That includes people who are hospitalised awaiting a place in Mount Alvernia, does it?

**HON CHIEF MINISTER:**

Nobody that is hospitalised currently forfeits their social insurance pension to anyone else.

**HON J J BOSSANO:**

Is the Government's view in answering this question that persons who are in the hospital because there is no place for them and they are awaiting a place in Mount Alvernia considered by the Government to be hospitalised or not?

**HON CHIEF MINISTER:**

Nobody that is hospitalised currently forfeits their social insurance pension to anyone else, and the Government have no intention of changing that fact in relation to people who are hospitalised.



**HON J J BOSSANO:**

Can the Government confirm that as far as they are concerned, somebody who is in the hospital but where the doctor is saying they do not need to be there and they are awaiting a place in Mount Alvernia, falls into the same category?

**HON CHIEF MINISTER:**

The answer to that question is yes, so long as he understands that the hospital means the premises operated as a hospital by the Gibraltar Health Authority and does not simply refer to the building commonly known as "the hospital" which might include in the future facilities which are not hospital facilities run by the GHA, but social services facilities run by the new Care Agency.

**HON J J BOSSANO:**

I see, so then what the Chief Minister is saying is that they intend to do it in the ward that they say they are going to open for elderly patients, is that correct?

**HON CHIEF MINISTER:**

My answers are perfectly clear, I do not need to amplify them or clarify them twice or still less three times.

**HON J J BOSSANO:**

I just want to make sure that I am not misinterpreting what the Chief Minister says, I want to be fair to him.

**HON CHIEF MINISTER:**

The degree of certainty that I wish to have is contained in the answers that I have given, which are perfectly clear and incapable of any other interpretation and any other analysis, they are perfectly clear and I am not going to add to or subtract from them.

**NO. 723 OF 2009**

**THE HON J J BOSSANO**

**DEVIL'S TOWER ROAD – USE OF FORMER READY MIX SITE**

Can Government state what is the use currently planned for the area in Devil's Tower Road that previously housed the Ready Mix production facility?

**ANSWER**

**THE HON THE CHIEF MINISTER**

It is currently envisaged that that site will be used to construct a new hostel.

**SUPPLEMENTARY TO QUESTION NO. 723 OF 2009**

**HON J J BOSSANO:**

Is it not the case that that was the intention of the Government at one stage and then, I think, they changed their view on using that site for that purpose? Is there a reason why they have decided to go back to it or is it that they did not change their view?

**HON CHIEF MINISTER:**

It is currently envisaged that that site will be used for the construction of a hostel.

**HON J J BOSSANO:**

Is it envisaged that there is any point in asking supplementaries?

**HON CHIEF MINISTER:**

Of course there would be a great political effect in asking appropriate, relevant, politically astute supplementaries but the hon Members have shown during the years that they simply lack the political acumen to formulate, to use supplementaries for the purposes for which they are intended.

**HON J J BOSSANO:**

Can the Chief Minister explain how he reconciles his view that he is the best judge of how the Opposition ought to put questions to satisfy his standard of what he considers to be political acumen and he thinks there is any point in having a Select Committee of this House in which the Opposition may want to put their inept, inaccurate and non astute views on how the Parliament should function? If he has got such a low opinion of us why does he not just go ahead and do whatever he wants, which is probably what he is trying to get us to agree to anyway?

**HON CHIEF MINISTER:**

I would not normally presume to express the view of what the hon Members should do in supplementaries. I only did because he invited me to do so. He asked me whether there was any point in doing so, and as he kindly gave me the opportunity to express my view on a matter on which I would normally not expect to be invited to express a view, I did so. There is a point in asking supplementaries, and of course, we answer interminable number of supplementaries in circumstances where he used to refuse to answer even the principal question, let alone the supplementaries. So we do not need any lectures on proper democratic parliamentary practice from the hon Member opposite to demonstrate during eight years that he had no understanding and even less commitment to it when he was sitting on this side of the House. The record of this Government in entertaining questions and debates and giving unlimited scope of information in answer to questions in unprecedented in the parliamentary history of Gibraltar, which does not mean that we voluntarily succumb to what the hon Members are engaged on, which is to use supplementary questions beyond the point that we regard is the point beyond which the Government should not be required, or do not wish to, or do not consider it is in the public interest to give information. That is not the case of this supplementary. The point of this supplementary is that if at one time in the past we have said that that site was going to be used for a hostel and subsequently we said that it might be used for something else, or that the hostel was going to go somewhere else and he now asks me again and I now tell him that we are going to use it for a hostel, it is self-evident that if all of those things are true, which is what he has said in his supplementary, it is self-evident that there must have been a change of mind somewhere on the route. The reason why I do not answer it is because his question, the answer is self-evident, it must be a rhetorical question because the answer to it is contained in his very question.

**HON J J BOSSANO:**

Well, that is not correct because my supplementary said that I understood they had originally wanted to put it there and I understood that they had changed their mind but perhaps I had understood wrongly and perhaps he could confirm it. So he cannot say it was self-evident. I was seeking confirmation that that indeed was the case, and he, even now, he does not seem to know whether it is true that they had changed their mind or not. But if the Chief Minister says that we are free to ask supplementaries, of course we are, we do not need his permission and we can phrase the supplementary as we want, that is also true. It would be a sad day if we have to pass questions on supplementaries for his approval before we put them. The point is that in the last ten minutes every supplementary has been met by a repetition of the original answer. It is almost as if the record had been caught and it keeps on

saying the same thing. That is the only reason why I was enquiring whether there was any purpose to be achieved by asking any more.

**HON CHIEF MINISTER:**

That is for Mr Speaker to decide, I certainly do not want to encourage him to ask more supplementary questions than he has to. In this case the record is still stuck because the answer is as originally given.

ORAL

**NO. 724 OF 2009**

**THE HON J J BOSSANO**

**GIBRALTAR SAVINGS BANK – DEPOSITS**

Can the Government say what was the level of (a) non-Government deposits and (b) Government deposits, in the Savings Bank Fund as at the end of the month since the answer to Question No. 333 of 2009?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 725 and 726 of 2009.

ORAL

**NO. 725 OF 2009**

**THE HON J J BOSSANO**

**GIBRALTAR SAVINGS BANK – DEBENTURES**

Can Government state what sales of debentures have been made by the Gibraltar Savings Bank in each month since the answer to Question No. 334 of 2009?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 724 and 726 of 2009.

**NO. 726 OF 2009****THE HON J J BOSSANO****GIBRALTAR SAVINGS BANK – INTEREST RATES**

Can Government state what was the average rate of interest and the total amount paid on Government deposits in investment accounts with the Gibraltar Savings Bank, in the financial year 2008/2009?

**ANSWER****THE HON THE CHIEF MINISTER**

The level of Savings Bank deposits stood as follows:

	<b>Non-Govt Deposits (tentative) £'M</b>	<b>Govt Deposits (tentative) £'M</b>
<b>Mar-09</b>	102.4	105.6
<b>April-09</b>	91.9	102.2
<b>May-09</b>	89.6	246.5

All issues of Gibraltar Savings Bank debentures were closed on 10 October 2008. There have, therefore, been no further sales of Gibraltar Savings Bank debentures during the period 1<sup>st</sup> November 2008 to 31<sup>st</sup> May 2009.

The total amount paid in interest on Government deposits by the Gibraltar Savings Bank for 2008/2009 amounted to £1,176,604.34. The average rate of interest paid was 2 per cent.

**SUPPLEMENTARY TO QUESTION NOS. 724 TO 726 OF 2009****HON J J BOSSANO:**

I did not get the last figure on the interest 2. something he said?

**HON CHIEF MINISTER:**

The last figure I mentioned was 2 per cent.

**HON J J BOSSANO:**

The increase in May in Government deposits I assume that this is money that has been raised by the Government borrowing and which is there pending putting into use in the current financial year, is that correct?

**HON CHIEF MINISTER:**

No, the first bit is true but not necessarily the latter. Given that we now have a system of net public debt, the money raised is gross and is not necessarily for use by the Government. So it is true that it is the money that reflects the money raised by the issue of Government debentures and it has to be held by the Government, but not necessarily for spending at all by the Government, let alone necessarily during this financial year. So the last two elements of his questions are not necessarily correct. The Government do not have borrowing ceilings sufficient to spend that amount of money on public debt because of the difference now between gross and net public debt.



ORAL

NO. 727 OF 2009

THE HON J J BOSSANO

**GOVERNMENT DEBENTURES/BONDS**

Can Government state what sales of Government bonds or debentures to the public have taken place each month since the answer to Question No. 337 of 2009?

ANSWER

THE HON THE CHIEF MINISTER

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

**Answer to Question 727 of 2009**

**Answer to Question 727**

Government has issued the following Debentures to the public:

Month	Pensioners' Monthly Income Debentures (currently 3.5%)		Special Pensioners' Monthly Income Debentures 2010 (6%)
	Issues	Redemptions	Redemptions
March 2009	£6,178,100	£2,243,200	£207,500
April 2009	£3,681,400	£1,124,600	£0
May 2009	£3,939,700	£1,269,800	£150,500
	£13,799,200	£4,637,600	£358,000

Month	Special Pensioners' Monthly Income Debentures 2011 (4.25% Fixed)		Monthly Income Debentures (currently 2%)	
	Issues	Redemptions	Issues	Redemptions
March 2009	£5,429,900	-	£4,800	£198,600
April 2009	£3,724,700	-	£340,100	£513,200
May 2009	£3,101,400	-	£558,800	£178,200
	£12,256,000	-	£903,700	£890,000

	Total		Net Sales
	Issues	Redemptions	
March 2009	£11,612,800.00	£2,649,300.00	£8,963,500.00
April 2009	£7,746,200.00	£1,637,800.00	£6,108,400.00
May 2009	£7,599,900.00	£1,598,500.00	£6,001,400.00

**SUPPLEMENTARY TO QUESTION NO. 727 OF 2009**

**HON J J BOSSANO:**

The figures here which show net sales of debentures of £6 million in May against the fact that in May the deposits in the Savings Bank went up by £140 million would suggest that much of that borrowing was not through the sale of debentures but in fact from the banks, is that the case?

**HON CHIEF MINISTER:**

Correct, the Government have drawn down significant sums from its revolving credit facilities in order to lock in long-term to the very favourable rates at which those were negotiated long before the credit crunch fell upon us.

**HON J J BOSSANO:**

Are those related to the fixed interest swap that was tabled at the beginning of the meeting of the House?

**HON CHIEF MINISTER:**

Correct in part and it is the intention to try and do the same for the rest of it.

ORAL

**NO. 728 OF 2009**

**THE HON J J BOSSANO**

**MAXIMUM BORROWING CAPACITY**

Can Government state on what date the maximum borrowing capacity would have been exhausted but for the amendment to the Public Debt Act which introduced the concept of aggregate and net debt?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 729 to 732 of 2009.

ORAL

**NO. 729 OF 2009**

**THE HON J J BOSSANO**

**LEVEL OF AGGREGATE PUBLIC DEBT AND NET PUBLIC DEBT**

Can Government state as at 31<sup>st</sup> March 2009, what was the level of a) aggregate public debt and b) net public debt?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 728 and 730 to 732 of 2009.

ORAL

**NO. 730 OF 2009**

**THE HON J J BOSSANO**

**LEVEL OF AGGREGATE PUBLIC DEBT AND NET PUBLIC DEBT**

Can Government state as at the end of each month since 1<sup>st</sup> April 2009, what was the level of a) aggregate public debt and b) net public debt?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 728, 729, 731 and 732 of 2009.

ORAL

**NO. 731 OF 2009**

**THE HON J J BOSSANO**

**REVOLVING LOAN FACILITIES**

Can Government state what has been the amount of outstanding Government debt in respect of the revolving loans from local banks in each month since the answer to Question No. 338 of 2009?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 728 to 730 and 732 of 2009.

**NO. 732 OF 2009**

**THE HON J J BOSSANO**

**PUBLIC DEBT – GIBRALTAR COMMUNITY CARE LIMITED**

Has there been any change in the level of public debt held by Gibraltar Community Care Limited since the answer to Question No. 339 of 2009?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Prior to the latest amendment to the Public Finance (Borrowing Powers) Act, new borrowing was effectively limited to £200 million, the aggregate public debt. This sum was reached during April 2009 and it is important to bear in mind that as of now, that amendment has not increased the amount of borrowed money that the Government are free to spend.

I will now hand the hon Member a schedule with the information requested in Question Nos. 729, 730 and 731.

Indeed, the level of public debt held by Community Care Limited has decreased since the answer to Question No. 339 of 2009. It currently holds £8,921,500 in Government of Gibraltar debentures.



**ANSWER TO QUESTION 732**

**Answer to Questions 729 and 730**

	<b>Aggregate Public Debt £'M</b>	<b>Estimated Cash Reserves £'M</b>	<b>Net Public Debt £'M</b>
March	191.5	129.3	62.2
April	206.0	139.8	66.2
May	354.7	284.5	70.2

**Answer to Question 731**

The amount of outstanding Government debt in respect of the revolving loans from local banks since February 2009 has been as follows:-

<b>Date</b>	<b>Barclays</b>	<b>Natwest</b>	<b>Total</b>
March 2009	£3,500,000	£3,500,000	£7,000,000
April 2009	£3,500,000	£3,500,000	£7,000,000
May 2009	£100,000,000	£50,000,000	£150,000,000

**SUPPLEMENTARY TO QUESTION NOS. 728 TO 732 OF 2009**

**HON J J BOSSANO:**

The £100 million borrowed from Barclays in May, is that at a fixed rate of interest or floating?

**HON CHIEF MINISTER:**

No, neither are at a fixed rate of interest. Neither Barclays nor NatWest, they are both at a fixed margin above LIBOR, and because LIBOR is currently so low, in historical terms, it is possible through the combination of those favourable borrowing terms ..... Nobody, not even a Government could now borrow at the margin above LIBOR that we were able to negotiate when we did these revolving loans, when the world was a different place. But we have had a leverage opportunity by placing together the terms that we were able to negotiate, the current state of interest rates and the fact that the LIBOR has fallen back quite a long way and, thirdly, by combining both those circumstances with swap arrangements, we are able to lock in at historically very low rates of interest for a significant number of years forward, but as a result of the swap, not as a result of the fact that the original borrowing agreement provided for a fixed rate of interest. It provides for a fixed margin, which is very low, above LIBOR and that very low margin above LIBOR compared to current borrowing terms has given us good opportunity to use swap instruments to lock in to low rates of interest which are now fixed, not by the original loan agreements but by the swap arrangements.

**HON J J BOSSANO:**

That applies to the £50 million from NatWest and that is what the agreement that was tabled related to, is that correct?

**HON CHIEF MINISTER:**

Yes and we are presently seeking to do the same with the other.

**HON J J BOSSANO:**

But as I read the agreement, in fact, the locking in is only for a period of three years is it?

**HON CHIEF MINISTER:**

I do not remember if it was three or four but something like that because that is the extent of the revolving facility. The original facility is for that period of time. The Barclays facility, I think, is for longer. I think that the original facility is for more than three or four, I think it was for five, but these swap arrangements I think come in fixed periods, three, five, seven years. One cannot pick one's own length. So that was for the longest period that was available within what is left of the facility.

ORAL

**NO. 733 OF 2009**

**THE HON J J BOSSANO**

**STAMP DUTY**

Can Government state how much has been collected as Stamp Duty in each month since the answer to Question No. 347 of 2009?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 734 and 735 of 2009.

ORAL

**NO. 734 OF 2009**

**THE HON J J BOSSANO**

**STAMP DUTY**

Can Government state what has been the amount collected in each month since the answer to Question No. 348 of 2009 from the £10 Stamp Duty on share issues?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 733 and 735 of 2009.

ORAL

NO. 735 OF 2009

THE HON J J BOSSANO

**STAMP DUTY**

Can Government state how many properties have been approved as qualifying for Zero Stamp Duty on their sale in each month since the answer to Question No. 350 of 2009?

ANSWER

THE HON THE CHIEF MINISTER

The information requested is set out in a memorandum that I now hand the hon Member.

**ANSWER TO QUESTION 735**

**Answer to Question 733**

Stamp Duty collected in each month since February 2009 is as follows:

March 2009	£617,411.50
April 2009	£162,232.60
May 2009	£237,142.91

**Answer to Question 734**

The amount collected from the £10 Stamp Duty on share issues in each month since February 2009 is as follows:

March 2009	£1,610.00
April 2009	£1,265.00
May 2009	£1,270.00

**Answer to Question 735**

The number of properties which have qualified for Zero Stamp Duty on sales since February 2009 is as follows:

March 2009	31
April 2009	15
May 2009	36

**NO. 736 OF 2009**

**THE HON J J BOSSANO**

**INCOME TAX – PERSONAL ASSESSMENTS**

Can Government state as at the 31 March 2009 and 31 March 2008 which were the most recent tax years for which all personal income tax assessments had been completed?

**ANSWER**

**THE HON THE CHIEF MINISTER**

As at 3<sup>rd</sup> June 2009 the position was as follows:-

2004/2005 is the most recent tax year for which all personal income tax assessments have been completed. I am advised by the Commissioner of Income Tax that at present the assessments for the years 2005/2006, 2006/2007 and 2007/2008 are being processed and issued. That is in respect of PAYE individuals.

In respect of self-employed individuals, the tax year 2007/2008 is the most recent tax year for which all personal income tax assessments have been completed, and I am similarly advised that at present the assessments for the year 2008/2009 are being processed and issued.

**SUPPLEMENTARY TO QUESTION NO. 736 OF 2009**

**HON J J BOSSANO:**

Is it that the Chief Minister cannot provide the comparable figure for a year earlier, for 2008?

**HON CHIEF MINISTER:**

No, I am not even doing it for the year 2009. The information that I am giving him is as at 3<sup>rd</sup> June 2009, whereas I see that he has asked for it as at 31<sup>st</sup> March. It has obviously been missed. Somebody trying to be helpful has given him the most up to date information where, in fact, he might have preferred to have it less up to date, but coinciding with the end of the financial year. The answers I have given him are all as at 3<sup>rd</sup> June and neither as at 31<sup>st</sup> March nor at 31<sup>st</sup> March in either year. If he particularly wants it at the end of March in either or both years I will have to get it.

**HON J J BOSSANO:**

Well, I would be grateful if that is possible because, obviously, there are two pieces of information which I am looking at which is what has happened in the one year, and also that it is related to the information that is given in the audited accounts of the Government as to the refunds that have resulted from the final assessments, which is at 31<sup>st</sup> March.

**HON CHIEF MINISTER:**

Yes I understand that it would allow him to do that. He will no doubt recall that PAYE assessments on individuals cannot actually issue until their employers have paid fully to the income tax office the amounts deducted by them which explains the disparity in time. But I will have the information recollated as at the end of March for the two years that his question refers to.

**HON J J BOSSANO:**

I understand the problem, it is just that I picked those dates because I can then relate it to the information the Government publishes.



ORAL

**NO. 737 OF 2009**

**THE HON J J BOSSANO**

**GROSS INCOME BASED TAX SYSTEM**

Can Government state of the 131 taxpayers placed by the Commissioner of Income Tax under the Gross Income Based system for the tax year 2007/2008, as at 10 March 2009, how many had been paying PAYE during the 2007/2008 tax year by deducting from their salaries, and how many were self-employed?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question No. 738 of 2009.

**NO. 738 OF 2009**

**THE HON J J BOSSANO**

**GROSS INCOME BASED TAX SYSTEM**

Can Government confirm that in respect of the 131 taxpayers placed by the Commissioner of Income Tax under the Gross Income Based system for the tax year 2007/2008, as at 10 March 2009, the effect of this decision was that their liability was reduced?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Well I would hope so in respect of the last question. I think I have already said in this House that the Commissioner, when I announced it, would place it on the basis that would result in lower tax, so it would be quite novel if somebody was transferred by the Commissioner to the higher tax level.

I confirm that of the 131 taxpayers placed by the Commissioner of Income Tax under the Gross Income Based system for the tax year 2007/2008, 94 had been taxed under the PAYE system and 37 were self-employed. Of course, all 131 of these taxpayers had their tax liability reduced as a result.

ORAL

**NO. 739 OF 2009**

**THE HON J J BOSSANO**

**PAYE – PAYABLE BY AREA OF EMPLOYMENT AND NUMBER OF EMPLOYEES**

Based on the 2006/2007 employers annual statement, declaration and certificate submitted to date what was the PAYE payable by area of employment and the number of employees as follows:

- (a) MOD;
- (b) Gibraltar Government;
- (c) Government owned/JV companies; and
- (d) Private sector employment?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question No. 740 of 2009.

**NO. 740 OF 2009**

**THE HON J J BOSSANO**

**PAYE – PAYABLE BY AREA OF EMPLOYMENT AND NUMBER OF EMPLOYEES**

Based on the 2007/2008 employers annual statement, declaration and certificate submitted to date what was the PAYE payable by area of employment and the number of employees as follows:

- (a) MOD;
- (b) Gibraltar Government;
- (c) Government owned/JV companies; and
- (d) Private sector employment?

**ANSWER**

**THE HON THE CHIEF MINISTER**

I now hand the hon Member a schedule setting out the information that he has requested.

#### **ANSWER TO QUESTION 740**

##### **Answer to Question 739**

Based on the 2006/2007 Employers Annual Statement, Declaration and Certificate submitted to date, the PAYE Tax payable by area of employment as indicated below, and the corresponding number of employees was as follows:

	PAYE Tax	Approximate No. of employees / Deduction cards
	£M	
(1) MOD	4.9	2,600
(2) Gibraltar Government	24.9	6,700
(3) Government owned / JV companies	3.4	600
(4) Private sector employment	54.5	22,000
	<hr/>	<hr/>
	87.7	31,900
	<hr/>	<hr/>

##### **Answer to Question 740**

Based on the 2007/2008 Employers Annual Statement, Declaration and Certificate submitted to date, the PAYE Tax payable by area of employment as indicated below, and the corresponding number of employees was as follows:

	PAYE Tax	Approximate No. of employees / Deduction cards
	£M	
(1) MOD	4.4	2,600
(2) Gibraltar Government	24.6	6,300
(3) Government owned / JV companies	3.7	650
(4) Private sector employment	56.6	22,200
	<hr/>	<hr/>
	89.3	31,750
	<hr/>	<hr/>

The difference in the number of Gibraltar Government employees / deduction cards between the tax years 2006/2007 and 2007/2008 is due to those individuals participating in the Vocational Training Scheme, which since the tax year 2007/2008, the income received under this scheme is exempt from income tax and therefore it is no longer necessary for a Return to be made in respect of these individuals.

**SUPPLEMENTARY TO QUESTION NOS. 739 AND 740 OF 2009**

**HON J J BOSSANO:**

I assume that, in fact, what the figures indicate, given that there is a discrepancy which is quite large between the number of employees here and the number of employees produced from employment surveys and so forth, that it is that individuals can appear in more than one category because they move from one employer to the other within the tax year, is that correct?

**HON CHIEF MINISTER:**

Well, which figures is the hon Member referring to?

**HON J J BOSSANO:**

For example, if we have got 6,700 in the Gibraltar Government, I know it includes pensioners, but the figure for 2,600 in the MOD seems to be surprisingly high given that there are 1,000 employees. I am assuming that it means that people can come in and go out and they may, for example, be somebody that is part of the year in the private sector and part of the year in the MOD, he would be counted twice. Is that correct?

**HON CHIEF MINISTER:**

If that were to be the case that would be correct. In other words, that would be how such a person would be treated, there are pensioners, there is a footnote on the bottom of my schedule, is it there at the bottom of his, which explains part of the difference in the figure for Gibraltar Government.

**HON J J BOSSANO:**

400 vocational cadets.

**HON CHIEF MINISTER:**

For the vocational cadets. But yes, it is the fact that it is pensioners, it is the fact that people can be doubled counted if they have moved between one sector and the other but I would not expect those to be a huge number. Now, perhaps, last year ISP people went from the MOD to SERCO, that would explain a number that stood at 100 and something, but yes, it has to be explanations of that sort.

ORAL

**NO. 741 OF 2009**

**THE HON J J BOSSANO**

**PAYE – AMOUNTS COLLECTED**

Can Government state how much was collected in PAYE each month since the answer to Question No. 326 of 2009?

**ANSWER**

**THE HON THE CHIEF MINISTER**

In March £9.5 million; in April £7.31 million, and in May £7.2 million. Similarly, as before, net of refunds.

ORAL

**NO. 742 OF 2009**

**THE HON J J BOSSANO**

**BANKING SECTOR TAX**

Can Government state what was the amount of a) PAYE and b) Company Tax, payable in the tax year 2005/2006, 2006/2007 and 2007/2008 by employers in the banking sector?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 743 to 745 of 2009.



ORAL

**NO. 743 OF 2009**

**THE HON J J BOSSANO**

**CONSTRUCTION INDUSTRY TAX**

Can Government state what was the amount of a) PAYE and b) Company Tax, payable in the tax years 2005/2006, 2006/2007 and 2007/2008, by employers in the construction industry?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 742, 744 and 745 of 2009.

ORAL

**NO. 744 OF 2009**

**THE HON J J BOSSANO**

**GAMING INDUSTRY TAX**

Can Government state what was the amount of a) PAYE and b) Company Tax, payable in the tax years 2005/2006, 2006/2007 and 2007/2008, by employers in the gaming industry?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 742, 743 and 745 of 2009.

ORAL

**NO. 745 OF 2009**

**THE HON J J BOSSANO**

**RETAIL AND WHOLESALE INDUSTRY SECTOR TAX**

Can Government state what was the amount of a) PAYE and b) Company Tax, payable in the tax years 2003/2004 and 2004/2005, by employers in the retail and wholesale industry sector?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The information requested by the hon Member is set out in the table that is now being handed to him.

**ANSWER TO QUESTION 745**

**Answer to Question 742**

The amounts of PAYE and Corporation Tax payable in the tax years 2005/2006, 2006/2007 and 2007/2008, by employers in the banking sector was as follows:

	PAYE Tax	Corporation Tax
2005/2006	£5.24M	£9.89M
2006/2007	£5.88M	£9.82M
2007/2008	£5.73M	£9.04M

**Answer to Question 743**

The amounts of PAYE and Corporation Tax payable in the tax years 2005/2006, 2006/2007 and 2007/2008, by employers in the construction industry was as follows:

	PAYE Tax	Corporation Tax
2005/2006	£6.43M	£0.63M
2006/2007	£8.04M	£1.31M
2007/2008	£9.01M	£1.12M

**Answer to Question 744**

The amounts of PAYE and Corporation Tax payable in the tax years 2005/2006, 2006/2007 and 2007/2008, by employers in the gaming industry was as follows:

	PAYE Tax	Corporation Tax
2005/2006	£8.43M	£0.24M
2006/2007	£11.32M	£0.41M
2007/2008	£11.23M	£0.18M

**Answer to Question 745**

The amounts of PAYE and Corporation Tax payable in the tax years 2003/2004 and 2004/2005, by employers in the retail and wholesale industry sector was as follows:

	PAYE Tax	Corporation Tax
2003/2004	£6.09M	£3.94M
2004/2005	£6.40M	£4.23M

ORAL

**NO. 746 OF 2009**

**THE HON J J BOSSANO**

**EMPLOYMENT SURVEY REPORT**

Can Government state when it expects to be able to table the Employment Survey Report for October 2008?

**ANSWER**

**THE HON THE CHIEF MINISTER**

As in previous years we are trying and I think we will succeed, to have it tabled before the First Reading of the Appropriation Bill.

**NO. 747 OF 2009**

**THE HON J J BOSSANO**

**ECA – SOCIAL INSURANCE CONTRIBUTIONS**

Why was the budget for social insurance contributions of employees of the ECA fixed at £320,000 for 2008/2009 instead of the amount identified as required by the Agency of £333,000?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 748 and 749 of 2009.

ORAL

**NO, 748 OF 2009**

**THE HON J J BOSSANO**

**ECA – WAGES OF INDUSTRIAL WORKERS**

Can Government explain when the budget approved for the Elderly Care Agency in 2008 was reduced by £76,000 in respect of the amount required to meet the wages of the approved complement of industrial workers?

**ANSWER**

**THE HON THE CHIEF MINISTER**

Answered together with Question Nos. 747 and 749 of 2009.

**NO. 749 OF 2009**

**THE HON J J BOSSANO**

**ECA – OVERTIME FOR INDUSTRIAL EMPLOYEES**

Can Government state the amount required to meet weekend shift work and a minimum amount to cover overtime for emergencies and recalls for industrial employees in the ECA, which was estimated at £294,000 for 2008/2009 was cut back to £235,000, a cut of £59,000?

**ANSWER**

**THE HON THE CHIEF MINISTER**

The estimate included in Appendix D of the Budget Book for 2008/2009 was £335,000 and the forecast outturn, as he now knows, is £373,000.

The approved estimate for industrial wages in Appendix D was £940,000 and the forecast outturn, as he now knows, is £926,000.

The Elderly Care Agency overtime vote for industrial workers in 2008/2009 stated in Appendix D was £240,000. The forecast outturn, as he now knows, is £270,000.